

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, March 17, 2016

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  
Wafaa F. Assaad  
Stan Chrzanowski  
Diane Ebert  
Karen Homiak  
Charlette Roman  
ABSENT: Andrew Solis

ALSO PRESENT:

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

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the St. Patrick -- I mean, Thursday, March 17th 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. Roll call by the secretary, please.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOSWKI: Alcha kahe wildo (phonetic).

COMMISSIONER EBERT: Mr. Solis is absent.

Ms. Ebert is here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Assaad?

COMMISSIONER ASSAAD: Here.

COMMISSIONER EBERT: And, Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. Addenda to the agenda. I don't believe we have any continuations or requests like that on today's agenda. We have one item that has been continued to today, which is the last item, for the architectural standards. And other than that, I don't have any other changes. Anybody?

(No response.)

CHAIRMAN STRAIN: Planning Commission absences. Our next meeting happens to be, like, three weeks off. It's -- next meeting is April 7th. Does anybody know if they're not going to make it on April 7th?

(No response.)

CHAIRMAN STRAIN: Okay. We'll have a quorum then.

And, electronically, we were all sent the minutes for February 18, 2016. Does anybody have any changes to those, or is there a motion to approve?

COMMISSIONER ROMAN: Move to approve.

COMMISSIONER CHRZANOWSKI: Second.

COMMISSIONER EBERT: (No verbal response.)

CHAIRMAN STRAIN: Made by Charlette, seconded by Diane.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: All those opposed?

(No response.)

CHAIRMAN STRAIN: 6-0.

BCC report and recaps. Ray?

MR. BELLOWS: There were no land use petitions presented at the last board hearing.

CHAIRMAN STRAIN: Okay. And the next item is Chairman's report, and I did watch the Board of County Commissioners' meeting, or actually had it on in the background, on Tuesday. And something caught me -- caught my eye, and it was because of what this board has discussed on the last agenda item today, which is the architectural standards, and also the discussion or the differences we had with deviations at the last meeting that Mr. Assaad and all of us talked about a little bit.

And this can play either way. And I think it's important, though, for us to realize, if we hadn't already -- and this gentleman, Mr. Schmieding with Arthrex -- and I probably said his name wrong -- was able to vocalize at a presentation succinctly what many of us already believe we're here for, at least I do, and his statement was:

We originally came here because of the quality of life the community offers to employees, for our visitors, and for my family, and continues to be one of the primary reasons we prosper in this area. Then he said, keep doing that great work. Protect the quality of our community. That's our little advantage we have over the other areas.

And to me, that was the synopsis of everything I hope that this board keeps striving for. We are different than other communities in the United States. We are number one for health and happiness. Two or three weeks ago there was a Gallop poll, and they announced the standards nationwide. Number one in the nation is Naples, Immokalee, Collier County metropolitan area, and we are -- and Marco Island, and we are number one in the health and happiness index. And I think that goes to great efforts to say what not only the Board of County Commissioners does but everybody else that volunteers and works to advise the Board on the community affairs.

So I think Mr. Schmieding did a good job in summarizing everything. And he's a major employer in our county. He won -- he had been there for receiving awards that day, and in the end he said something I thought was interesting, too, because he runs a medical -- high-end, high-tech manufacturing operation.

Arthrex currently employs 1,500. And if you recall, their biggest -- their manufacturing facility's out in Ave Maria, and they have offices at Creekside. And they plan to add 3- to 400 per year for the next five to 10 years. I replayed that 3- to 400 per year for the next five to 10 years, and that is where he was stating.

So I have a feeling that we're going to see a lot of medical technology coming to this, and it's a very clean industry for our county. So I wanted to make those of you aware who may not have seen this that that did occur. And the Board seemed very receptive to everything that was going on and being talked about.

So with that, I'll move into the rest of the agenda. Oh, one item; deviations. I think as a result of last week's -- or the prior meeting, we should have a discussion on deviations so that we understand how they may be best to go forward. So putting it on the agenda as discussion item under new business for -- we can either do that today or next meeting.

COMMISSIONER EBERT: Mark, I was going to bring that -- I was going to bring workshop up for old business because we had discussed it about lot sizes, spacing, right-of-ways and, in fact, I put deviations in there, too. But when we had the one workshop, we were going to go into another one.

Am I correct, Ray, in saying that, because there were some questions?

CHAIRMAN STRAIN: Well, we don't -- first of all, if we call it a workshop, we're not supposed to have a court reporter for a workshop, which is not good, and it would be separately scheduled, or after one of these meetings. I'd suggest we just add a discussion --

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: -- as a new business item and just talk about it.

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

CHAIRMAN STRAIN: We can -- if everybody's prepared, we can try to do that today and start it. And if we need to have some research done, we can at least get it on the record of what our concerns are, and maybe by the next meeting have staff produce some research on how these are typically looked at.

COMMISSIONER EBERT: Perfect, perfect.

CHAIRMAN STRAIN: Would that work for everybody?

COMMISSIONER ROMAN: I'd prefer to do it at the next meeting so that if we need -- you know, staff needs to do any research, they can do it.

CHAIRMAN STRAIN: Okay. Do you -- I think, Charlette, then we want to -- at this meeting, is

there anything that we should now direct staff into what kind of research to do? I mean, it's a broad subject; that's why I thought if we touched on it today, set some parameters, and if any of those parameters needed further research, then we can come back in three weeks and discuss it with that research available, then, if the staff could do it in that time frame.

COMMISSIONER ROMAN: It just seems like Diane's bringing up something broader than just deviations.

COMMISSIONER EBERT: No. Well, it has to do with -- yeah, it is not really much more than deviations, so...

COMMISSIONER ROMAN: Okay. Then I misunderstood.

CHAIRMAN STRAIN: Okay. So at new business, then, let's just have a discussion about our deviation issue, and if we need more information from staff, they'll have time to bring it back in a future meeting. So we'll add that as a new-business item.

The next item is consent agenda. We don't have any from the last meeting, so that takes us into our first advertised public hearing. Actually, there's two of them, and they'll be done as companion items.

\*\*\*9A and 9B. They're both for the Naples Bridge Center located on the north side of Golden Gate Parkway between Santa Barbara and I-75. One is PL-20150002525/CP-SS2015-3. The other is CU-PL20150000873.

The conditional use is a companion to the small-scale Growth Management Plan change that 9A is. All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Disclosures. We'll start with Tom.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I visited the site.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: None on this one.

CHAIRMAN STRAIN: Okay. And I talked with Wayne briefly about it. Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: Nothing.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: None.

CHAIRMAN STRAIN: Okay. Wayne, the presentation's all yours.

MR. ARNOLD: Great. Thank you. Good morning. My name's Wayne Arnold with Grady Minor & Associates.

With me today, Mike Delate from our office, professional engineer working on the project; environmental consultant, Marco Espinar; and our traffic consultant, Norm Trebilcock, should you have any questions related to those areas.

The request before you, as Mr. Strain indicated, is a companion of two items, a small-scale plan amendment that changes the text of the Golden Gate Area Master Plan and creates a new map exhibit that would be added to the Golden Gate Area Master Plan.

Currently there is a prohibition on conditional uses on this segment of Golden Gate Parkway. So without a plan amendment, the Bridge Center is not allowed to expand.

And so we are asking for there to be an exception for the conditional use prohibition for the two subject lots, and so we've added language to that effect, and we've also, of course, created a map exhibit that essentially identifies the location of the property.

The companion item is a conditional use. The conditional use for the site goes all the way back to 1980 and has been amended a few times. It was last amended in 2006 to allow expansion of the building itself.

The Bridge Center subsequently purchased the adjacent lot, which is the subject of our application,

and wishes to essentially expand, add parking and open space and water management on that site.

The neighborhood information meeting was held. We had one member of the public who happens to be the most immediate neighbor to the east attend. We also had an attendee from the Golden Gate Civic Association that spoke in support and said their group had voted to support the expansion of the Bridge Center.

So it was a good neighborhood information meeting. What really came out of that was initial dialogue with our immediate neighbor to the east, and we committed to provide a 30-foot-wide vegetated Type B buffer to that neighbor. He specifically was requesting that that would be vegetation, and that's what we have offered on our plan.

That represents -- that's the conditional use site plan that we're required to prepare, and you can see we've depicted the existing location of the approximate 3,500-square-foot Bridge Center.

We're showing and committing to a maximum of 15,000 square feet for the Bridge Center, and that language is in the Comprehensive Plan language as well as shown on your conditional use.

They'll probably have incremental phases. We're preparing a site plan right now to be submitted to Collier County subject to the approval of this conditional use and plan amendment that will probably show somewhere about 6,500 to 7,000 square foot initial expansion of the facility.

It's a pretty straightforward request if -- other than the Comprehensive Plan amendment, but your Comprehensive Planning staff has taken the time to meet with members of the Bridge Center and understands that, economically, it makes so much more sense for the Bridge Center to expand on the property they own rather than to try and seek out another location somewhere in Collier County to continue what they've been doing for over 30 years.

They had, surprising to me because I'm not a bridge player, but apparent growth in the organization. There are a handful of other bridge clubs in the community. They either play out of churches or one strip center location. But the Bridge Center's made an investment of property and infrastructure here, and it makes sense for them to expand.

It's an easy, accessible site for the community and others who travel. It's a worldwide competition. You collect points, so they have visitors who are here seasonally from all over the world that always attend and play bridge at the Bridge Center.

I'm happy to answer any questions. It's a fairly straightforward request, but I'm here to answer any questions.

CHAIRMAN STRAIN: Okay. Are there questions from the Planning Commission?

Wayne, I've just got a couple. The staff recommendations were actually conditions from the prior PUD, and now they would apply to the entire project. Do you have any objection to those?

MR. ARNOLD: No, we don't. Those are carried forward from the last conditional use, and we would have --

CHAIRMAN STRAIN: Well, I didn't see them in the new resolution or ordinance, so they need to be incorporated as a set of conditions in the new resolution.

MR. ARNOLD: I agree with you, Mr. Strain. And you mentioned one other thing in our brief conversation, and you questioned the buffer that we were providing for the neighbor.

CHAIRMAN STRAIN: Right.

MR. ARNOLD: And I'm not sure I quite caught it in our short conversation, but I think your suggestion was that even though it's on our conditional use site plan as a 30-foot-wide buffer with Type B vegetation that we should make that commitment as part of the resolution as well.

CHAIRMAN STRAIN: Well, my concern is not so much the Type B buffer as it is, whether it's -- first of all, you're going to be 30 feet.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: What kind of vegetation goes in there based on the type of buffers we require isn't as important to me as making sure the opacity is attained, because the neighbor to the east -- and he was at the NIM, and his objections were mollified by your statements about the -- they're going to take out Brazilian pepper, but there should be enough vegetation left, and no one knew how much Brazilian pepper was there, so we weren't sure how open it would be.

Prime example is the new EMS station going up on Logan and Vanderbilt Beach Road. That neighbor had a dense forest of Brazilian pepper next to him to the south, and now he's got an EMS station, but we did at the time look at making sure there was opacity in that buffer, so they'll be supplemented.

I just want to make sure from staff that is either absolutely guaranteed to happen with the language that's currently in the code, or we need to just strengthen that by stipulating that the opacity in that buffer will reach 80 percent within one year's time or whatever time frame we normally look at that to happen.

MS. GUNDLACH: Good morning, Commissioner. If your concern is having a very strong buffer, our best buffer is a Type C buffer.

CHAIRMAN STRAIN: No. My concern is having 80 percent opacity as a minimum.

MS. GUNDLACH: That is required by code.

CHAIRMAN STRAIN: Okay. So no matter how much they take out of this 30-foot buffer, they'll still have to meet that opacity requirement?

MS. GUNDLACH: Correct.

COMMISSIONER ASSAAD: What is that percentage?

MS. GUNDLACH: It's 80 percent.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Okay. So that would leave it -- we don't need to add it, then, because it's already in code, and that will be verified.

MS. GUNDLACH: Yes.

MR. ARNOLD: If I might, just to address Mr. Assaad. That requires the opacity at a minimum six-foot height.

COMMISSIONER CHRZANOWSKI: Can I ask a question?

CHAIRMAN STRAIN: No. I mean, of course.

COMMISSIONER CHRZANOWSKI: How do you measure 80 percent? By eye? Is there a machine?

CHAIRMAN STRAIN: Stan's the engineer, see. That's what happens when you get an engineer involved.

COMMISSIONER CHRZANOWSKI: It's a very accurate number. How do you do it?

MS. GUNDLACH: Without a machine; you do it with the eye.

COMMISSIONER CHRZANOWSKI: How did you do it in the past? How have you been doing it?

MS. GUNDLACH: For me personally, by eye.

COMMISSIONER CHRZANOWSKI: By eye. Okay. Does your eye agree with everybody else's eye? Just curious.

COMMISSIONER ASSAAD: Sharper eyesight than the rest of us.

COMMISSIONER CHRZANOWSKI: Today's green day.

COMMISSIONER ASSAAD: Why at 6-foot height when you have a parking lot adjacent to that residence and the car lights are usually at about three-foot high or something?

So it seems to me like I would want to measure that percentage at the level of the highlights of the car, not at 6-foot height.

MR. ARNOLD: Well, just to further explain, the code requires that the -- either the plantings -- the Type B buffer requires 80 percent opacity, and you can achieve that through either a combination of berm and vegetation, vegetation only, wall, berm, combination thereof. But it requires it to be maintained at six feet in height. So the opacity is 80 percent for the full six feet.

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: I have a question.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Go ahead, Charlette.

COMMISSIONER ROMAN: Yes. I think I'd like to see maybe, Wayne, you consider putting Type C plantings in there, because a Type B buffer is only 15 feet wide. You've got 30 feet to work with. And the Type C buffer gives you overlapping trees in a 20-foot width. And as Nancy mentioned, you know, we have the room for those plantings. I don't know if you'll consider that.

MR. ARNOLD: I'm just not familiar with exactly what the Type C buffer entails. We've been proceeding under the basis of a Type B. Maybe Nancy can help us with that.

MS. GUNDLACH: The Type C buffer, it has a double row of trees. The Type B buffer only has a single row of trees.

CHAIRMAN STRAIN: So the trees would be spaced closer together or alternating back and forth from one another?

MS. GUNDLACH: They'd be alternating, but it would result in a planting that would achieve opacity quicker.

CHAIRMAN STRAIN: And would those trees be, then, approximately double in number?

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Okay. So that's a cost factor for the applicant? Okay.

COMMISSIONER CHRZANOWSKI: It seems if you wanted opacity at a lower level, you'd have more shrubs and fewer trees, because a trunk is only what, a foot, foot-and-a-half wide every 30 feet. That's nothing. It seems like you'd want hedges, very thick hedges to achieve opacity.

MS. GUNDLACH: They will have hedges to achieve. Hedges or a fence --

COMMISSIONER CHRZANOSWKI: I wouldn't think --

MS. GUNDLACH: -- or a berm to achieve --

COMMISSIONER CHRZANOSWKI: -- the trees would matter at all.

MS. GUNDLACH: -- achieve the opacity.

CHAIRMAN STRAIN: Okay. And they would have hedges with a Type B and/or a Type C?

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Okay. So the hedge would probably be the opacity issue that would work from the ground up as fast, and the trees would mature over time with their canopies and probably work higher up, maybe not 80 percent. But above six feet they wouldn't need to, right?

MS. GUNDLACH: That's possible, yes.

COMMISSIONER ROMAN: Depends on the type of tree.

CHAIRMAN STRAIN: Right. I mean -- Charlette, I mean, from -- I understand your argument, and it doesn't matter to me one way or the other. I simply was suggesting we make sure we get the opacity. So as long as we do that, I think, from that perspective the neighbor's concern when the Brazilian pepper's removed is assured.

I guess Charlette's suggestion would make it happen faster from the shrub or from the canopy?

MS. GUNDLACH: From the canopy perspective.

CHAIRMAN STRAIN: Okay. So the shrubs would still be the same. So the lower elevations, which the parking lot would be reflective of, meaning headlights and stuff like that, wouldn't be modified by going to a C buffer. It's only the higher heights that would be modified by a C buffer?

MS. GUNDLACH: Correct. Up to the height of six feet, everything's the same.

CHAIRMAN STRAIN: And the building is a whole -- quite a width away, the width of the existing lot away. So I'm not sure, Charlette, the expenditure of the canopy would get us the buffer any better than the B would with the concern that it's mostly a parking lot that the buffer's being put there for.

COMMISSIONER ROMAN: Well, my point was is that you've got 30 feet for a vegetated buffer, and basically a buffer can fit in 15 feet. So what are we doing with the rest of it? And so that's why I thought that there was room for additional plantings in there.

We could specify, Wayne, whatever you're comfortable with, Nancy; you're the expert on this. But I'm just saying, why not give them a solid buffer there in the 30 feet rather than just fill half the space. That's my point.

CHAIRMAN STRAIN: I think there's some natural vegetation there, and they're only supplementing the -- they're actually -- now, Nancy, maybe you can help us with this. If they're only supplementing a natural vegetated area with the B or C buffer plantings, does that mean they have to put the B and C buffer planting in to its fullest extent, or can they use the natural vegetation that's already there within the 30 feet?

MS. GUNDLACH: They can use existing trees to supplement the buffer.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: And there are a number of existing trees, but there are, at the lower level, Brazilian peppers that will come out. So I think -- not to be in disagreement, Ms. Roman, but I think the supplemental plantings that we'll be achieving will largely be the hedge or something to achieve that opacity rather than more trees.

CHAIRMAN STRAIN: Okay. Well, I think when we get to the point of making a motion, if there's -- we can discuss a stipulation if one is warranted at that time.

COMMISSIONER ROMAN: Yeah. Because I don't know if staff can be given that authority to make that judgment call or, you know, we either have a B or a C. We don't have take a look at it and see what 80 percent opacity is and then determine. And it could be different from the property owner that's to the east as well. I'm just trying to give a definition so that staff knows which way to go.

CHAIRMAN STRAIN: Well, I think from a staff perspective, they're going to simply count trees. If there's a bunch of native vegetation there that qualifies as a tree, then that's less big material you'll have to put in. There won't be any -- there might not be much hedge material unless there's something like saw palmetto or something that grows close to the ground.

So I'm not sure how much of a true buffer planting you're going to see, rows of trees, rows of hedges. You're just going to see it, I imagine, interspersed to meet the opacity requirement. Is that a fair statement, Nancy?

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: So then the question becomes, who determines whether or not it has met that 80 percent opacity?

CHAIRMAN STRAIN: And we do have an inspection department for the landscaping, and they've been doing -- I mean, that would be typically what they would look at, I would assume; is that fair?

MS. GUNDLACH: It's typically our landscape inspector and/or Code Enforcement officer.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: And if I might, just to mention, that as part of our Site Development Plan that's necessary to implement this plan, we're required to put together a detailed landscape planting and irrigation plan that staff reviews and approves, and then the inspection is per that plan.

CHAIRMAN STRAIN: Okay. Anybody else have any questions? Stan?

COMMISSIONER CHRZANOWSKI: I know walls are expensive, and you don't want to go with a wall, but you might consider a short wall to stop headlights from the neighbor's property, if you can't achieve the 80 percent. And I don't -- you know, if they send code out to look at the 80 percent and they determine you're not exactly 80 percent, say you're 79 percent, what do you do, plant more hedges? Find the spots that are bare and put something in?

MS. GUNDLACH: That sounds like a solution they might propose.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: And as far as the wall goes, the gentleman next door, did he -- I believe he wanted a -- to look at vegetation, not a wall?

MR. ARNOLD: That's my recollection, too, Mr. Strain, that he preferred vegetation over a wall.

CHAIRMAN STRAIN: That argument's come up with another project that's going to be coming before us as well; they don't want to put a wall in because the neighbor -- the residential neighborhood behind them doesn't want to look at the side of a wall that has to be constantly maintained or it looks even worse. So that's not unusual to have someone say that. It's just a matter of, then, how do we give them the vegetation that they're supposed to be promised, which I think is the focus of the discussion, so...

Any other questions at this time?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a staff report?

Thank you, Wayne.

MS. GUNDLACH: Yes. Good morning, Commissioners. Staff is recommending approval subject to the conditions listed on Page 9 of your staff report. If you'd like for me to read them into the record, it



would be my pleasure.

CHAIRMAN STRAIN: No. I think they're on the record. Unless somebody would like it, I think we're good.

Sue, did you have -- I don't know if -- there hasn't been any questions from comp planning, but do you have anything you want to add?

MS. FAULKNER: No, just that -- Sue Faulkner, Comprehensive Planning, and good morning. And I just wanted to say that staff recommends approval as well.

CHAIRMAN STRAIN: Thank you very much.

Okay. Are there any questions of staff? Stan.

COMMISSIONER CHRZANOWSKI: I've got some questions for Steve Lenberger.

CHAIRMAN STRAIN: Where is he? There he is. He must have known you were going to do that to him today.

COMMISSIONER CHRZANOWSKI: He's wearing his green shirt.

CHAIRMAN STRAIN: Yes, he is. Now, it's not county green, though.

MR. LENBERGER: Good morning, Stan.

COMMISSIONER CHRZANOWSKI: Hi, Steve.

CHAIRMAN STRAIN: Cautiously.

COMMISSIONER CHRZANOWSKI: I walked that site. There's a lot of pepper and a lot of earleaf acacia on that site. What are the rules? It's a Golden Gate site, Golden Gate Estates. What are the rules as far as exotic removal on -- if this doesn't get approved, do those exotics have to be removed?

CHAIRMAN STRAIN: Oh, we could have a debate on that, Stan. Steve's going to tell you something I believe he is wrong. But go ahead, Steve. I'll caution it that way. This debate's been raging --

COMMISSIONER CHRZANOWSKI: Well, I know the debate's been raging, but I saw some comments, and this is where I'm heading with this. I've heard that Golden Gate Estates maybe doesn't have to remove their exotics because it's an agricultural underlying zoning, but I've heard that they don't want -- that it's residential, which is why they make them remove the exotics. When you're putting in a swimming pool in your backyard, I've seen people that have to pay \$12,000 to remove exotics to put in a \$12,000 pool.

But then when I saw this thing about this kid that fired a gun in his backyard and hit his neighbor's daughter, they said, well, you can fire a gun in your backyard because it is agricultural. And I don't know how this is structured. I'm curious about this.

CHAIRMAN STRAIN: Well, there's -- you just hit on, like, three hot topics. The firing of guns, that was just changed by the legislature recently, and Heidi -- and I had looked into it, but Heidi had also really looked into it. She can probably easily answer that question for you. It isn't quite as black and white as you've stated it. It's a little different.

COMMISSIONER CHRZANOWSKI: Okay.

MS. ASHTON-CICKO: Yeah. There was a law that was passed, and it's based on the size. So, you know, most of the Golden Gate Estates lots are over -- you know, 2.25 acres and over. But the threshold is of one dwelling unit an acre, and the size of the lot has to be over an acre. So --

COMMISSIONER CHRZANOWSKI: Well, there's a bunch of large --

MS. ASHTON-CICKO: -- the Golden Gate Estates would qualify as one where you could shoot.

COMMISSIONER CHRZANOWSKI: There's a bunch of large agricultural lots along Goodlette in the Pine Ridge subdivision surrounded by residential areas. Those people could fire guns in their backyard?

MS. ASHTON-CICKO: I don't know the answer to that question.

COMMISSIONER CHRZANOWSKI: They're over an acre.

MS. ASHTON-CICKO: It depends on the density for the project. I don't recall if there's any PUD there or if it's rezoning.

COMMISSIONER CHRZANOWSKI: But we remove exotics vegetation because it's residential. We tell people to remove it.

MS. ASHTON-CICKO: Now you're asking me about a different question.

COMMISSIONER CHRZANOWSKI: What?

MS. ASHTON-CICKO: Now you're asking about a different question.

COMMISSIONER CHRZANOWSKI: Well, no, no. That was the base question. The guns was just what confused me because they said you can fire guns because it's agricultural. That confused me because I heard that Golden Gate was residential, which is why we make people remove exotics in Golden Gate.

MS. ASHTON-CICKO: Well, regarding the gun law, it's not based on whether you're zoned agricultural. It's based on whether the use, you know, is considered a residential use and the size of the lot, whether somebody should reasonably know it's a residential area. So, you know, it's another bill that's very clear. But the sheriff is working diligently on the interpretation and application of that section.

COMMISSIONER CHRZANOWSKI: So the exotic rule --

MS. ASHTON-CICKO: That I can't answer. That's -- defer to staff.

COMMISSIONER CHRZANOWSKI: Is it -- Steve, is it in the code somewhere that a certain type of lot has to remove their exotic vegetation before they can be allowed any type of -- like the ag lots along Goodlette that are really zoned ag, they don't -- they don't have to remove exotics but the Estates lots do? Is -- I am confused.

MR. LENBERGER: For the record, Stephen Lenberger, engineering and natural resources department. Removal of exotics does apply to the single-family. It also applies to development plans, site development plans, subdivisions, but it doesn't apply to ag, agriculture, straight ag. So if it's zoned ag, it will not apply.

COMMISSIONER CHRZANOWSKI: So the lots along Goodlette in the Pine Ridge subdivision can do anything they want and don't have to remove all the exotics, but people living out in the Estates do have to remove their exotics because they're zoned Estates.

MR. LENBERGER: Well, yes. That would be correct, because they are zoned estates.

COMMISSIONER CHRZANOWSKI: Okay. I'm just curious about that. I was --

CHAIRMAN STRAIN: Oh, and for the record, I want to let you know that I don't believe Steve's interpretation is correct. And I think when you read that in conjunction with the Code of Laws, the Estates is exempt from exotic removal, but that's a debate that when I approached it, I was told we've been doing it the way we're doing for so long, that's the way it's going to stay, so...

COMMISSIONER CHRZANOWSKI: And one reason I'm asking is now that the water's up, I've been spending a lot of time canoeing out in the Everglades, and there are exotics, more exotics out there than there are in the Estates. And my impression was that we remove exotics from residential areas to stop them from getting into the natural areas, but I think it's the other way around. I think they're getting from the natural areas into the estates areas, and we're spending a lot of money on exotic removal. There's -- I was to a seminar on invasive grasses a couple weeks ago up at the IFAS center.

And torpedo grass; we found a lake that's maintained by the county on 7th and 951 that's surround by torpedo grass. They say it's \$15,000 to remove the torpedo grass from the lake. It just seems like we're wasting a lot of money, people's money, residents' money, everybody's money controlling exotics, and we don't have a direction we're going in.

So I'm -- you know, when you take all the exotics out of this site -- this site is loaded with earleaf acacia. I went out there, and they're 50 feet tall. When you take them all out of the site, it's going to look very bare for a long time. I don't know how you're going to replace that. But if that's what the rule is, I think maybe we need another workshop about these rules.

CHAIRMAN STRAIN: Well, if we do, it needs to be brought -- the Code of Laws needs to be brought in on top of the Land Development Code, because the Code of Laws is in conflict in the way it reviews the removal of exotics in the Estates versus some of the references that staff uses in the Land Development Code, so...

MS. ASHTON-CICKO: If the issue is an LDC issue, you sitting as the Planning Commission, you could schedule an item for discussion as to whether you want to make a recommendation that that be changed.

COMMISSIONER CHRZANOWSKI: I like the Bridge Center because they're going to pull out all the exotics. It's a good idea. But I'm not sure that the money we're spending is worth it. It's a big expense on a lot of people that can't afford it, and it's one reason it drives the cost of home building up in the Estates. So,

you know, that's where I headed with this. I just got you up there, Steve, because I like you.

CHAIRMAN STRAIN: And he probably enjoyed every minute of it.

COMMISSIONER CHRZANOWSKI: He did. I did most of the talking. Thanks.

CHAIRMAN STRAIN: Anything else?

COMMISSIONER CHRZANOWSKI: No, that's it.

CHAIRMAN STRAIN: Thank you, Steve.

Are there any registered public speakers, Ray?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Any members of the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Wayne, I'm sure you may or may not have a closing statement. If you do, you're more than welcome to make one.

MR. ARNOLD: Other than I hope you can recommend approval of both the small-scale amendment and the conditional use subject to staff's conditions.

CHAIRMAN STRAIN: Okay. With that, we'll close the public hearing, and we'll entertain a motion from the Planning Commission.

And whoever makes the motion, try to either include or not mention, if you feel otherwise, the issue involving the type of buffer that's involved, because that was an issue, and it's either going to be a stipulation or it's not, so...

Anybody willing to make a motion?

COMMISSIONER ASSAAD: Be happy to recommend -- are we taking the two items or one?

CHAIRMAN STRAIN: Yes. We'll take them one at a time, but they're reviewed as companion items. We'll start with the Growth Management Plan amendment, which is A, 9A.

COMMISSIONER ASSAAD: I recommend -- I move we recommend approval for the Item 9A.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: And we recommend approval of Item 9B with the staff recommendations and also to add special provisions for the Type C buffer to guarantee the opacity of the buffer area.

CHAIRMAN STRAIN: Okay. Let's take 9A first, and there's a motion made. Is there a second for 9A?

COMMISSIONER EBERT: I second.

CHAIRMAN STRAIN: Okay. Let's have discussion just on 9A first. Anybody?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

The second item is 9B, and there was a motion to recommend approval for that, CU-PL20150000873, with the stipulation to require a C buffer instead of just a -- instead of a B buffer for plantings.

COMMISSIONER ASSAAD: And staff recommendations.

CHAIRMAN STRAIN: And staff recommendations. And staff recommendations. Is there a second to that motion? Made by Stan?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Seconded by Stan.

Discussion?

(No response.)

CHAIRMAN STRAIN: The only thing I have to say is I don't see the need for the C buffer because it's an opacity not density that -- of plant material, but by voting against the motion it would cause this item to be put off of summary onto a discussion item for the Board, and there's no need to put the applicant through that. So I'll move -- I'll go along with the motion for that reason.

Anybody else?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

MR. ARNOLD: Thank you all very much.

CHAIRMAN STRAIN: Thank you.

\*\*\*The next item up is PUDA-PL20150001084. It's Item 9C, the Buckley mixed-use planned unit development. It's located at the northwest quadrant of the intersection of Airport-Pulling Road and Orange Blossom Drive.

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

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

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

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I live right across from this site. I've driven by it many days for 30 years now, and I've talked to Rich Yovanovich about it and visited a couple of the meetings that they had in the Collier library about it.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: I spoke with staff on this because I had some concerns.

CHAIRMAN STRAIN: Okay. And I spoke with staff, I reviewed the files, met with the applicant, the applicant's representatives, a whole roomful of people.

Diane?

COMMISSIONER HOMIAK: Karen?

CHAIRMAN STRAIN: Karen. I'm sorry.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Okay. Wafaa?

COMMISSIONER ASSAAD: I spoke to Mr. Yovanovich's secretary over the phone and to Mr. Yovanovich briefly today.

CHAIRMAN STRAIN: Okay. Charlette?

COMMISSIONER ROMAN: No contact.

CHAIRMAN STRAIN: Okay. With that, Rich, it's all yours.

MR. YOVANOVICH: Thank you. Good morning. For the record, Rich Yovanovich on behalf of the applicant. I have several people here with me today to answer any questions I can't answer. Mike Hunnican from Pulte is the contract purchaser for the property. Alexis Crespo is the professional planner; she's with Waldrop. Brendan Sloan is the engineer for the project; he's also with Waldrop. David Cosslett is the landscape architect for the project; he's also with Waldrop. And Ted Triesch is here to answer any transportation questions you may have.

I've put up on the visualizer an aerial outlining the property in yellow. It's the Buckley PUD. It's an already approved PUD that allows for both commercial and multifamily to occur on the site.

The property is adjacent to the library, which is to the south, and Emerald Lakes, which is the residential community to the west. It's across from Lakeside on the east, and there's an assisted living facility which is escaping me as to the name to the north of the property.

This is a fairly straightforward and, I think, simple change to the PUD. We're simply trying to add single-family and two-family residential options to the existing PUD because those options are not permitted under the PUD as it's written today.

We're proposing -- because there is an existing master plan that addresses either the multifamily or the commercial development on the property -- this is the existing master plan. We're proposing that there be a second master plan that identifies the single-family or two-family residential option, should that go forward.

And that would be the second master plan that we're proposing as an option. And I'll go through some minor revisions we're going to make to that master plan after talking to a few members of the Planning Commission in a minute.

As you can see from this exhibit as well as the aerial, the property is a relatively narrow parcel, so we've asked for some deviations related to developing the property due to the limitations we have as a result of the narrowness of the property and the desire to go to a single-family product versus a multifamily product.

One of the deviations is to the roadway width. And if you've looked at the staff report, you will see that even though we're going down to 45 feet in road right-of-way, we still have the standard pavement width. We still have sidewalks on both sides of the street. So, simply, we're putting the public utility easements on the property instead of within the road right-of-way. That's become a rather routine, if you will, deviation for private roads. And I was watching the audience a couple weeks ago, and Mr. Assaad brought up, you know, why do we keep asking for these things and why is the LDC not changed? And I don't know why the LDC is not changed.

I, again, mentioned it to staff. I said, can't we just please put this deviation into the code? It seems like we're always asking for it. And hopefully at some point we'll get that deviation in for private roads.

Likewise, another one of the deviations that we've asked for is to the overall square footage of the project signs. And I have some examples to show you. In the previous -- in the Abaco PUD that went through, I think it was two weeks ago or at the last meeting, there was a request to go to an overall 80 square feet for the signage versus 64 square feet, and staff at that -- on that petition recommended approval of that deviation.

We learned for the first time during the staff report that staff had some concerns about the deviation for this project and wanted us to provide them some examples. Since it was a little late to provide examples after receiving the staff report, we do have some examples that we would like to share with the Planning Commission and also with staff as recent examples of 80-square-foot sign deviations that were approved for other projects. And I'll take you through those quickly to show you that they're quality signs, they allow for some little architectural embellishments to the sign to make it more attractive and a little bit more easy to read for traveling public on a six-lane road such as Airport Road.

This is -- and I don't know if you need to focus in for the audience, but this is Windward Isle, which is a project that's coming out of the ground right now up on Airport Road, not too far from the project. That project was approved with an 80-square-foot sign deviation. As you can see, that's an attractive sign similar to what we're asking to do on this property.

Camden Lakes is a Pulte project on Livingston Road north of Immokalee Road. It's on the west side of Livingston Road. That PUD also was recently amended to allow for an 80-square-foot sign versus a 64-square-foot sign. We put this in here to give you -- to see an example of what the actual developer does regarding signage.

And then another example of an 80-square-foot sign that was approved fairly recently is the Esplanade. So those are just three -- three recent examples of 80-square-foot signs that have -- not including Abaco because it, obviously, hasn't been built yet, so I can't show you that one -- of examples of 80-square-foot signs that have been recommended approval by staff in the past and approved and recommended approval by the Planning Commission and ultimately by the Board of County Commissioners.

That's the only deviation, I believe, that staff is recommending denial of, and I hope now that they've seen examples, they can change that recommendation to a recommendation of approval for this project, since it does front Airport Road, which is a relatively fast moving six-lane road, and this signage will be offset from the pavement by at least 40 feet because I think there's 40 feet of grass area before you get to the property line.

So that's the only staff recommendation of denial. There is -- there are two deviations in our list of deviations, and those, I believe, are exhibits -- I mean, Deviations 7 and 8 which deal with landscaping.

Due to the narrowness of the site and the desire to do a single-family product -- and by the way, we're going through the platting process as we speak, and it's referenced in your staff report. But, you know, things could change to where you ultimately do two-family product, but right now the platting process we're going through, which hopefully the plat will get approved the meeting after the BCC hearing which is scheduled to be April 12th, you can -- so this project will hit the ground running should we get through the Planning Commission and the Board of County Commissioners successfully.

Due to the narrowness of the site, we had originally planned to do the 20-foot canopy trees. Now, that would -- with the 20-foot canopy trees, there would be an overhang of the tree onto the neighbor's lot when it grew.

We planned on addressing that through a requirement that there be common landscape maintenance for the project. So everybody's lot -- and everybody's -- all the landscaping would be taken care of by one landscaping company. They would be doing the tree trimming. They wouldn't be individual property owners responsible for their own lots. We would clearly put in the HOA documents that trees are allowed to overhang onto your neighbor's yard. We do that now on single-family lot lines; when you build up on the lot, you put in the documents that there can be an overhang as well as a maintenance easement on the neighborhood's property. These are all things that are common to HOA documents and would allow us to meet the code-required trees.

Staff is concerned about neighbors cutting other people's trees because they overhang on the lot, so they recommended a deviation that we go to smaller trees, 15-foot canopy trees at maturity because they didn't want to address the situation where someone might trim someone else's tree, or they also told me they were concerned someone may actually remove their own tree which, you know, that could happen anyway. Whether it's a 20-foot tree or a 15-foot tree, someone could come in and remove their own tree.

But we provided for -- so we have the deviation in there at the request of staff to go to the smaller trees so that they won't go onto a neighbor's lot. Now, I've not seen anywhere in the code where it says a tree cannot overhang in -- either to a landscape maintenance easement, a public utility easement, or even onto the neighbor's lots.

Now, I'm not finding fault with staff but, you know, staff has decided they don't like getting the calls from neighbors about people's trees growing, so they've implemented a new policy of, okay, you've got to be self-sufficient on your own lot for the 20-foot canopy tree which we can't do in this particular configuration, so they're recommending the deviation so that our tree doesn't encroach onto the neighbor's tree -- onto the neighbor's property even with the HOA provisions we're talking about to accommodate that, I'll call it, a tree easement, if you will, and a unified maintenance of the trees.

So we can go either way. If the Planning Commission wants to go with the deviation to do smaller trees, we'll do that, but we had originally intended to have an HOA maintaining the larger trees and accommodating trees to encroach onto a neighbor's yard to address that situation should it occur.

In going through and meeting with -- or discussing the project with several of you, there were some suggested clarifications to the PUD document to make sure it says what we really intended for it to say.

And before I get into that, I wanted to point out that we have had a neighborhood information meeting, obviously, with Emerald Lakes. I think the people from Emerald Lakes -- and I know Sid Showalter's here, who I've known forever -- are supportive of going to something less dense like single-family or two-family housing on this site, and I think they were happy when we had our NIM and wanted to add these residential options on the property. And so -- but I'll let Sid speak for himself.

But I think that what we're proposing is really in keeping with what Emerald Lakes is, which is a single-family home, or single-family housing project primarily next to a single-family housing project.

So what we did is we clarified Exhibit A, Page 1. I know we've provided this to staff, but I don't know if staff forwarded it on to you-all, so I'll try to go slow.

What we did on Page 1 is we clarified that if the project is developed as single-family or two-family, the commercial uses are extinguished from the property and are not allowed to be developed. So that's the change on Page 1.

On Page 2, we made a couple of clarifications. We added a separate accessory use for the community facilities that are allowed to occur on the property, the rec facilities that we can have that are not related to individual lots, and that continues onto Page 3, which I'll show you.

So we've added typical development standards that you'll see in the -- later on in the document, but we've allowed for, as permitted uses, typical community common area facilities. The way we originally structured it, it appeared as if you can do those on individual lots, so we just simply clarified that.

MS. ASHTON-CICKO: Rich, is that for principal and accessory uses for the rec area, or is it just accessory uses?

MR. YOVANOVICH: We will get to the development standards related to --

MS. ASHTON-CICKO: No, no. I'm asking about Item E, recreation.

MR. YOVANOVICH: Yes.

MS. ASHTON-CICKO: Is that for principal and accessory uses?

MR. YOVANOVICH: Both.

CHAIRMAN STRAIN: I think the clarification is on the next page, because Item E was only supposed to apply to that one designated site that you guys show on the master plan as r-e-c, so I'm assuming this is going to be --

MR. YOVANOVICH: When we get -- you'll see on the Development Standards Table where it's isolated to just that one parcel, and it applies to all of the uses that are allowed on that parcel.

MS. ASHTON-CICKO: Okay. I'd just like to clarify that on this page.

MR. YOVANOVICH: Okay.

MS. ASHTON-CICKO: Thank you.

MR. YOVANOVICH: That's a continuation onto what I was previously describing.

And we also, on Page 4 --

CHAIRMAN STRAIN: Rich, since we don't have that language that you just showed, can you put that back up? Because we previously have addressed the idea of putting a rec center adjacent to residential within communities and on the outskirts of communities. Since yours is going to be interior, if I remember correctly, it's directly off the front road right by the lake, right there. If you do it, that's where it's going to be.

Then I think one thing that's missing is your note. It talks about a B buffer, but there would need to be a wall on each side of that to protect that recreational facility from the residential units or give the residential units some privacy on both sides. We ran into this kind of thing up at Long Shore Lakes and other places. Is there a reason you didn't include that?

MR. YOVANOVICH: Well, the Type B buffer, as I understand it, includes the wall as an option.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: We can make it clear that we'll exercise that option.

CHAIRMAN STRAIN: I think that would be helpful.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Thank you.

MR. YOVANOVICH: The next page, Page 4, we clarified that the commercial uses on the property are the uses that were allowed under the Land Development Code when the last PUD amendment went through. I think there have been some changes to some of the allowed uses in C1, C2, and C3 under the current Land Development Code that occurred subsequent to the adoption of this ordinance. So we're just trying to freeze in time, if you will, what was approved originally in the PUD.

On Page 6 of 19 and 7 of 19 are the Development Standards Table.

CHAIRMAN STRAIN: Can we go back to the page you're on now first. See the note? It says, see Page 1 for reduction of commercial floor space when residential is built. Now, the residential you're referring to here is only that mixed residential that was part of the original application; is that correct?

MR. YOVANOVICH: Correct, correct.

CHAIRMAN STRAIN: Okay. It's not clarified there. Did it get clarified in one of the other locations?

MR. YOVANOVICH: Well, we clarified, remember, that if we go with the single-family or two-family option, the multifamily and commercial uses go away.

CHAIRMAN STRAIN: Okay. That works. Thank you.

MR. YOVANOVICH: What we've done here in the Development Standards Table is to make it clearer which standards apply to the original master plan, which is the commercial and mixed use or multifamily master plan versus the second master plan, which is the single-family and two-family option, and we added a separate column for recreational facilities, or recreation facility with the development standards in that table which are set forth here and, I think, comparable to other projects that have been reviewed and recommended approval by the Planning Commission and ultimately the Board of County Commissioners.

I'll slide that up so you can -- keep going. Oh, here. It all in there.

That's the first page of the Development Standards Table. I won't take that down too quickly. You-all let me know when you're ready to see the second page.

CHAIRMAN STRAIN: The only thing that I might suggest, some developments like to take advantage of their water amenity. And the way this is written, you may not be able to put something out over the LME. That is allowed by South Florida standards if you compensate by the -- like a -- you put in a rigid seawall or something like that. Are you thinking anything like that? We had that occur in a couple of the other projects where they've asked for that.

MR. YOVANOVICH: I don't think we're contemplating putting something over the waterway.

CHAIRMAN STRAIN: Okay. Then it works.

MR. YOVANOVICH: This is the second page. Put it all on there for you.

CHAIRMAN STRAIN: How wide is a Type B buffer?

MR. YOVANOVICH: I think it's 10 feet. Is Nancy still here? I think it's 10.

CHAIRMAN STRAIN: Okay. Because you'll be separately platting that buffer?

MR. COSLET: Fifteen.

MR. YOVANOVICH: Sorry, 15.

CHAIRMAN STRAIN: You're going to separately -- for the rec tract.

MR. YOVANOVICH: I'll look at that one. We're separately platting that one, correct?

MS. CRESPO: Yes.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: Okay. Thank you.

MR. YOVANOVICH: So are we ready to move on to some modifications on the footnotes, clarifications, okay?

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: I'll work through this one first, and then -- this is the modification to the -- I'm sorry. This allows for the overhang of plantings into the LME, and it limits it to a -- the shaded area on the PUD master plan, and then it also addressed what I originally said was the proposal for the overhang of the trees with Footnote No. 8 to allow for, you know, central maintenance of the landscaping for the community and putting the overhang in the deed restriction. That would come out if staff's version of the PUD is approved with the two deviations.

CHAIRMAN STRAIN: Now, before you leave that one...

MR. YOVANOVICH: Okay. I'm going to show you where on the master plan.

CHAIRMAN STRAIN: Okay. No, I think I -- I've got a question on No. 8.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: Number 8 can be a footnote to the plan because it's not inconsistent with any requirement in the LDC. Because if it was inconsistent with an LDC requirement, it would have to be a deviation. The fact you've got the deviations is because staff asked for them to accomplish something that I'm not sure was inconsistent with the plan.

I don't know where in our Land Development Code it says a canopy tree can't protrude over a lot



line. And if it doesn't, Footnote 8 takes care of it, and the two deviations can go away. The precedent of setting new deviations is something we should not get into. We always try for consistency. And where one was treated, we should treat them all. And in the past, we have consistency issues, and you already pointed some out with the sign criteria.

But I'd hate to see us starting down the path of deviations for landscape on a canopy tree. It just sends us down another rabbit hole that's not going to be worthwhile overall for this community.

So I don't know why 8 wouldn't prevail. Staff approved that language as part of their staff report, so that means it isn't needed to be a deviation, yet we had the deviations added. So I think you could drop those two deviations and rely on 8.

MR. YOVANOVICH: Well, actually, staff did not approve Footnote 8.

CHAIRMAN STRAIN: Oh, they did not, okay.

MR. YOVANOVICH: They did not. That was a result of our discussion about how we originally wanted to have the 20-foot trees. We went with the deviations because staff said you can't have an overhang. So we said, well, let's just make it clear; we'll put a footnote in here to say how we'll address that overhang issue.

And what I -- the reason we put this in here is we can't take the risk that when we go through and have a staff reviewer who's not part of the PUD amendment process sees this and says, they're going to interpret it to be each lot has to be self-sufficient, so it has to -- the 20-foot tree must be able to fully expand on that individual lot. If I don't have it in the PUD and I get a staff interpretation that says, nope, we're interpreting -- which is what's happening now.

And, again, it's okay. You know, we'll roll with the punches when things change. We'll address them, and we're addressing them upfront here to allow for the overhang. Because I'm with you. I don't see where it says in the code I can't overhang.

CHAIRMAN STRAIN: Well, back up to something you said. You said staff did not approve the Footnote No. 8.

MR. YOVANOVICH: Because they wanted us to do deviations.

CHAIRMAN STRAIN: No, no. It doesn't matter. Footnote No. 8 was in the staff report that came to us. Is that a fair statement, Eric?

MR. JOHNSON: Footnote No. 8, not this document but in the PUD document that you have before you, yes, staff is in favor of that No. 8. Number 8 is different than this No. 8 that Mr. Yovanovich is showing on the screen.

CHAIRMAN STRAIN: Okay. Because I've got No. 8 on my document. I didn't know that language was changed. I assumed it was the same No. 8.

MR. YOVANOVICH: I'm sorry.

CHAIRMAN STRAIN: So No. 8 that's in our packet was approved by staff. The No. 8 as you're proposing it is not approved by staff; is that what you're saying?

MR. JOHNSON: That's correct.

COMMISSIONER ASSAAD: Yes.

CHAIRMAN STRAIN: Okay. And the difference between the two, why don't you point that out then so we're absolutely clear on where the --

MR. YOVANOVICH: And I'm sorry. The original said that the 20-foot canopy has to be wholly within the lots except for an overhang into an LME or a -- I'm sorry -- adjacent to -- except if it's adjacent to a lake maintenance easement or a landscape buffer easement, in which case a portion of the required 20-foot canopy tree may protrude into such area, such area being the LME or the landscape buffer easement. That's the only time we could intrude. We could not go -- the old Footnote 8 said it had to be wholly within the lot.

CHAIRMAN STRAIN: And what you did is you added the last couple of lines --

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: -- in the yellow, which is in -- but the whole yellow was highlight. It's not all new language?

MR. YOVANOVICH: No.

CHAIRMAN STRAIN: So staff did approve the first portion of it but not the second portion of it.

MR. YOVANOVICH: They would not let the tree go over onto a lot.

CHAIRMAN STRAIN: That makes it clear. Now I understand. Thank you.

MR. YOVANOVICH: And instead they wanted the deviation to say we can have smaller canopy trees so they wouldn't go over onto a lot.

CHAIRMAN STRAIN: Well, does staff see where No. 8 is in conflict with the LDC?

MR. JOHNSON: Eric Johnson, principal planner. Yes, it is in conflict with the LDC. If there are specific questions regarding that, I'd have to defer to Mr. Dan Smith.

CHAIRMAN STRAIN: Richard, do you want to tackle this now, or do you want to do it on staff report?

MR. YOVANOVICH: I'm flex -- I'd just as soon get issues done as they come up so I remember them.

CHAIRMAN STRAIN: Then I'd like to see someone put the language on the overhead in the LDC that this conflicts with. Since Mr. Smith's coming up, I'm sure he's prepared to do that.

COMMISSIONER EBERT: No, he isn't. Look at the look on his face.

MS. ASHTON-CICKO: Well, I don't know that you're going to find anything in the LDC. I haven't conferred with staff on it, but I'll throw in my two cents. I think that you're getting into property rights issues between neighbors even though your proposed language says that the HOA is the one that can deal with the maintenance.

You know, I have a tree, and my tree's overhanging on my neighbor's lot. I've got to cut it. You're just running into potential problems that owners will have to deal with when the developer's gone.

CHAIRMAN STRAIN: Then how do we allow zero lot line homes on a zero lot line by requiring a maintenance easement on the adjoining neighbor's line? How is that any different than what we're saying here?

MS. ASHTON-CICKO: Can you repeat your question?

CHAIRMAN STRAIN: We have plenty of zero lot line homes in Collier County. When a zero lot line home goes in, it's on the lot line. You cannot maintain that side of your house without standing on your neighbor's property. We have a requirement for a maintenance easement overlap into the property next door so that the zero lot line side of the house can be repainted, stuccoed, whatever you've got to do to it. How is this any different than that?

MS. ASHTON-CICKO: It's not any different, but we currently have a problem with one of the properties where the maintenance for the wall was not provided. It's an old project. So, you know, it's up to you if you want to go this route; this is a policy decision.

CHAIRMAN STRAIN: No. You weighed in on this.

MS. ASHTON-CICKO: I just said there might be problems in the future.

CHAIRMAN STRAIN: No. You weighed in on this. I want to understand it, because your opinions are valuable. I want to know why you -- because you just said we have problems, but you said where it wasn't done. We're proposing this can't go -- this canopy issue has to be addressed at the time of PPL, that they have the common maintenance.

So if it is done, do you see a problem? If they have that easement, that common maintenance language, versus the one you're talking about that became the problem, do you see a problem then if it is done, if it is done correctly? I understand your argument about the one we've got that's wrong.

MS. ASHTON-CICKO: If this is done correctly, the likelihood of a problem is less.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: But we've all dealt with HOAs, and we know HOA operate when they're dealing with their owners.

CHAIRMAN STRAIN: Well, and that's outside -- I mean, I know how the world operates and how the presidential races are operating. I can't do anything about that, so I -- go ahead, Ray.

MR. BELLOWS: For the record, Ray Bellows.

I just would like to add we were thinking as staff that we would utilize some best-management practices. If we know that trees in five to 10 years are creating nuisances with their neighbors on the adjacent lots with the trees growing into their screen enclosures or roof overhangs, especially with these clustered lots

where their lot widths are a lot smaller, there's less room to situate trees on the property without encouraging these encroachments into the other property.

So if we use best-management practice and go to a smaller tree that even at fully grown, it's less likely to impact the adjoining property, that's where we were coming from with this deviation.

COMMISSIONER CHRZANOWSKI: So we're discouraging the planting of big trees?

MR. BELLOWS: On small lots.

CHAIRMAN STRAIN: Well, you know, we might have approached this better by just having the applicant stipulate the type of trees they're willing to limit themselves to in planting rather than do a deviation that's going to be used time and time again for a variety of reasons not related to the subject matter right here today, and I think that's a door we don't want to open.

Wafaa?

COMMISSIONER ASSAAD: I'm learning very fast about this, so I have no prior experience to rely upon. Those required 20-foot canopy trees are going to be located where? Along the street side?

MR. YOVANOVICH: It could be along the street side, but it also could be in the rear because you may have the electrical transformer.

COMMISSIONER ASSAAD: In the rear yard?

MR. YOVANOVICH: It could be in the rear yard. It could be in the rear yard.

COMMISSIONER ASSAAD: How often do they occur?

MR. YOVANOVICH: There has to be a tree on every lot.

COMMISSIONER ASSAAD: Huh?

MR. YOVANOVICH: There has to be a tree on every lot.

COMMISSIONER ASSAAD: One tree?

MR. YOVANOVICH: One 20-foot -- minimum 20-foot tree on every lot.

COMMISSIONER ASSAAD: Why couldn't that 1 foot (sic) 20 -- one 20-foot canopy tree be located at least 10 feet from the property line? You can put it -- you don't have to put it right at the property line. You can put it 10 feet in? So why wouldn't that solve the problem?

MR. YOVANOVICH: We have actually laid out -- this project has gone through such scrutiny about meeting the 60 percent open space requirements or whatever your open space requirements --

COMMISSIONER ASSAAD: We're not talking about -- we're not talking --

MR. YOVANOVICH: No, we are, because it's all related. So we've actually laid out every tree, okay, and where they're going to go, where we think they're going to go based upon where we think FP&L's going to put their stuff. So we pretty much have a really good idea of which front yards there's going to be the 20-foot canopy and which ones in the rear yard where the 20-foot canopy tree's going to be.

And at the end of the day, it will overlap based upon the way the -- it all lays out. With driveways that have to be and all that stuff, there is going to be an overhang. We wouldn't ask for this if we didn't need it.

And staff said they believe there's going to be encroachment on the neighbor's yard based upon the code requirements. And staff said -- and I understand it. I understand that staff doesn't want to deal with the neighbor calling.

COMMISSIONER ASSAAD: I'm not getting the point. You answer my question. Why couldn't those 20-foot canopy tree be placed at least 10 feet from the property lines, whether it's a side yard or a backyard?

MR. YOVANOVICH: The lot --

CHAIRMAN STRAIN: Do you have an overhead view we could see of that planting that you've basically already done? That might help graphically show the situation you're trying to describe.

MR. YOVANOVICH: If we plant it where you're suggesting, it's going to block the front door of the home, it's going to overhang into the driveway.

COMMISSIONER ASSAAD: No, no, no, no, no. How wide are those lots?

MR. YOVANOVICH: I think 45 feet.

COMMISSIONER ASSAAD: So with a 45-foot lot, you can put the driveway on one side. You can put the tree next to the driveway in the middle of the lot. You can put it where you don't -- where you don't

conflict with anybody. I don't see the problem.

MR. YOVANOVICH: Look, we have designed a product type that we know the community wants, buyers want. And with that -- with where it situates itself on the lot and with the front door and the driveway, we have come up with a reasonable development that will, with -- knock on wood, will be very successful, and we'll end up with a single-family community that the neighbors want.

What we've simply asked is where we put this tree, which we think is in the best interest of an attractive community, it will overhang. Could we do something different? Probably. But that's not the type of product that we think will be successful in the market.

COMMISSIONER ASSAAD: You started with the premise that you want to put the driveway in the middle of the lot.

MR. YOVANOVICH: I don't think I started with that premise. I said between driveways, front doors, FP&L transformers, all these things that may come up, we have situated --

COMMISSIONER ASSAAD: I don't want to be argumentative, but what is the problem with planting the tree in front of the door of the house, you know, a little bit away from the door.

MR. YOVANOVICH: I'll tell you, I've never had to get into marketing the project and designing the project, and it's never been questioned that the builder and the developer has the best pulse on what their buyers want. They have laid this out in a way that it will be a successful project, and they believe planting the tree in front of the front door with this huge 20-foot canopy is not in the best interest of the ultimate homebuyer and for the project type that were being sold.

Staff's not arguing with that. Staff just doesn't want the tree to encroach on the neighbor's lot.

COMMISSIONER ASSAAD: This site plan has a lot of resemblance to the Buckley PUD.

MR. YOVANOVICH: It is the Buckley PUD.

COMMISSIONER ASSAAD: No. The one that we approved last week.

MR. YOVANOVICH: Abaco.

COMMISSIONER ASSAAD: Abaco, I'm sorry.

MR. YOVANOVICH: They're both infill parcels. They're small parcels. They're different developers.

COMMISSIONER ASSAAD: So you agree with my statement that they resemble each other?

MR. YOVANOVICH: I don't. To be honest with you --

CHAIRMAN STRAIN: Buckley was a multi-story townhouse collectively gathered aggregated building, not a single-family, I think.

COMMISSIONER ASSAAD: Tell you what the resemblance in my mind. You have one entrance point in the middle of the site, and then you have a straight shot street next to a lake or a preserve area. It's like a T intersection.

COMMISSIONER HOMIAK: That's a commercial.

COMMISSIONER ASSAAD: Huh?

COMMISSIONER HOMIAK: It's a commercial.

COMMISSIONER ASSAAD: Yeah, but was it -- I mean, if this 20-foot tree is a problem for you now, then my question is, was it a problem for the one that we approved a couple week ago?

CHAIRMAN STRAIN: The one that we approved wasn't the same kind of residential product.

COMMISSIONER ASSAAD: They didn't request a variance from --

MR. YOVANOVICH: It was a multifamily.

CHAIRMAN STRAIN: No. It was a multifamily. You do an SDP so the trees can go anywhere in the common area between the buildings. That's the difference. There's no -- there's no platted lot lines. Here they're going to have platted lot lines, which brings in the issue of overhanging onto someone else's property.

But, you know, you hit a good point, Wafaa, because on a multifamily, it's all done as one SDP with all common area in between the buildings. A single-family is not the same way because of all the lot lines but yet you're going to make it the same way by having a common area maintenance for all the common areas between the buildings. Is that a fair statement?

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: So in the end, you're doing the same thing that Abaco's doing, but you've

got a product that's not two stories and multiple layers. You've got it all spread out in the same level to be more compatible with the neighborhood behind you. So that's, I think, what is the difference.

MS. ASHTON-CICKO: I'd also like to provide a little bit more input, too, in talking with staff. In some of the newer PUDs, some of the developers did separately platted landscape maintenance areas, landscape maintenance easements abutting the lake, and they used to be allowed to put their tree in that tract. And talking with staff, that's no longer allowed.

So what they're proposing really would be a solution to, you know, what is currently the county practice.

CHAIRMAN STRAIN: Well, the idea of having the overhangs going over and have continuous shade possibility, especially along -- this example shows it along the street, I mean, I don't see where that's inconsistent with the code, and I would much rather see that than deviations. I mean, we've -- deviations start down a path, and we keep -- everybody asks for them from there going forward.

Dan, you keep wanting to interrupt. Go right ahead.

MR. SMITH: Daniel Smith, principal planner.

I love trees. I'm sorry I didn't wear my green, by the way, but --

CHAIRMAN STRAIN: You know, you're not supposed to be up there talking without green on today, so...

MR. SMITH: I'll wear my green tomorrow. Michigan State's playing, so I was kind of offguard, yes. I'm saving it for tomorrow.

Now, how we got here is a similar project we recently approved, Bent Creek, if you're familiar with that.

There was deviations from the right-of-ways and from the setback -- or there was limited setbacks. And from looking at some of the typicals there, I was -- because we had a 20-foot require -- at least a 20-foot requirement, some of these trees will get 30, 40, 50 feet. My concern was, where are we going to put the required one tree? We had that with Bent Creek.

Because there was a lot of different product from the developer, this gave me some assurances they had room to put this tree, because I didn't want -- because right now we're having trouble with some of our previous projects; roots going into utilities, going into the eaves of other buildings.

And I see this because I was on the tree removal permits previous to being here the last five months. I was handling that for the last two years.

So nothing happens the first two or three years. Five years down the road is when all the complaints come in, and that's how I have to resolve it. And a lot of times these homeowners, associations, when they transfer from the development over to the homeowners, they don't know how to handle these issues.

So this is kind -- was more of a preventative maintenance on myself to think about, okay where are we going to put these trees. And then with Bent Creek, we established some language that they had to provide 20-foot area for the minimum size maturity tree, which was 20 feet. So that's the bare minimum. These trees can get -- those oaks can get a hundred feet wide.

So when I saw this product, similar to Bent Creek -- there's going to be some right-of-way deviations -- I asked the same questions, and that's when we came into the problem. They couldn't meet that 20-foot requirement.

So now the homeowners association, as far as this new language that Rick (sic) -- he suggested that Monday. I'm not familiar with homeowners association, how that works with maintenance. So unless it's common area, I don't really know how that works, but from the staff's perspective, I didn't know if I wanted to go that route. That's kind of up to the Planning Commission to kind of make that determination, because we can go either way on that. It was more or less the deviations seemed justified at this particular time to try to keep at least the smaller trees on the lots so the other -- the neighbors wouldn't be affected by the overhang; not now, but five years from now. So that's how we got here.

CHAIRMAN STRAIN: Well, Dan, could that be accomplished by a species of tree that is allowed that doesn't need 20 feet, or are you saying that every tree that we could possibly put there to meet code has to have the 20-foot canopy?

MR. SMITH: Well, the way the code is, it has to have a minimum of a 20-foot canopy, so...

CHAIRMAN STRAIN: Now, don't you allow multiple plantings of palms, though, to suffice for some canopies?

MR. SMITH: Well, only 30 percent can meet code on any lot, and based on the square footage of these lots, it would have to be one canopy tree. Palms wouldn't even be allowed because they wouldn't meet that requirement at this particular time. That's why that second deviation allowed for 50 percent of those trees that are going to be in these residential areas to be palms, so that way at least you could get, you know, a sabal palm -- because they have to be native, too. You have to understand there's a part of the code that the trees have to be native. So either a sabal palm or a royal palm. So that's why the two deviations were there.

CHAIRMAN STRAIN: Well, the idea of the landscaping that Collier County has is one of the reasons why we are unique, and I --

MR. SMITH: Absolutely.

CHAIRMAN STRAIN: -- fully support us retaining that ability. I think we retain the ability better by considering the use of common area maintenance for overlapping trees than we do by allowing deviations to eliminate that requirement.

The appearance from anybody seeing it, they wouldn't know that the overlapping was an issue. All they know is the tree's there that Collier County typically requires. There's plenty of shade. There's birds in it. Everybody's happy.

You know, that healthy, happy statement that came out from the Gallop poll, that makes people healthier and happier.

So I would myself tend to lend towards supporting your rewrite of 8 as has been suggested here today and deleting 7 and 8 as deviations. And I'm -- we'll have to -- I'm sure the Board will want to further discuss that as we get closer to a motion.

Charlette?

COMMISSIONER ROMAN: Yeah. I just had one thing to add, Mr. Chairman. You know, there's something with the right plant at the right place. And these developers spend a lot of money with their projects, and I would think that they would commit to getting the right plant in the right place and making it fit with their homeowners association requirements as well.

While there are a lot of native trees that we have in Florida, you know, not all of them are a 100-foot canopy. And if a developer has small lots and puts live oaks on every lot, well, shame on them.

So I think that I would like to see those deviations go away as well and have the project planned as the developer wants to plan it per our code and make some good choices with plant selection.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I come at it a little bit differently, Charlette, because a lot of the developers don't really care. They want to give you the complete greenery right now.

When we moved in, we had to put green all the way around. They wanted everything done right then and there. They put in royal palms five feet apart. I had to have royal palms removed. It was -- the roots were under my sidewalk. I mean -- and the trees that they put in at the time was the Cassia, was the mahogany, which were shallow root. Everybody lost them during the storm. So there really is not a lot of -- I think we might have to go over and do something with some of these plantings that they are putting in.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: I'm curious. Does anybody know what the tallest 20-foot canopy tree would be? Do they get 20 feet tall? Do they get 50 feet tall? Have we limited, you know, tall trees?

MR. SMITH: No. As far as I'm concerned, we haven't limited tall trees at all.

COMMISSIONER CHRZANOWSKI: So what's the tallest 20-foot canopy tree you know?

MR. SMITH: The only thing I can think of is probably the royal palm. Those are the ones -- that are canopy, you mean?

COMMISSIONER CHRZANOWSKI: Canopy tree, yeah. Not a palm.

COMMISSIONER ROMAN: That's not a canopy tree.

MR. SMITH: That's not a canopy tree. I wouldn't be able -- I couldn't guess what would be the tallest one at this point.

COMMISSIONER CHRZANOWSKI: We've got a landscape architect, don't we?

MR. COSLET: I mean, your oak tree is probably going to --

CHAIRMAN STRAIN: Sir, you're going to need the microphone. Identify yourself, please, for the record. Thank you.

MR. COSLET: David Coslet, landscape architect, Waldrop Engineering.

Your live oak would probably be your largest tree both from --

COMMISSIONER CHRZANOWSKI: No, no, no; 20-foot-wide canopy maximum.

COMMISSIONER ROMAN: Maximum 20 feet.

MR. COSLET: We're never going to have a tree that stays at 20 feet wide. When we -- when the code says that it has to have a mature (sic) of a minimum of 20 feet, there is no tree that's really just going to stay 20 feet wide --

COMMISSIONER CHRZANOWSKI: Native tree.

MR. COSLET: -- without major pruning maintenance, which is also not healthy for the tree. It's going to create more issues from weak wood where the tree is chopped, where you could be losing branches and that kind of stuff on houses or people or cars.

COMMISSIONER CHRZANOWSKI: So if they're not going to stay 20 feet wide, what are we talking about?

CHAIRMAN STRAIN: Closer to the mike, could you, sir.

MR. COSLET: Sorry.

CHAIRMAN STRAIN: You've got a good voice and everybody's hearing it, but I'm not sure it's being picked up on the mike.

MR. COSLET: Okay. But like he was saying, royal palms -- we're not talking about canopy trees at this point, but a royal palm would stay in that 20-foot range.

COMMISSIONER CHRZANOWSKI: I'm talking about canopy trees.

MR. COSLET: You're not -- you're not really going to have a tree with a minimum mature spread of 20 feet.

COMMISSIONER CHRZANOWSKI: Maximum mature spread.

MR. COSLET: Minimum. It's a minimum.

COMMISSIONER CHRZANOWSKI: Okay. I'm curious --

MR. COSLET: The requirement is minimum 20-foot.

COMMISSIONER ROMAN: But that could be maximum, too, and still meet code.

MR. COSLET: It could be, but they don't --

COMMISSIONER ROMAN: Well, what's the mature size of a dahoon holly?

MR. COSLET: Fifteen, 15 feet, and that would not count for code.

MR. SMITH: That's why --

MR. BELLOWS: That's the purpose of a deviation, to get that smaller tree that would look nice on the smaller lot but not create these difficulties.

MR. COSLET: But to add on to that, that's not the look that Naples is going for. That's a very small tree on a small lot with a house. That's not what -- that's not what we're used to. That's not the look that I think our developer is looking for, a small tree on the front.

COMMISSIONER ROMAN: No. But my question had to do with what tree -- I'm trying to get clarification for Stan's question, because he doesn't seem to be able to get an answer from you for his question, and that is, what trees have a maximum, say, 20-, 25-foot canopy?

MR. COSLET: Sure. Green buttonwood is a 20- to 30-foot max spread. I mean, still you're over that 20-foot, but you're into a smaller, not live oak, 100-foot, 70-foot. You could do pigeonplum. You could do --

COMMISSIONER CHRZANOWSKI: And how tall do they get? What's the tallest?

MR. COSLET: Those would get 20, 30 40 feet tall, I mean -- and that's way, way, way down the road, obviously, but that's -- that would be probably. You know, hitting your 20-foot requirement for a minimum canopy but having your smallest maximum canopy would be sea grape, pigeonplum, green buttonwood.

COMMISSIONER ROMAN: A lot of our natives?

MR. COSLET: Yeah. And those are all natives, yes.

COMMISSIONER ROMAN: Maybe paradise tree, or does paradise tree get a lot larger?

MR. COSLET: It will get a little larger than that, yep.

COMMISSIONER ROMAN: But still compact?

MR. COSLET: More compact. Magnolias. That's another tree you could get up to 30 feet wide but would stay more compact.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: You okay, Stan?

COMMISSIONER CHRZANOWSKI: Yeah.

CHAIRMAN STRAIN: Okay. Anybody else have any questions?

Go ahead, Tom.

MR. EASTMAN: Does the proposal -- allow easements on neighboring properties for overhang of tree growth, is that the proposal?

MR. YOVANOVICH: Yes, sir.

MR. EASTMAN: Is there any limitation to that? Because as the landscape architect just mentioned, some of these trees could grow bigger and extend farther than expected. What happens if a tree, for example, hypothetically grows into someone's pool cage or right up next to their house, and then the neighbor says, the neighbor whose tree the lot is on says, you can't cut that even though it's encroaching into your pool cage because we have an easement to allow for overhang, or is it limited at some point? What's the limitation of the easement on the burdened property?

MR. YOVANOVICH: You bring up a good point, and we'll make sure that there's proper trimming of the trees to make sure it doesn't interfere with someone's pool cage. You know, that could happen today. The trees that you make us choose from all get rather large and eventually, at maturity, when we're all long gone, are going to be on someone else's yard as far as -- as big as they get. They're going to spread. They're trimmed. We will trim them as well as part of this -- as part of this process.

And we're proposing that -- if this were a multifamily project or a land condo, okay -- if it were a land condo, we wouldn't even be having this discussion because there's no lot lines. There would be common maintenance, and you'd make sure the tree doesn't interfere with someone else's land condo unit. Now, that's not marketable, but I'm just trying to say that for example.

All of these issues are addressed through common area maintenance for condominiums. They're addressed through common area maintenance for multifamily. Likewise, there are a lot of communities in Collier County and Lee County where the individual property owner doesn't want maintenance responsibilities, so the HOA takes care of that.

I'd like to believe, even after turnover and the natives of the community take over and run the HOA, they're going to hire a competent landscape company to advise them on the proper trimming of trees, how to cut the grass, proper fertilization. Eventually that's going to happen.

So I think those issues will be addressed through the HOA addressing the concerns about the spreading over our individual lot, and it will be all addressed in the HOA documents so everybody knows upfront the type of community they're living in.

COMMISSIONER ASSAAD: May I?

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: What prevents a 15-foot canopy tree from growing to be a 20-foot canopy tree?

MR. YOVANOVICH: Well, first of all, I can't plant a 15-foot canopy tree. And I asked Dan the same thing. I said, Dan, tell me the tree that I can plant that stops at 20 feet, and it doesn't exist in your code.

COMMISSIONER ASSAAD: So you're going to have problems with the 15-foot tree later on --

MR. YOVANOVICH: No. I think 15-foot trees -- I think we can pick from a 15-foot tree max maturity growth that's going to probably stop around 20 feet. Fair?

Now, he's nodding. I can bring him up here if we have to but, you know -- but you can't do that with the trees that we get to choose from that will achieve a minimum 20-foot canopy. We can't make it stop close



to 20 feet.

You have a code that's probably been around, roughly, not changed a whole lot since 1982, okay. 1982 I bet you development in Collier County was slightly different than it is today, and the market's evolved as to the product types that people are buying, and the code really doesn't address the situation we're in today for the types of homes people are buying as far as landscape trees go with it.

So we're just trying to work within a code that probably should be re-reviewed to see if you can come up with a lush 15-foot tree that makes sense in today's market, but I don't have it.

CHAIRMAN STRAIN: Well, to correct your statement. The code has been around a long time, but it used to require two canopy trees, and then it got watered down to one, and now the suggestion is water it down to a skinny canopy tree.

MR. YOVANOVICH: Not by us.

CHAIRMAN STRAIN: Then who knows where it's going to go next? I'm still in favor of holding a line but accepting the option that you've suggested for common area maintenance. But I wanted to get a clarification on something you responded to to Tom.

You said you're going to do basically an easement for the canopy. That's different than common area maintenance areas when you do an HOA or a condominium. And I'm not sure how you're --

MR. YOVANOVICH: We're not --

CHAIRMAN STRAIN: -- Pulte did it before. You make great communities. I've been -- I drive through plenty of them, and what happens is people move into one of these smaller units, sometimes it's a second home or a seasonal home, and they leave the maintenance up to the HOA. The HOA has a broad maintenance responsibility for all areas outside the house, basically.

I've pictured that as the mechanism you were --

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: -- going to use, not a straight line easement saying, okay, the easement's going to go to here and you're going to work around drawing it out and legally describing it.

MR. YOVANOVICH: And that's -- if I said that, I didn't mean to. What I meant was, effectively, I will have an easement for my tree to go over onto the neighbor's lot. I wasn't talking about a line that says it's got to stop at five feet. It was globally going to describe that the tree could encroach and there will be common area maintenance.

MR. EASTMAN: But where does it stop, Rich?

MR. YOVANOVICH: It doesn't stop, Tom.

MR. EASTMAN: So it can go right through my bedroom window, and I'd say I'd like to -- you know, I'm having -- I'd like my pillow to be there, and you'd say, no, I have a right to have --

(Multiple speakers speaking.)

MR. YOVANOVICH: And you'll read the documents and you won't buy in the community. At this point we're talking about -- you know, I can't describe it that way because trees don't grow that way, okay?

MR. EASTMAN: But can you at least -- I'm not opposed to the reasonability of having an easement for tree overhang to a certain extent, but an unlimited easement that just -- the tree can keep growing and growing and growing, and there's -- and common sense and the trust for maintenance is what stops it. What if maintenance is delayed? What if you do come down to what are the legal rights here, Rich?

So -- and it seems to me that you have an unfettered easement for overgrowth onto a neighbor's property.

MR. YOVANOVICH: How about I put in there that I say that the tree cannot interfere with the house --

MR. EASTMAN: That would --

MR. YOVANOVICH: -- or the pool? I mean, I think we'll take care of all of that, but if that's what I need to make Planning Commission --

CHAIRMAN STRAIN: But isn't that intuitive in the purpose of a maintenance easement? Common area maintenance means you're going to maintain the common area in a safe and practical manner for both the people living there and the buildings that are -- and I'm not sure you're ever going to get to a liability situation that Tom's alluding to because of the lawsuits the HOA would have to endure. I don't know how

any --

MR. YOVANOVICH: I don't see this as an issue, I really don't. I think the documents will be very clear. And, trust me, there's -- you know what, if you wanted to do an ironclad set of declaration of covenants and restrictions or even a real estate contract, it would probably be 200 pages long, okay. But the reality is, common sense takes over. Nobody's going to live in a community that allows trees to go through people's roofs, screen enclosure. They're just -- it's not going to happen.

COMMISSIONER ASSAAD: So if you're relying upon common sense, why have the deviation? Why -- just --

MR. YOVANOVICH: I don't want the deviation. I want to be able to encroach. I'm being told I have to have a deviation so I don't build (sic) a tree that's going to go over on the lot line.

COMMISSIONER ASSAAD: I proposed a simple solution. You didn't accept it. But if you plant that tree 10 feet from the property lines you won't have this discussion at all.

MR. YOVANOVICH: We've laid the project out --

COMMISSIONER ASSAAD: The site plan that you posted on the visualizer, if you look at the interior lot, the lot layout of the interior lot, you're putting the tree five feet from the property line. You're placing the tree five feet from the common property line, right?

MR. YOVANOVICH: We're showing a worst-case scenario when we're planting these trees.

COMMISSIONER ASSAAD: Yes or no? Am I correct?

MR. YOVANOVICH: Yeah. That's what that exhibit shows. And I'm trying to explain to you --

COMMISSIONER ASSAAD: If you move -- if you move that tree another five feet to the left, you won't have that problem. You won't have that discussion. You won't have to ask for the deviation.

MR. YOVANOVICH: First of all --

COMMISSIONER ASSAAD: You created -- you created the problem for yourself by saying this is my plan and I'm going to stick to it when the simple solution to all of that problem is instead of placing a 20-foot canopy tree five feet from the property line, put it 10 feet away from the property line.

MR. YOVANOVICH: We've looked at --

COMMISSIONER ASSAAD: Period. Thank you.

MR. YOVANOVICH: Well, you know -- okay. And I want to respond to that because here's where we are. We have an odd shape piece of property. It's long and it's skinny. You have a single-family high-end builder who's looked at the product type they want, and they're concerned when they lay it out that they are going to have trees that overhang, and they've said they -- this is the product they want to put on this property. They think it's marketable, and it makes them think they've got a chance to make the money they need to make to buy the property.

If they don't buy the property -- and that's okay. We're trying to give the neighbors really what they want, which is a nice single-family community versus the multifamily option and the commercial option that exists today.

We're asking for a simple deviation to give us the flexibility to build a nice-quality Pulte community -- sorry.

CHAIRMAN STRAIN: You're asking for a footnote?

MR. YOVANOVICH: I'm asking for a recognition that it's okay for a tree to encroach where there is absolutely no prohibition of that today in the Land Development Code. It's an interpretation that has come up recently over time, and we're rolling with the punches and we're trying to address that situation.

We don't usually get down to designing the product type and the exact placement of trees in front of the Planning Commission.

So we've asked for this to give us the ability to put the tree where it makes the most sense for that individual lot.

CHAIRMAN STRAIN: And, Rich, I think it's time we took a break. Let's do that and come back at 10:45.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Let's try to resume where we left off but hopefully we can move to a new subject. I think we've discussed quite a bit the canopy tree issue and the easements. And, Richard,

you've explained your applicant's position. I know we've heard various positions on this board. I think it will need to be a discussion as we approach a motion.

MR. YOVANOVICH: I just want to add one other thing, though, hopefully on this.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: This is a bigger issue than I think you're even aware of because there are a lot of PUDs out there with 40-foot, 45-foot-wide, and 50-foot lots. Historically, you've come, you've shown the tree on the lot. It was always understood that when the tree got to maturity it was probably going off your lot.

So this is going to be a big issue for existing PUDs on the new interpretation that lots are going to be self-contained. So, you know, I think the Planning Commission needs to kind of be aware of that because there's a lot of PUDs out there that this new interpretation's going to have a large impact on.

CHAIRMAN STRAIN: I appreciate your comments, Rich.

I had one question. You were talking about this tree in relationship to the common area maintenance. Wouldn't your project have been set up to provide common area maintenance for this -- for the vegetation regardless of the issue we discussed here today?

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: Okay. So, I mean, what we're asking you to do is nothing different than what you're doing for all the other projects, right?

MR. YOVANOVICH: Yes. Where we have common area maintenance, yes.

CHAIRMAN STRAIN: Okay. I don't know of any specific complaints from those other projects. Do you guys keep track -- how many times has a tree caused this overlapping of a tree with the common area maintenance HOA in position like you have acknowledged, which I thought to be the case? It's been existing for quite some time in all your communities. Do you have generally problems with that, complaints with that, HOAs wish they hadn't dealt with you before or --

MR. YOVANOVICH: The answer to that is no, no, and I think one more no.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: We've not had problems.

CHAIRMAN STRAIN: Okay. So, I mean, it seems like it's just cropped up. You've just raised and highlighted the fact that it may even be cropping up more. I'm not sure why we're even going in that direction. That's why the deviation is something that I don't -- I'm certainly not willing to consider from my perspective.

But, anyway, let's move on. We left off with your discussion -- your corrections on Page 7 which ended up getting us into this discussion. So we're on Table 2, commercial development standards. I think that's where we'd go next. And I don't think you're changing that table.

MR. YOVANOVICH: No, we're not. I don't think -- I don't think we have another change for -- until we get to Page 16, and this deals with where we measure the height of the wall. And we were asked to clarify by staff that we're measuring it from the top of the berm so when we come through on our review, staff knows where to measure from.

CHAIRMAN STRAIN: Prior to that page, you do have your general notes on the master plan page.

MR. YOVANOVICH: Right. But didn't we just kind of go through those already?

CHAIRMAN STRAIN: Well, I think you were going to drop some of those notes, weren't you?

MR. YOVANOVICH: Did I blow by something? Page what?

CHAIRMAN STRAIN: There's no number on the page, so -- it's before -- just before Exhibit D. On second thought, I'm looking at -- I'm looking at why -- I had it all -- I had it marked up on --

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: You know what, there is a note. We added -- No. 7 is a note.

CHAIRMAN STRAIN: Yes, that's the issue.

MR. YOVANOVICH: Yeah, tying it to the hatched area that allows --

CHAIRMAN STRAIN: And can you show us how you've hatched that. We didn't have that in this packet either.

MR. YOVANOVICH: It's right here. You'll see this portion. That portion of the lake -- there's a lake maintenance easement, and that's the portion of the lake maintenance easement where the overhang would be permitted.

CHAIRMAN STRAIN: You mean the overhang of the lot into the maintenance easement because you're going to plat the rest of them.

MR. YOVANOVICH: The overhang of the tree. No? The --

CHAIRMAN STRAIN: The lawn.

MR. YOVANOVICH: No, you're right. You're right. I got my issues backwards.

CHAIRMAN STRAIN: Right. And the reason you're doing that is because this infill parcel is so narrow, in order to fit the lots -- the housing in the market, you've got to get the density -- to reduce the intensity of the project to single family versus commercial.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: That's the only way this works.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay.

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Yes.

MR. JOHNSON: Also Note No. 6 is different than -- on the proposed right now is different than what you have in your packet.

CHAIRMAN STRAIN: Yeah. I don't think he was finished discussing the notes yet. We just -- but I was backing up trying to catch the issues that we seem to blow past when we went straight on to Page 18 or whatever that was.

COMMISSIONER EBERT: Yeah. Because I'd like -- there's things --

CHAIRMAN STRAIN: Under the general notes, the last one --

MR. YOVANOVICH: What changed, Alexis, in the general notes other than --

MS. CRESPO: Six and seven.

CHAIRMAN STRAIN: Eric, what one of the general notes were you working on?

MR. JOHNSON: Sure. I'll just read it. The one in your packet says the following: Number 6, a 10-foot-wide Type A buffer will be provided where single-family detached and two-family duplex units are constructed within the same tract.

MR. YOVANOVICH: That went out because it's in the Land Development Code.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: So you're right; I forgot that we deleted that one.

CHAIRMAN STRAIN: Okay.

MR. JOHNSON: And also in the legend that Mr. Yovanovich is going to put on the screen, or was about to, he added the darkened area. That represents the LME residential lot overlap. So that's new as well.

MR. YOVANOVICH: And we also added rec to show you this area. This is the area where the recreation would go.

CHAIRMAN STRAIN: Now, that's optional. If you decide to build a rec area, that's where you're going to put it, but you could still put lots there.

MR. YOVANOVICH: Well, it could be -- it was going to be open space.

CHAIRMAN STRAIN: Right. Or open space, right.

MR. YOVANOVICH: Or open space, right. Okay. I lost my cheat sheet. There it is.

CHAIRMAN STRAIN: Now what page do you want to go to?

MR. YOVANOVICH: I think I was at 16, wasn't I? And where it went, I don't know.

CHAIRMAN STRAIN: Yes.

MR. JOHNSON: The last thing that we talked about was the measuring from the top of the berm.

MR. YOVANOVICH: Which is here. So that's -- the measurement of the wall will be from the top of the berm. Page 17.

COMMISSIONER ASSAAD: Is that a deviation?

MR. YOVANOVICH: Well, the deviation was to go to a taller wall, from six to eight feet.

COMMISSIONER ASSAAD: How is the wall normally measured?

MR. YOVANOVICH: I believe it's -- you know, I --

CHAIRMAN STRAIN: Crown of road or nearest adjoining existing surface, something like that. I think the deviation occurred because the neighborhood behind years ago established the fact they'd have a higher separation and asked for a berm and a wall combination. I think that put them above the minimum requirements, so...

COMMISSIONER ASSAAD: Okay.

CHAIRMAN STRAIN: This project, this is the third time I think we've heard this project, and each time it's been radically --

COMMISSIONER EBERT: Changed.

CHAIRMAN STRAIN: -- changed, so...

MR. YOVANOVICH: This is Page 17. It's another point where we clarify that the commercial master plan goes away if we do the single-family and two-family homes.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: There's a clarification on the outdoor lighting for the -- as it applies to the commercial portion of the project. We'll meet code for the residential project should that go forward. And then --

CHAIRMAN STRAIN: Wait a minute. Your No. 3 is changed from what we have in our packet. That's the one you just talked about.

MR. YOVANOVICH: Number 1.

CHAIRMAN STRAIN: No. Number 3 above your finger.

MR. YOVANOVICH: This has?

CHAIRMAN STRAIN: That one is different in our packet than what's on that page in front of you. On the packet you add another sentence after the words "Land Development Code," and it says, the buffer shall maintain the 6-foot finished masonry wall at the northwest corner at a distance of 80 feet along the northern boundary line.

MR. YOVANOVICH: That was my next thing. That was deleted because it's no longer -- we have -- the assisted living facility was here. Sorry to keep going backwards.

COMMISSIONER EBERT: That's all right.

MR. YOVANOVICH: It used to extend around the corner.

CHAIRMAN STRAIN: Yeah, use the mike.

MR. YOVANOVICH: Oh, I'm sorry. It used to -- the wall used to extend around the corner when we were doing the multifamily and the commercial. And since it's either going to be single-family or two-family, the need for the wall to wrap around was deleted.

CHAIRMAN STRAIN: So what you did is you dropped the last sentence --

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: -- on No. 3. The only thing is, you should either highlighted it or shown it as a cross-out so we would have known that. I just wanted to point that out. Thank you.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Now we're back on Page 17, outdoor lighting, 1.

MR. YOVANOVICH: Okay. And that's where we we're clarifying the outdoor -- the lighting for the commercial versus defaulting to lighting for the residential.

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Yes.

MR. JOHNSON: I circled the word "trips." I don't think it belongs in there. This word.

MR. YOVANOVICH: Yep, you're right. I don't know where that came from.

CHAIRMAN STRAIN: Yeah. It's not in the old one or the new one. Good catch. Thank you.

MR. YOVANOVICH: And there was a modification to No. 3.

CHAIRMAN STRAIN: Actually, you went back to the existing language instead of the changed language. It's clearer that way.

MR. YOVANOVICH: Right. We -- I guess the other language was external. We went to "outside"

was the change.

And I believe on No. 1 is where we went and clarified the maximum number of trips if we developed as single-family or two-family development at 230.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And then we had -- actually, I could show you where, if you want, we deleted the two deviations regarding landscaping. I could show you that, but the way we did it is it just shows that they're not there anymore, instead of striking them, or we can leave them in at the discretion of the Planning Commission regarding -- regarding that issue.

I think that's everything that we changed or clarified, and I think the only disagreement we have with staff is on the size of the sign and hopefully, based upon the examples we provided to you, an 80-foot sign in this location -- 80-square-foot sign versus 64-square-foot sign is -- have been supported.

COMMISSIONER EBERT: I have some questions.

CHAIRMAN STRAIN: Okay. Diane.

COMMISSIONER EBERT: You bet.

Rich, I am not going to agree with your 45 feet for the road. Can you put the master plan back on there, please? You have one road for 80 -- 82 homes. Tell me about the turnarounds at the end. Are they fire code? It's these hammerheads?

MR. YOVANOVICH: Yes. We have -- we're going through the plat review right now, and the plat is consistent with the master plan we're showing you, and it meets all of the county code requirements regarding fire safety, providing utilities, providing sidewalks, the width of the pavement. It's --

COMMISSIONER EBERT: Yeah, I understand. And I know part of your thing is, is if we keep the roads narrow, people won't speed; it will get them down.

Tell me, where are your service vehicles going to park? Where -- you're going to have common maintenance. I can bring in a thousand people right now from gated communities. In fact, we can start on the eighth floor of this building of people complaining about the streets are too narrow. They should be -- I wouldn't mind if you would do 20 -- 24-foot of bituminous and then your valley gutters, but it just keeps -- you just keep getting narrower and narrower, and that is really kind of starting to bother people in the communities. In other words, previous deviations -- you're correct, it's starting to create problems now.

A lot of complaints, as you know, sidewalks, the streets. The narrow width. If you could do -- rather than 10-foot, do the -- I think you even have -- it's 50-foot for commercial. If this would be in commercial, there's a 50-foot.

On East Gateway you did 54-foot for the commercial, and you did 45-foot for the residential. At that time you didn't want to put sidewalks on both sides, but BCC made you put sidewalks on both sides.

I would rather see the 54-foot because there's only one road in here, and I just feel with people getting company -- and they all cannot park in the driveways. When you have service vehicles there, it is just getting way, way too compact for what's going on here.

CHAIRMAN STRAIN: Before we go too far, then, it sounds like she's saying that your deviation is requesting a lane width that is inconsistent with our code. I've got the code in front of me.

COMMISSIONER EBERT: No. I know it's 20 feet. But, Mark --

CHAIRMAN STRAIN: No. It says 10 feet for local and cul-de-sacs, 11 to 12 feet for minor collectors. This cannot be a minor collector. It's a private road inside of a gated community or developed community. So how would we require them to be wider than the requirement in the code?

COMMISSIONER EBERT: And, Mark, we're going to have to do something, then, with this. Because I can tell you right now, the private roads deal is becoming a problem.

MR. YOVANOVICH: The pavement doesn't change.

CHAIRMAN STRAIN: I'm not sure why.

COMMISSIONER CHRZANOWSKI: Right.

COMMISSIONER EBERT: It is.

MR. YOVANOVICH: If I were a public road with a 60-foot right-of-way, road right-of-way --

CHAIRMAN STRAIN: It wouldn't have -- it would be the same.

MR. YOVANOVICH: -- I would have 10-foot-wide pavement --

CHAIRMAN STRAIN: Yeah, nothing --

MR. YOVANOVICH: -- with 2-foot valley gutters.

CHAIRMAN STRAIN: The only thing -- yeah.

MR. YOVANOVICH: That's not the deviation I'm asking for. I'm not asking for a deviation from the code requirement for the street, for the construction of the street.

COMMISSIONER CHRZANOWSKI: This is, in effect, the 65-foot road right-of-way.

MR. YOVANOVICH: Yes.

COMMISSIONER CHRZANOWSKI: But you've taken 10 foot on both sides and converted it to public utility easement because you want to start your setback at your right-of-way line. That has no effect on -- Diane, no effect on what you're talking about. This -- if he were to take out that line and just call it a 65-foot right-of-way, apparently that would make you happy, but it would be the same thing.

It's -- and the travel lanes, the fact that they're 10-foot as opposed to 12-foot travel lanes, your car is -- if you go in your car, you go like this (indicating), that car is about 6-foot wide. You have plenty of room to put a vehicle and drive past it.

And if a service -- I live in Lakeside, right across the street. We have the same thing, and we have service vehicles. They park out in the road because there's no room in the driveways. But all you do is you drive around the service vehicle. And, you know, we have a low speed limit. It's not like we're passing each other at 30 miles an hour. It's not -- I don't know why people are complaining. In our area, it's not a problem.

COMMISSIONER EBERT: Well --

CHAIRMAN STRAIN: I mean, I get complaints about the fact the sidewalks aren't in residential places because we hadn't been enforcing that too much in the past.

COMMISSIONER EBERT: Yep.

CHAIRMAN STRAIN: But that's changed by a policy recently set by the Board. So I don't understand the concern over -- I've never had anybody approach me on lanes.

COMMISSIONER EBERT: Well, it is now becoming a problem. Mark, it really is.

CHAIRMAN STRAIN: But where? These are not collector roads. Who would notice it as a problem but the people that live on them, and the people that live on them, if they're living there, would have bought in there knowing what they're buying into. I don't get it.

COMMISSIONER EBERT: Not really. But, anyway.

And the other one I have is the signs where the staff said no on the signs and because of what is in the area it is not larger. Now, either we're going to change our sign code or -- the examples that you happen to give us which were Esplanade, which is Mirasol, Royal Palm, gee-whiz, both of those happen to be Yovanovich plans. So this is, here we go, a deviation again for the ones that you represent.

MR. YOVANOVICH: And Abaco was a Bruce Anderson plan, and I --

COMMISSIONER EBERT: But Abaco is not in this area. It has to be compatible, and that's what staff is saying to you. Compatible in the area.

MR. YOVANOVICH: Okay. Tell me -- you know what? It's okay. Windward Isles, the very first one I showed.

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

MR. YOVANOVICH: I know. I don't know where I put it, but Windward Isles, which was the very first one I showed you, is on Airport Road in the vicinity of this project, and I'm 87 percent sure that that's not a Yovanovich project.

COMMISSIONER ASSAAD: Eighty-seven percent?

MR. YOVANOVICH: Eighty-seven percent. Because I'm pretty sure, but with my luck somehow I had some involvement with that one, so I wanted a hedge. Maybe I should have said 99.4 percent, like Ivory Snow sure, that's not a Yovanovich project.

CHAIRMAN STRAIN: But see, our sign code is one of the most arbitrary codes you could pick on.

The fact that a lot of people are willing to sit with it is fine, but the case-by-case exceptions we make for when someone can show a quality product, which is what we're seeing here, I don't understand why that isn't something to be considered.

I'm also concerned if staff is going to take a complete review of all of the deviations we've done in

the past and start changing their minds against one project versus another, I'm a little concerned about it.

We have just been shown various projects that have been approved at 80 square feet; 16 square feet more for an attractive sign out front like we've seen. And all of a sudden staff says, well, no, we're not going to allow that anymore.

This board needs to understand where you-all are coming from, because that's a change in what we've approached in the past for consistency. And we have the three Cs in Collier County. Consistency is one of them. If we're changing that attitude or staff's going to start changing its policies, someone better tell us upfront what to expect in the future.

MR. BELLOWS: For the record, Ray Bellows. I'm glad you asked that question, because I don't believe staff has set a policy or changing a policy. The Land Development Code has the standards that all developments should comply with. When somebody asks for a deviation, it's site specific to that PUD, and it doesn't set a precedence for every PUD.

CHAIRMAN STRAIN: Okay. But why would you turn down this PUD and approve three others, or multiple -- well, there's been more. I've been here 15 years. There's been quite a few.

MR. BELLOWS: And I think the reasoning of this one was it's a very narrow project, not a very large project either.

CHAIRMAN STRAIN: The narrowness of a project dictates the width of a sign on a street outside the wall?

MR. BELLOWS: No. It just seemed like it was excessive for the type of project versus something like Heritage Bay or much larger projects.

CHAIRMAN STRAIN: Go ahead, Wafaa.

COMMISSIONER ASSAAD: May I? You just -- you just said that -- in your staff report in many of the analyses of the deviations particularly, you cited where similar deviations were granted in other developments. You cited this was granted in this development and this was granted in another development, correct?

MR. JOHNSON: Actually -- this is Eric Johnson, principal planner. In your staff report -- and I'm going to answer that question. I'm going to -- also would like to defend the position that we're taking.

COMMISSIONER ASSAAD: Before you defend the position, answer my question, please.

MR. JOHNSON: Those --

COMMISSIONER ASSAAD: You cited other developments that were granted similar deviation approval.

MR. JOHNSON: Negative. Those developments that I cited are signs that do not have any deviations or variances approved for them. That's -- so that's why I put it in there.

COMMISSIONER ASSAAD: The point I was trying to make is that there's a little bit of confusion, at least in my mind, because if we're saying that if the -- if the county approved certain deviations in other developments, that does not create a precedent, right?

MR. BELLOWS: Correct.

COMMISSIONER ASSAAD: This is what Ray said?

MR. BELLOWS: Correct. Yes, correct.

COMMISSIONER ASSAAD: So we shouldn't rely upon prior approvals considering any PUD, because each PUD is unique, each PUD stands on its own, and I shouldn't be looking back to see whether the Planning Commission recommended approval of this particular sign or that particular tree in the past. The past is the past. They're all unique. They all claim creativity, although few of them have creativity in the design.

And, you know, we can't have it both ways. If we're saying we cannot rely upon the past because that creates a precedent, then we should agree that there are no precedents. And I don't want to hear about prior approvals. If we're saying that there is a precedent because we approved it before, then that's a game changer in my view.

So you have to decide which way we're going to go with that.

MR. YOVANOVICH: If I -- briefly. I put on the visualizer an aerial. Windward Isles, I think it's called, is -- if you -- it is at the southeast quadrant of our --



COMMISSIONER ASSAAD: It doesn't matter where it is.

MR. YOVANOVICH: Hang on a second. Staff --

COMMISSIONER ASSAAD: It's not a precedent --

MR. YOVANOVICH: No. Staff's argument --

CHAIRMAN STRAIN: Well, Mr. Assaad, you're saying it's not a precedent. I don't know if everybody agrees with you, so let him have his side of it.

MR. YOVANOVICH: Let me respond to the staff comment.

COMMISSIONER ASSAAD: Excuse me. Staff said it's not a precedent. We can ask our attorney. She's right here. She can tell us whether those are precedents or not.

CHAIRMAN STRAIN: I think it's a consistency issue. And if staff's telling us what they approve for one project can be unfavorably denied on another, I'm real concerned about that.

But go ahead, Heidi.

MS. ASHTON-CICKO: Well, I have two points. One is that, you know, each PUD is reviewed on its own merit, okay, but at the same time the county does need to make decisions that are not deemed to be, you know, arbitrary. So we need to have some justification if you took a different path as to how you treated other similar PUDs.

COMMISSIONER ASSAAD: Well, the county, to avoid that issue or that question about being arbitrary, it is recommended by the legal businesspeople, attorneys, that you include standards. So you can't say, as an example, the front yard should be adequate, okay, because "adequate" is very ambiguous. So you have to say a front yard is 35 feet, as an example.

Putting standards in the code makes it more enforceable, right, and is recommended, and it gives a guide to the development community so when they look at the code and they see that the county has required signs not to exceed so many square feet or setbacks have to be so and such, that gives them a guide to follow in their design unless there is a unique and very compelling reason to deviate from that.

Now, that will make the county very consistent. That will make no precedent. If we apply the simple rule, and it gets us out of that discussion every time we see -- and I'm guilty for doing that. I take the blame for bringing this up, but it's just very inconsistent in my view, because you adopt a standard, and when you adopt a standard you just don't pull it out of the air. Staff researches it, and they recommend a standard, and you get the people in the community -- like signs, as an example. I'm sure you get the big sign makers, and you say, we want to have a meeting because we are going to adopt a sign ordinance.

So what is the consensus of the sign people? When you're looking at the architectural review, we got a bunch of architects, very capable, and they recommended certain standards.

So adopting a standard in the ordinance, I don't think it was pulled out of the air. It's a matter of very deliberate process. Those recommendations come to the Planning Commission. We spend hours reviewing them and negotiating them, and look at how much time Mark spends analyzing and looking and referring back and forth to the different related items.

And then we recommend to the Board of County Commissioners, who spend umpteen hours reviewing the same standards again, and finally they adopt something after all of this lengthy, deliberate, considerate process.

And then you've got a request for deviation because they don't like the sign size. I just --

CHAIRMAN STRAIN: Deviations have existed in PUDs since PUDs started, and those deviations, in the old days, were called something different than they are today, so we didn't stand them out and recognize them for what they are.

I went back and looked at some old PUDs. The Villages of Monterey had seven deviations. Berkshire Lakes had three; Parklands had nine; Vineyards had seven. Seville at Pelican Marsh had six. Those deviations were called exceptions. Sometimes they were hidden in paragraphs.

And if, Ray, you recall a few years back the Planning Commission said, enough of this hiding and trying to make us find where the deviation is. From now on let's spell it out on a deviation sheet. That's how we got here.

And now that we got here and because it's exposed for what it is, all of a sudden we're saying, all that creativity that made this county's 436 special PUDs what they are today was done wrong. And I have to

disagree with that. I think the consistency of allowing one developer to be treated equally as another is something that's precedent setting for this board and that we have to continue with that unless the Board of County Commissioners, through their action, says no, here's the policy we want to go forward with from now on.

We should never have gotten into this discussion, to be honest with you, and I'm disappointed staff has changed its approach, but that's what we'll have to deal with.

COMMISSIONER ASSAAD: It's fine that we have a disagreement of opinions. I mean, that doesn't bother me that your opinion is different than mine. But you tell me, what has the size of the banner sign got to do with the land use issue that you're considering for a rezoning application?

CHAIRMAN STRAIN: It's a code requirement that they're trying to clear up because they want a different size. And, honestly, what does the code requirement have to do with any reality of every single particular PUD in Collier County? Does it require a size because the project is 100 acres or one acre or 10 acres or 2,000 acres?

COMMISSIONER ASSAAD: Maybe when we consider rezoning or land use issues, the only deviations that we should be entertaining are the ones directly related to the land use. Here is a vacant piece of property. They want to have an option of doing it as commercial or residential, and that's fine. I understand.

But you tell me, in considering the land use and the Comprehensive Plan and the zoning application, to spend two hours negotiating or fussing about the size of a banner is not --

CHAIRMAN STRAIN: Well, we didn't have those kind of discussions at that length on those issues before. They just started recently.

COMMISSIONER ASSAAD: I understand.

CHAIRMAN STRAIN: And as far as the zoning matters, this board is in charge of the Land Development Code and Growth Management Plan. Anything in the code has to be reviewed -- any change to the code has to be reviewed by the Board. It goes beyond just the use of zoning. It goes to all the facets of the way the property's put together.

The creativity component of the PUDs that started in our codes decades ago bring us to the conclusion that we have to look at them on a case-by-case basis and separately. That's why we've got the deviations. If without -- if you want to take out the PUD process and go straight zoning, that would be great, because then all we would have are LDC amendments generated by staff and GMP amendments, and we'd have no other zoning issues to discuss, and that's fine with me.

MR. BELLOWS: No. And for the record, Ray Bellows. I do agree 100 percent with what you said. Consistency is also a vital part of what we do. And the consistency comes from requiring the applicants to provide the justification on a case-by-case basis.

Now, I had a discussion with the applicant before the meeting, and I think we could have done a better job of communicating our concerns with them so they could have come up with the greater justification.

But these other projects you talk about didn't set precedent, didn't amend the code to change the standard. It just was determined by the Planning Commission and the Board that the justifications provided were sufficient to approve that deviation.

CHAIRMAN STRAIN: I don't disagree with you.

MR. BELLOWS: Yeah.

MR. YOVANOVICH: Can I?

CHAIRMAN STRAIN: Rich?

MR. YOVANOVICH: On the visualizer, what staff said in their recommendation of denial is they looked at the signs around us. Well, Windward Isle, on that visualizer, it's at the southeast quadrant of Orange Blossom and Airport Road, okay.

We are at the northwest quadrant of Orange Blossom and Airport Road. We were roughly 30 acres. Close? Twenty-one. Wrong project. Windward Isles is 10 acres. Right next door.

The most recent project smaller than us got a bigger sign. Every project cited by Eric in his staff report probably got -- was here before I got here in 1990 or got built shortly after 1990 since I've been here.

Most of these are older projects that have been around for quite a while.

Things evolve, and you can get better looking signs with a minimal increase in square footage. So close to this project you just recently said that makes sense. So if he's talking about in vicinity, in proximity, your most recent example of staff recommendation of approval is Windward Isles in proximity of this project.

They showed that as the basis for denial, proximity. And I don't think a prior approval of signs under a different sign code standards is more precedential than a deviation, if you want to look at it that way. We're trying to do a better looking project, which is important.

Changing Collier County Land Development Code isn't a simple thing to do. It takes a four-out-of-five vote requirement. It takes a long time. That's why we do these deviations on a case-by-case basis, because that's what the Board is more comfortable doing, that's what the Planning Commission is more comfortable doing, and that's the process we've been following for many, many, many years.

COMMISSIONER ASSAAD: When it comes to signs, is it your opinion that bigger is better?

MR. YOVANOVICH: I'm saying --

COMMISSIONER ASSAAD: Or bigger is more beautiful?

MR. YOVANOVICH: I've said --

COMMISSIONER ASSAAD: Or more creative?

MR. YOVANOVICH: I think this 16-foot extra -- 16 square feet, yes, is better and more creative than what can be done in the 64 square feet, and it's not just me.

COMMISSIONER ASSAAD: I understand.

MR. YOVANOVICH: It's your staff on other examples and the Planning Commission.

COMMISSIONER ASSAAD: Neither one of us is a sign maker or a sign expert, but I do respectfully disagree.

CHAIRMAN STRAIN: Okay. Rich, you want to move on with your presentation, or are you wrapping it up?

MR. YOVANOVICH: I thought I was answering questions at this point. Somebody brought up the issue about signs. I think we were on roads, then we went to signs.

CHAIRMAN STRAIN: Okay. Does anybody have any questions of the applicant beyond what we've already gotten into? Stan?

COMMISSIONER CHRZANOWSKI: Just a comment.

I live across from here in Lakeside. When you popped up the zoom-in aerial, I'm right across the street. I showed on that aerial.

I have seen this parcel go from nurseries, annual nurseries where one year -- one season I'm looking at impatiens, then petunias, and then pansies, I mean, you know, and then they sell that, and all of a sudden I'm a freakin' parking lot for every golf course in Collier County, as far as I know, every festival that's in the neighborhood. I've got buses out front. I've got people crossing the street. I've got cop cars with their lights flashing. They want to build a residen -- is it too early to move for approval?

CHAIRMAN STRAIN: Yes. We've got a couple of steps to go through before we can get there, Stan.

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

(No response.)

CHAIRMAN STRAIN: I have a couple. And, Richard, on Page 9 of the staff report, under petitioner's rationale for Deviation Number 1 -- I don't have a problem with Deviation Number 1; I just was trying to understand the last sentence -- it says -- of the first paragraph, the applicant has also secured approval from the engineering division via the attached email correspondence from John Houldsworth. That really -- you're referring to the rationale to reduce the 60-foot down to 45-foot. And that, according to the code, 6.01.01.N, I think it is, it's the county engineer's responsibility if you were going to use that, and John Houldsworth is not the county engineer. Jack McKenna is.

So in the future, if you decide to use that as a justification, make sure you go to the right party within the county.

And then on Page 17 of the transportation section of the PUD, it says, the owner has agreed to pay \$10,000 to support enhancements to the area transit system, and they're going to -- for construction of a bus

shelter located along the frontage of the library. And the county agrees that no stop will be located along Buckley PUD frontage. Payment will be due at the time of certificate.

My concern here is exactions. We tried to stop what were considered exactions without a rational nexus. Quite a few years back when -- we were doing well exactions, park exactions, affordable housing exactions, everything else, and really, they needed to be tied to something.

I understand in talking to you about this this isn't an exaction arbitrarily. This is to avoid a bus stop directly in front of your community and enhance the ability to put it in front of the library. Is that how this evolved?

MR. YOVANOVICH: It started with a -- it started out as what I would claim to be not, as you described, an exaction. We said, no, there's no rational basis for you to make us pay for a bus stop, but we would be willing to help contribute to a bus stop in the area if we could assure ourselves that the bus stop is not going to be on -- in the frontage of our project.

So staff agreed with a revision to what you have in front of you in order for the bus stop to be located in front of the library and not in front of our project.

CHAIRMAN STRAIN: So we have a library which is a regional library up there right now, and there's no bus stop at it?

MR. YOVANOVICH: I don't think there's a covered bus stop, and I'm not even sure the bus stops there, but I don't know for a fact one way -- I know there's no covered bus stop, but I don't know if the bus stops there or not because there's a sign or not (sic). Stan might know.

CHAIRMAN STRAIN: So for every property owner that comes in for a zoning change and asks -- and they -- staff can say, well, if you don't give us \$10,000, we're going to put a bus stop in front of your development and you've got to put up \$10,000.

I don't believe that's a fair way to approach such things. We have impact fees. We have taxes. We have rational nexuses to create those. That's what I believe the statutes require. I don't know why we would arbitrarily just hand out, I guess, intimidation tactics to make someone pay up if we feel that we want to them -- we have the ability to do so. I don't see how this fits into anything, and I don't like it as another item that we could see started as a consistency issue down the road, and I don't know why this project has any different ability to say yes or no to a bus stop than any other in the county. So I'm --

COMMISSIONER HOMIAK: It says for a shelter.

CHAIRMAN STRAIN: Right. It's for a shelter. And they -- where is the -- where would -- does the county currently own land on your property where they could put a shelter?

MR. YOVANOVICH: It would be putting it in the right-of-way.

CHAIRMAN STRAIN: Is the right-of-way wide enough in front of your property to have a turnoff for a shelter on Airport Road?

MR. YOVANOVICH: Sure. I think it's -- just like there is room in front of the library. There's right-of-way.

CHAIRMAN STRAIN: So you were approached by saying, unless you give us \$10,000, we're going to stick it in front of your property?

MR. YOVANOVICH: That's not how it -- how it came about. It started out as a -- it started out as, you know, give me money for a bus stop, and we said wait a minute. I'm not -- no, I'm not going to do that.

CHAIRMAN STRAIN: Under what basis was that question even asked?

MR. YOVANOVICH: Well, you know what, I don't want to -- you know, the county at times throughout its history has been aggressive on different things, not just bus stops. You mentioned several others, okay.

So, you know, the ask was made. I said, there's no justification for the ask. I talked to my client and said, listen, would you consider assisting the county as a good-faith gesture to make it easier for people to come to the library by bus?

And they said, yeah, but we need to make sure that that bus stop isn't -- we don't want to help them to build the bus stop and then find out it's right at the frontage of our project.

So they said, if we can -- we're happy to help; however, what we need in return for that is assurance that the bus stop is going to be located along the library.

I also asked, sort of jokingly, you know, we'd like advertising rights. We'd like "this bus stop brought to you by Pulte Homes," you know. Sort of -- you know, there needs to be kind of recognition in that sometimes developers -- a lot of times, most of the time developers go above and beyond the minimum, and this is one of those examples. We're going above and beyond what's required of us.

It started out, I think -- unfortunately, I thought it started out as an improper ask, but something, I think, good came of it.

I also said very clearly, don't ask me again. I'm not going to -- I'm not guaranteeing you any other project I bring you is going to get you the same result of a contribution for a bus stop because I, likewise, was concerned about empowering improper requests and going down the slope we went down not too long ago with affordable housing requests, wellfields that nobody would ever commit to me they would actually put a wellfield there and wouldn't give the land back. You remember it like I do.

CHAIRMAN STRAIN: I remember it, and it was not the right way to do things, so...

MR. YOVANOVICH: But it was -- and I don't want to go back to the way it used to be either, but in this case we were willing to do it because it made some sense to us to protect our frontage.

CHAIRMAN STRAIN: Okay. And still --

MR. YOVANOVICH: But it wasn't -- let me rephrase. It clearly wasn't -- nobody said to me, if you don't give me this money, we're putting the bus stop in front of you. It was me who went back and said, I'm willing to give you this money if you promise me -- if we can commit that the bus stop will not be in front of us.

CHAIRMAN STRAIN: But the downside is that -- the fact that you're doing it for that reason will be something that someone might easily point out, well, you know, look what this project did to make sure they're protected from a bus stop in front of the development. Would you want to do the same thing? And all of a sudden it becomes something accepted because of the way you have accepted it.

I think it's wrong. I'm certainly not going to use that as a basis for denying your request because your project, overall, is a better opportunity. I just wish things like that wouldn't happen, and I wish the county administration would look at that and realize a better way to go might be through impact fees or a true assessment that's vetted properly with stakeholders and the public, not arbitrarily with developers, but...

COMMISSIONER ASSAAD: But if we approve it with that provision in it, and the next developer can come and say, I want to pay \$10,000, and I don't want to have a bus stop in my development, would this approval be a precedent?

CHAIRMAN STRAIN: It's not a deviation to the code. It's a separate issue. So we can approach it on any way we want. I'm more concerned about staying with the Land Development Code and setting policies based on deviations. So this isn't a deviation.

COMMISSIONER ASSAAD: I think your analysis is correct regarding they pay impact fee, they donate right-of-way, they contribute to turning lanes. Some big developers also contribute to the traffic lights. And this kind of exaction or --

COMMISSIONER CHRZANOWSKI: Extortion.

COMMISSIONER ASSAAD: -- putting extortion or asking for something they are not entitled to is not a good practice. And the bus stop has nothing to do with the creativity of the land use or the development that you're considering. It's very immaterial whether you have a bus stop in front of you or not, so that's my view.

CHAIRMAN STRAIN: Okay. And that was the last question I had on the --

COMMISSIONER EBERT: Are they going to pay \$10,000 and move it?

CHAIRMAN STRAIN: That's up for this -- that's up to the Board of County Commissioners, but it's up for this board to --

COMMISSIONER ASSAAD: I don't think we should.

CHAIRMAN STRAIN: -- recommend as a stipulation or not when we get to that point in our motion making, so...

COMMISSIONER HOMIAK: I think the county's always trying to find money for bus stops because it's very difficult to -- we need hundreds of them right now, and it's difficult to get the money for them. It's not in an impact fee or -- it's through grants and state funding and federal funding that they get the

money for this.

CHAIRMAN STRAIN: Well, I don't disagree with you it's hard to find the money. I just suggest that we do it through proper channels. That's the only thing I'm asking. Go ahead.

COMMISSIONER HOMIAK: Well, if they're agreeing to it.

COMMISSIONER ASSAAD: I'd like to make a motion.

CHAIRMAN STRAIN: No. We haven't finished. We've got to go through a couple of steps yet.

COMMISSIONER ROMAN: Can I ask Karen a question since she's on the MPO?

CHAIRMAN STRAIN: Sure.

COMMISSIONER ROMAN: Are you still on the MPO, Karen?

COMMISSIONER HOMIAK: (Nods head.)

COMMISSIONER ROMAN: Yeah. Is there -- do you know whether there is currently a bus stop in front of the library?

COMMISSIONER HOMIAK: I don't know.

CHAIRMAN STRAIN: Stan might.

COMMISSIONER CHRZANOWSKI: There's a bus stop there somewhere, and I can't remember if it's in front of the library or a little more in the middle of the street where I am or on the opposite side of Orange Blossom from the library, but there is a bus stop there somewhere.

CHAIRMAN STRAIN: Okay. Is that all the comments to the presenter at this time or the applicant? (No response.)

CHAIRMAN STRAIN: Okay. Let's move to staff report.

Thank you, Rich.

MR. JOHNSON: Thank you, Mr. Chair. Eric Johnson, principal planner, zoning section. Just for full disclosure, I live in a development that was developed by Pulte Homes. I did not purchase my house from Pulte. I purchased it from individuals.

The project that you have before you today is -- was notified in the Naples Daily News on February 26th. It was also mailed out to property owners on February 26th.

The list that we used for the property owner mailings was created on August 20th or before that. So just -- I wanted to point out that as a practice we try to send out -- our list is based on no -- older than six months. This one -- this list that was used is a little bit older than six months, so I just wanted to state that for the record.

You have the deviations. They're amending one deviation, Deviation No. 1. They're not touching anything to No. 2, and they're proposing Deviations 3, 4, 5, 6 and 8 -- 6, 7, and 8. No. 3 and No. 4 are dealing with signs, No. 5 deals with streets, No. 6 deals with the wall, and 7 and 8 deal with landscaping. We already went through those. If you have any questions regarding any of those deviations, I'll be happy to discuss them with you.

Staff is recommending approval of the project as indicated in your staff report. I just wanted to get some clarification from possibly the applicant. It's been -- it's my understanding that basically what they're doing here is proposing a Plan B for single-family, two-family duplex, and it's my understanding that if they proceed with that Plan B then -- as evidenced through a preliminary plat, then Plan A would become null and void. And I'm not sure if I want to use those words. I'd have to defer to the County Attorney. But we did try to use words that suggest -- or work with the applicant to use words that suggest that if A is the one that they're -- if B is the one that they're going with, then they're -- A will no longer be eligible.

After they answer that question, my other question is, just for clarification, if they decide to go with Plan A as evidenced through a Site Development Plan, because site development plans are required for multifamily and mixed-use and commercial, does that mean that B would become null and void? And so those are the questions that I had.

CHAIRMAN STRAIN: Well, before you ask the applicant, we had talked about under the Exhibit A, the permitted uses where they clarify -- I don't know where your recent language is -- that if they went with Plan B, they would not use Plan A, and if they went with Plan A, they wouldn't use Plan B.

Where do you think additional clarification is needed that brought this to this question?

MR. JOHNSON: Sure.

CHAIRMAN STRAIN: Could you put your new language up there, Rich, the corrections you made on Page 1.

MR. YOVANOVICH: I think we did it on, like, three different places.

CHAIRMAN STRAIN: Right. But the one was the one that was probably the --

MS. ASHTON-CICKO: I think Eric is correct. In the current version that you have, it only goes with the single-family and then the first.

CHAIRMAN STRAIN: I know.

MS. ASHTON-CICKO: But it doesn't go the reverse.

CHAIRMAN STRAIN: Okay. Well, let's put --

MS. ASHTON-CICKO: The current language.

CHAIRMAN STRAIN: Let's put No. 1 on so we correct the right one. That's not -- yeah. Go to Page 1.

MS. ASHTON-CICKO: It's Exhibit F.

CHAIRMAN STRAIN: No. It's Exhibit A.

MR. JOHNSON: Yes, it is Exhibit F on No. 5.

CHAIRMAN STRAIN: What page of the PUD is Exhibit F?

MR. JOHNSON: Number 17 of 19.

MR. YOVANOVICH: Let's -- I'm sorry. Let's start with at the very beginning. On Page 1 of 19 of the PUD the first clarification I pointed out was if we do the single-family or two-family option there's no commercial that can be developed. That was the first time we referenced it.

There were two other times -- you said Exhibit F is what I need to go to?

MR. JOHNSON: That's correct.

MS. ASHTON-CICKO: Yeah.

MR. YOVANOVICH: In Revision No. 5 it tells you that if I go with the single-family or multifamily option I can't do the commercial or mixed-use or multifamily option. I don't know how clearer to make it.

MS. ASHTON-CICKO: Well, what it doesn't do is if you start with the commercial first, single-family's still an option, which I assumed that was the intent when I read the language with the modification, so -- so if you start with commercial, it doesn't eliminate the other master plan. That's what Eric is saying.

MR. JOHNSON: That's correct.

MR. YOVANOVICH: Okay. Fine. Tell me what language you want that says if I start the commercial you don't want me to have single-family.

CHAIRMAN STRAIN: Could you put your language for A back up there.

MS. ASHTON-CICKO: You just repeat the -- just repeat the sentence and switch the language around. That's all you need to do if that's what you want.

MR. YOVANOVICH: A? I'm sorry.

CHAIRMAN STRAIN: Yeah.

MS. ASHTON-CICKO: So it would read, once commercial mixed use or multifamily commences in accordance with the master concept plan for commercial mixed use or multifamily as evidenced by the issue of the first Site Development Plan or subdivision approval, the master concept plan for single-family and two-family duplex residential only shall be void. That wasn't captured in the current modification.

CHAIRMAN STRAIN: Okay. If we look at what's on the overhead, the last -- the second sentence that's highlighted, should the site be developed as a single-family or two-family attached duplex residential project, no commercial facilities will be constructed. So if you don't develop it as that, then you can do commercial.

MS. ASHTON-CICKO: Correct, but what it never did is what Eric is pointing out is terminate the other master plan. That's what the issue is. It only does it -- what's that?

COMMISSIONER ASSAAD: What if they start with the commercial phase and they want to convert to residential?

MR. YOVANOVICH: You can't do single-family.

MS. ASHTON-CICKO: Well, they can do that.

CHAIRMAN STRAIN: They can't do single-family. Residential is allowed with the commercial phase, but only multifamily.

COMMISSIONER ASSAAD: They can do multifamily and other stuff.

CHAIRMAN STRAIN: Yeah. That's allowed.

MR. YOVANOVICH: And there's a master plan specific to that scenario. The master plan that's attached for the single-family development is only the single-family and two-family master plan. I'm okay -- if we really need to add another sentence that assures we won't be crazy enough to put single-family that close to commercial, I'm happy to do it. It's not a big deal.

MS. ASHTON-CICKO: I think the issue Eric is raising, which I think is a valid one -- and I saw it, too, but I thought maybe single-family and duplex was an option as well, but he's just saying that there are two master plans out there and you're only terminating the one. And it could create confusion with the people who are implementing it at the staff level.

That's the point that he's making. If you don't think it's warranted, we can leave it as-is. But I did see the same issue.

CHAIRMAN STRAIN: It doesn't matter to me. I'm trying to understand it, so...

Richard?

MR. YOVANOVICH: Whatever language they want to add, I'm easy.

CHAIRMAN STRAIN: Okay.

MR. JOHNSON: Again, that's just for clarification.

MS. ASHTON-CICKO: I'll just add for clarification the sentence that I read off. Are you comfortable with that, Eric?

MR. JOHNSON: Yeah. Well, I didn't hear exactly what Heidi said, but that's really the genesis of my question is I really just want to get some clarification. If we decide to go -- if they decide to go with A, does that mean B becomes null and void? And if they decide to go with B, does that mean that A becomes null and void? And then I think the applicant suggested yes to both.

CHAIRMAN STRAIN: Okay. But this question is a result of their changes here today --

MS. ASHTON-CICKO: Correct.

CHAIRMAN STRAIN: -- that were attempted to be made? Is that what --

MR. JOHNSON: Yes.

MS. ASHTON-CICKO: Correct. The prior language --

CHAIRMAN STRAIN: Okay. So if they didn't make the changes, you wouldn't have had the question.

MR. JOHNSON: That's correct.

MS. ASHTON-CICKO: Correct.

CHAIRMAN STRAIN: Okay.

MR. JOHNSON: I can go back to the PUD document that you have before you right now if you want and tell you what we had before.

CHAIRMAN STRAIN: I think they've agreed their intent is exactly what we're trying to say. It's just if it needs to be clarified, they're willing to clarify it.

MR. JOHNSON: Very well. Thank you, Mr. Chair.

CHAIRMAN STRAIN: Is that the end of your staff presentation?

MR. JOHNSON: Just, again, the property owner list was a little bit later than six months, but we felt that that wasn't an issue, and we can still proceed with this hearing today and April 12th for the BCC should the petition go there at that point.

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

(No response.)

CHAIRMAN STRAIN: Okay. Ray, are there any registered public speakers?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Okay. Is any member of the public here to speak on this item?

(No response.)



CHAIRMAN STRAIN: Nope.

So, Rich, do you have any final closing comments before we close the hearing?

MR. YOVANOVICH: Other than we ask you to transmit to the BCC with a recommendation of approval as modified today and do not -- and with our request for the 80-square-foot sign versus the 64-square-foot sign.

CHAIRMAN STRAIN: Okay. With that, we will close the public hearing. We can either discuss some clarifications from today's discussion or we can go straight to motion and then discuss it. Stan?

COMMISSIONER CHRZANOWSKI: May I?

CHAIRMAN STRAIN: I am assuming you'd want to make the motion. You live right across the street, so it might be something that you'd --

COMMISSIONER CHRZANOWSKI: Yes. I move to approve the Buckley MPUD, PUDA-PL20150001084 with the stipulations as listed, and --

CHAIRMAN STRAIN: I'll read them off before -- after you get done, we'll get a second, and then we'll have a discussion. I'll try to articulate the stipulations, then we can add those to the motion if you two -- if the both of you agree.

COMMISSIONER CHRZANOWSKI: Because I don't know how we left the exaction. I'm not going to put it in the motion.

CHAIRMAN STRAIN: I'll go ahead and read all that separately. So your motion is for approval --

COMMISSIONER CHRZANOWSKI: Yes.

CHAIRMAN STRAIN: -- subject to the stipulations, which we'll identify.

Is there a second?

COMMISSIONER ASSAAD: Yes. I'd like to second it if you would consider denying Deviation No. 3, 4, and 7 and deleting the language about the bus stop and the \$10,000 donation and the clarification of the language regarding the master plan options.

COMMISSIONER CHRZANOWSKI: That's a little too complicated for me.

COMMISSIONER ASSAAD: Deviation No. 3 and 4, they have to do with the requested signage. Deviation No. 7 has to do with the 20-foot canopy tree. So those are three objections that I have.

I also object to the language that has to do with the bus stop and the \$10,000 donation -- I don't like either one of those -- and the clarification of the language that has to do with the master plan should they do residential or commercial or continue with this or that.

COMMISSIONER CHRZANOWSKI: No. I would not accept those. So what do we do now?

CHAIRMAN STRAIN: Let's just get a second. Does anybody else want to second it as Stan stated it?

COMMISSIONER HOMIAK: Yes. Second.

CHAIRMAN STRAIN: Okay. Karen seconded it.

Now we'll go into discussion. Obviously, Mr. Assaad has a list of stipulations. He just read those. I kept a list, as I usually do. I'll read those off as well. We can decide which way we want to go in our discussion, and then we'll call the motion subject to whatever stipulations we decide on.

The following notes I made as we were discussing things. Deviations No. 7 and 8 would be not needed, so there would be a vote "no" on those two.

The sign deviation would -- might be found consistent with what we've done in the past, so that would be yes. That would be "yes" to Deviation No. 4.

We would allow the note for the tree overhang into the easement setbacks and adjoining lots where they're commonly maintained. We'd limit the cap on the TIS for the single-family at 230 peak hours -- 230 trips per peak hour.

We would add a wall type to the B buffer around both sides of the rec facility. We add a wall, that is, to the Type B buffer around the rec facility.

The buffer tracts would be separately platted except for the LME along the east side of the lake. That's the area of the crosshatching shown on the master plan.

The -- we'll accept 8 note -- Note No. 8 as presented by the applicant today, which included that language for commonly -- common maintenance.

We will remove General Note 6 on the exhibits, we will delete the Transportation Item No. 2 on the bus stop donation, and we will add the language suggested by the county attorney and staff for clarification to use of master plans.

Now, those are the notes that I made as we went through. And I know Mr. Assaad just articulated some concerns he had. I'll leave it up to the motion maker and a discussion of this panel what they want to do.

COMMISSIONER CHRZANOWSKI: I see no harm with the sign deviation. I'm ambivalent on the tree issue. I don't care one way or another. And the -- you know, if they're willing to pay some money to the county and call it an exaction instead of an extortion, I don't care.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: So...

CHAIRMAN STRAIN: Karen, you --

COMMISSIONER HOMIAK: I feel the same way.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: I could support this petition if Deviations 7 and 8 are removed.

CHAIRMAN STRAIN: Okay. And do you have any concerns one way or the other over the transportation issue?

COMMISSIONER ROMAN: Well, I have a concern for the bus stop, but what I'm missing is the background and why the county would even ask for that bus stop. I mean, I'm concerned about it in the sense of how it went about more so than whether there's a need for a bus stop.

COMMISSIONER CHRZANOWSKI: It's a shelter, not a stop. Bus stops, they're somewhere I guarantee you. But they want to build a shelter where you could sit out of the rain, out of the sun. And they've put a few in the county, haven't they?

COMMISSIONER ROMAN: Yes.

COMMISSIONER CHRZANOWSKI: They're all over the place.

COMMISSIONER HOMIAK: We still need hundreds of them, actually, and they have to be ADA compliant.

COMMISSIONER ROMAN: And I'd defer to Karen on that particular point since you do sit on the MPO, so...

COMMISSIONER HOMIAK: I think if they're willing to contribute -- because it costs more than \$10,000 for each bus shelter, so...

CHAIRMAN STRAIN: Okay. Well, then I'll have -- I have -- I mean, I'll drop my objection to it. I think the record's clear, and maybe staff will get the hint that if it comes up again it's going to be twice as controversial. But this is a much better project than what was proposed there. And for it to go in and not have objections that are minor in nature attached to it, I would rather see it pass than object to it. And so for that reason I would go along with that elimination of that one.

The other ones -- there were nine of them that I've read off. There were 10. There were nine left. As long as nobody else has any concern on those -- I know Mr. Assaad had wanted some others. I guess it's up to the motion maker and the second to first state what stipulations they want, and then we will -- to amend the motion to include those, and then we can take a vote on it. Eric?

MR. JOHNSON: I'm sorry. I really hate to interrupt; really do. Just for clarification that we're going to strike out the word "trips" on Page 18 of 19.

CHAIRMAN STRAIN: Yeah. We didn't go through -- all the changes that we talked about, the presentation by the applicant of the yellow highlighting, all that was accepted except the stipulations -- subject to the stipulations we're adding now. We're not saying go back to the original submittal and use that language. We're saying use the applicant's highlighted language, that was the intent; correction on the trips, because that wasn't highlighted; and then with the stipulations we've added here. So I don't think we -- I think we weighed in on our concerns over their presentation as it went along today.

MR. JOHNSON: Okay. Thank you, Mr. Chair.

CHAIRMAN STRAIN: Rich?

MR. YOVANOVICH: I know Ms. Roman talked about eliminating Deviation 7 and 8. I just want

to make sure she was advocating leaving in the footnote that says we can have the tree overhang.

CHAIRMAN STRAIN: It was read as one of the stipulations.

COMMISSIONER ROMAN: Yes.

MR. YOVANOVICH: Yeah, I know it was. I just wanted to make sure.

COMMISSIONER ROMAN: That was my intent, Rich.

CHAIRMAN STRAIN: Okay. So the two motion makers, the first and the second. Stan?

COMMISSIONER CHRZANOWSKI: Like I said, I'm ambivalent on the tree issue. I don't care one way or the other. The bus stop, the shelter, if they're willing to give money, that's not a problem. But the sign issue, I've got no problem with that thing being 16 feet bigger. So I'll leave that in there. Does Wafaa have a counter -- does --

COMMISSIONER ASSAAD: No. I feel very strongly about the sign issues because I don't see them related to the land use. I don't see them related to the zoning process. I don't see that they enhance the environment. I see them as bigger signs are evidence of sign pollution. And I have to assume that the county has some logic when they adopted the sign ordinances.

So we should not be, at will, granting variances for something that's been studied, debated, approved. And if you take those signs away and the banners away and the length of the time they can have a banner up, it's not going to affect the viability of the project.

The project will go ahead, they will comply like everybody else in those respects, and the meaningful variances for the right-of-way for this and that, it seems like we have an agreement on that. So that's my position.

COMMISSIONER CHRZANOWSKI: I'll leave my motion up. If -- you know, if they want to -- I don't know how Wafaa's going to vote, but if somebody wants to accept his logic...

COMMISSIONER ASSAAD: It's up to Stan, the maker of the motion.

COMMISSIONER CHRZANOWSKI: No. I'm going to leave the motion the way it is.

CHAIRMAN STRAIN: Well, the motion, the way it was, was to recommend approval subject to stipulations. I'm trying to get the stipulations articulated so that nobody misses what we actually are doing. I read off 10 stipulations, one of which was deleted because -- it was the one to do with the \$10,000. Do you want those nine stipulations and/or Wafaa's stipulations that he read off?

COMMISSIONER CHRZANOWSKI: The nine stipulations.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Not Wafaa's changes.

COMMISSIONER ROMAN: Stan, would you consider removing Deviation 7 and 8 from your motion?

CHAIRMAN STRAIN: That was part of it. That was the first stipulation.

COMMISSIONER ROMAN: Okay. Removing is part of it, okay. I wanted to make sure.

CHAIRMAN STRAIN: Right. And 4 is approved.

COMMISSIONER HOMIAK: And Footnote 8 stays in?

CHAIRMAN STRAIN: That's right, as amended and shown here today. So that's Stan's -- Stan says yes for in favor with 1 through 9 stipulations. Karen, as the second, do you accept that?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Just to make it clear, are they going to donate \$10,000?

CHAIRMAN STRAIN: Yes.

COMMISSIONER HOMIAK: Yes.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Yeah. I mean, I think it's wrong, but I'm not -- it's not worth saying no to this project. It's a good project. This is all minor stuff.

COMMISSIONER ROMAN: Mr. Chair, you said 1 through 9 stipulations, but 7 and 8 I thought were going to be removed.

CHAIRMAN STRAIN: You're talking deviations. Deviation 7 and 8 is included as Stipulation No. 1 of 1 through 9.

COMMISSIONER ROMAN: Okay. So it will be removed, 7 and 8?

CHAIRMAN STRAIN: Yes.

COMMISSIONER ROMAN: Got it. I'm clear now.

MR. JOHNSON: Mr. Chair, again. Sorry to interrupt. I really do apologize.

I was trying to jot down all what you had mentioned, and I didn't get what you said before deleting the \$10,000.

CHAIRMAN STRAIN: Remove General Note 6 on that exhibit -- that graphic page.

MR. JOHNSON: Thank you, sir.

CHAIRMAN STRAIN: Okay. So with that, we'll call for a motion. All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

COMMISSIONER ASSAAD: Aye.

CHAIRMAN STRAIN: Motion carries 5-1.

Thank you-all. It will -- unfortunately you will not be on summary.

\*\*\*Okay. That takes us to the next item on the agenda. Now, it's 10 minutes to 12. I don't necessarily care if I eat lunches or not, so it's not an issue with me. We've had three of our architects and staff here waiting patiently to get to the architectural element of our agenda today, which is 9D.

We've heard it once. It's gone back to the Architectural Review Board. They've suggested some of them, some changes, some discussion, but it's on the last item on our active agenda. I don't know if you-all wanted to take an hour lunch before we heard this or just take a 15-minute break and then go right into this and finish it up. What's the feeling of the board?

COMMISSIONER ROMAN: I'd prefer a break, yeah, and finish it up.

CHAIRMAN STRAIN: Break, break?

COMMISSIONER ROMAN: Yeah.

CHAIRMAN STRAIN: Is that okay?

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: Okay. Then let's take another break, and we'll resume at 12:15 and jump into the architectural standards. Thank you.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay, everybody. Welcome back from the break. We're going to discuss the architectural standards that were left over from the last time we met, and I do appreciate the Architectural Review Board looking at this again and offering some of the compromises and solutions to the things that we had concerns over.

And, Jeremy, I also appreciate the style in which you write up your tables and show things that demonstrate to us what's going on. It is a tremendous help, and so thank you for that. And all of the architects, I sure do thank you and your board.

I had the opportunity to talk to them for a few moments at one of their meetings, and I do appreciate all the help they provided to us. So with that, let's move through the items.

And I don't know how -- how you want to approach it, Jeremy, but I'll let you take it one step at a time.

MR. FRANTZ: Yeah. Well, we can go through these in any way that you'd like. We've -- in this table all that we have shown is the items that were sent back to the committee, and they're kind of identified as -- by each section whether the committee has suggested any additional changes or if they've proposed to keep the original proposal. So I don't know if you want me to walk through each section and explain what was going on or just talk about where it has been changed.

CHAIRMAN STRAIN: Well, I think where the committee agrees with us and our suggestions going

back to them, we probably don't need to beat those up. We've already established a position on those.

So the ones where the committee either didn't agree with us or tried to find another angle or a solution, I think those are the ones we ought to talk about, which brings us to B.1, I would assume.

And I did read the committee's comments, and they're the comments in the side on the right in the green, if I'm not mistaken.

MR. FRANTZ: Yes. We've provided -- for those sections that the committee did not make any additional changes, we did provide some additional justifications, some additional explanation for those sections, so we can go through that if you want. We have several committee members here that can answer questions as well.

CHAIRMAN STRAIN: Well, I'll start the discussion just so we move things along and see where the others want to weigh in. But the committee's position, basically, instead of the language being added that nonresidential PUD districts and nonresidential components of any PUD be added as a blanket to suggest that only those that are along the perimeter of a PUD to comply, and what's internal doesn't have to comply and -- because those are dictated generally by the developer in whatever standards they would want to utilize in their own project. That, to me, is a decent compromise if we can figure out how to define what "internal" is.

And we did run into this initially years ago talking to Ave Maria about when they wanted to do their own architectural review which still, to me, would be a good idea. But at that point I thought we discussed a 300-foot distance from the property boundaries.

And I think if we were to consider that in conjunction with what the committee suggested, we'd have -- at least from my part, I think, that's a fair compromise. Three hundred feet is a little bit wider than the widest roadway. Roadways are generally 200 to 220. So 300 feet's a little bit more, which provides a setback even further.

So if a project is within 300 feet of a PUD boundary and has no other separating features between itself and the PUD boundary that are non -- that are -- that block it from the -- from that distance, maybe that's how we ought to approach this, and then the PUDs interior stay to themselves.

MR. FRANTZ: Okay. So I believe that the committee's intention was that the perimeter of the PUD would be captured in another section, and so I don't believe that they had intended an additional change to B.1, but that through the -- through B.2, the perimeter buildings would be captured by the distance requirement there, and --

CHAIRMAN STRAIN: Could you show us --

MR. FRANTZ: Sure. It's on this same page. On Page 1.

CHAIRMAN STRAIN: Right.

MR. FRANTZ: In B.2 -- in B.2.A it identifies that the project sites that are located on an arterial or collector road are -- would -- I'm sorry. I'm looking at the wrong section, yeah.

I'm sorry. It was not B.2.A. It's B.2.C. I apologize. And that's where it identifies that a building within 150 feet of the boundary of a residentially zoned district would apply.

CHAIRMAN STRAIN: Well, that's not --

MR. FRANTZ: Am I still looking at the wrong section?

MS. CILEK: Yeah.

MR. FRANTZ: Sorry.

MS. CILEK: Actually, Jeremy, I think you were on target. Looking at B.2.A, this is a provision that deals with arterial and collector roadways, and so many projects would come into compliance with 5.05.08 based on their location, the perimeters.

CHAIRMAN STRAIN: Right. But you're getting into more conditions of when it would apply when you bring in the arterial and collector roadway element.

MS. CILEK: Correct. It's a different way of looking at it. In and of itself, B.1 is looking at zoning. And so your concept would just apply to, you know, the zoning of it. And then, you know, other sections following it would deal with the roadways and then in proximity to residential.

So we can take a stab at looking at language to incorporate your proposal if that's the direction of the Planning Commission.

CHAIRMAN STRAIN: Right. And that's what I'm trying to get down to is see what the Planning Commission would like to see. My concern is that if you can see a PUD by traveling a roadway and it's got a commercial component, it needs to have something other than a blank wall staring at us, and that's what the architectural standards do.

What a developer does interior to his PUD to make it sellable and marketable, I'd more or less like to leave that up to them. It's not a matter of the county residence as much.

Charlette?

COMMISSIONER ROMAN: Yes. Also on this item, Caroline, it just -- in my former notes on the original document --

MS. CILEK: Sure.

COMMISSIONER ROMAN: -- I had circled the word "abutting," and I thought we had some discussion about clarifying that term.

MS. CILEK: We worked with the committee and are proposing to use the existing language, which is highlighted in -- and that's for B.2. That's what you're looking at?

COMMISSIONER ROMAN: Yeah, B.2.A.

MS. CILEK: Okay, great. To use the existing language "located on" because as of now there are really no issues with how that is going through the review process. We thought we'd just stick with it. So they were fine with that.

COMMISSIONER ROMAN: The term is clear enough to be used. Okay. I had a note.

MS. CILEK: Yeah.

COMMISSIONER ROMAN: Okay. Thank you.

MS. CILEK: Sure.

CHAIRMAN STRAIN: Brad?

MR. SCHIFFER: Mark, just to point it out, you know, we reviewed this. We really felt that the wording that you wanted to add was really covered in this B section. You know, there's, like, three or four different categories that would pick up anything that's on an arterial or a road, collector road. It would pick up anything adjacent on residential. So within a PUD, if somebody put a commercial project within 300 feet of a residential, they'd be caught by this.

CHAIRMAN STRAIN: Can I -- and I understand what you're saying, but can I see that connection? Maybe not here today, but could you matrix that connection of language so we know that it is caught? I mean -- and I'd be fine. I just want to make sure if, you know, driving down looking out over a PUD that might have a commercial component, they at least do it where we can see it decently.

MS. CILEK: Right.

MR. SCHIFFER: And nor would anybody living in an adjacent project want to see a commercial building that isn't regulated.

Also, look at the other thing. The green we added we did kind of break it down into two districts. There's -- remember we had it 150 feet was our deadline. We put 150 to 300 feet, which got into using some buffering and treating just that facade.

CHAIRMAN STRAIN: And I was going to ask you, when you put that range of 150 to 300, who decides which of that rank applies? I mean, how do you get there? Why would you put -- how do you feel the range works? So why don't we just say 300 up to -- within 300 feet? Wouldn't that cover the 150?

MR. SCHIFFER: Well, I think we had examples of projects by some of the members of the committee who had left where they were doing requirements on gym buildings and stuff like that that were, you know, within 300 feet of the residential when -- had they been able to just treat it with a buffer or something like that. It was so far away.

One hundred fifty feet's pretty far. Three hundred feet --

CHAIRMAN STRAIN: Okay. What if it was 100 feet? A proposed project site located within 150 to 300. So what if you had a proposed project site at 100 feet?

MR. SCHIFFER: Well, that hopefully gets caught in C below.

MS. CILEK: If I may, that would fall under 2.A, which says the project site is located on an arterial or collector roadway. So basically that first -- 2.A includes those that are directly on or up to 150, and then

past that, 150 to 300 --

CHAIRMAN STRAIN: How did you determine directly on is up to 150? Where did you get that?

MS. CILEK: Well, the second -- 2.A little i modifies 2.A, right, so...

CHAIRMAN STRAIN: Well, no. I mean, that's what I'm trying to understand. I'm not disagreeing with you. I'm trying to understand.

MS. CILEK: Sure.

CHAIRMAN STRAIN: So if 2.A means up to 150 feet and 2.I takes it from 150 to 300, is that what you're saying?

MS. CILEK: Yes.

CHAIRMAN STRAIN: Why don't you just say that takes it up to 300 feet and then eliminate all that language?

MS. CILEK: Because the committee wanted kind of a two-tier approach, and those buildings that are located within 150 to 300 were going to have -- and I'll read it directly, have the compliance limited to the building facades facing the arterial and collector roadway, so there is going to be limited application of the 5.05.08 on these, okay?

CHAIRMAN STRAIN: So if it goes past 150 feet, instead of doing all three or four sides, you'd just need to do the front side? That's where you're getting at?

MS. CILEK: Right.

CHAIRMAN STRAIN: Okay. Then why wouldn't we say on A, if project site is located within 150 feet of an arterial or collector road and is located in an industrial zoning district, then put "i" after that, then you know within 300 feet it's covered either by up to 100 feet by everything or if you're 150 to 300, then you get a break.

MS. CILEK: Fine.

MR. SCHIFFER: I agree. You're right. I mean, the Boolean logic, there was a gap there.

CHAIRMAN STRAIN: Right.

MR. SCHIFFER: You can do 0 to 150. Or your property line -- you could have a property that's not exactly located -- let's say it's 25 feet off the arterial road. You could argue it doesn't apply to me.

CHAIRMAN STRAIN: Right. That's why I'm --

MR. SCHIFFER: That's -- I think that's perfect.

MS. CILEK: That's just fine. We can make that change.

MR. SCHIFFER: And that's how we handled it below with the residential distance.

CHAIRMAN STRAIN: Okay. And then my comments here just needs explanation. What do you mean by what you just said?

COMMISSIONER ROMAN: Mr. Chair, can you please -- on that last item that you discussed -- I think I'm in the right spot, but could you please tell me where that would be added.

CHAIRMAN STRAIN: Yeah. On the left side it's in the white -- it says B.2, A-B. And then way over on the right side under No. 2.A, 2.A would then have a value put on it up to 300 feet, and then 300 feet is further split by the base, which is 0 to 150 because little "i" addresses 150 to 300.

COMMISSIONER ROMAN: Okay. I'm with you.

CHAIRMAN STRAIN: Okay. And that gets us to where the committee wanted to go, but it just makes it clear that missing piece in the -- of a less than 150, right?

MR. SCHIFFER: Good catch.

CHAIRMAN STRAIN: Okay. Well, if I didn't catch it, you guys would when you submitted something. Then we'd say, how could you do this?

MR. SCHIFFER: It wasn't done on purpose, I guarantee you.

CHAIRMAN STRAIN: No, I wouldn't -- okay. Now, you said something about residential is caught below, and that is by B.2.C. And so is that saying that B.2.C in the middle column, the Planning Commission's suggestion, which is the proposed building's footprint would be located within 300 feet of the boundary of a residentially zoned district, that stays, or are you saying, no, it doesn't stay? It turns to what?

MR. SCHIFFER: Are you asking does --

CHAIRMAN STRAIN: Bottom line.

MR. SCHIFFER: -- C stay? Yes.

CHAIRMAN STRAIN: No. If you look at the bottom B.2.C, and then we've got to little "b" in the middle. Our proposal was the footprint would be located -- it applies if the footprint's located within 300 feet of the boundary of a residentially zoned district.

You guys had previously proposed dropping it to 150. We come back, said, no, we want 300, then over on the right side on the table, highlighted in green, you have two new letters, a C and a D. So I'm trying to figure out how all that fits together.

MS. CILEK: If I may.

CHAIRMAN STRAIN: Yeah.

MS. CILEK: This is actually the same concept that we were just talking about above.

CHAIRMAN STRAIN: Okay.

MS. CILEK: So looking at C --

CHAIRMAN STRAIN: Well, above was -- the numbers were more consistent.

MS. CILEK: Which was 2.A.i. We're looking at C.2 -- B.2.C, the one that's not highlighted in green, where the proposed building footprint would be located within 150 feet of the residentially zoned district, okay. And then the second tier would be after that. One hundred fifty to 300 there would be limited applicability of that building.

And I will relay that it's limited in what section would apply, and then also it would be limited to the building facade facing that residential zoning district. So the same concept being applied at the bottom.

CHAIRMAN STRAIN: Okay. But there you caught what Brad described --

MS. CILEK: Yes.

CHAIRMAN STRAIN: -- as the boolean whatever.

MR. SCHIFFER: Logic.

CHAIRMAN STRAIN: Boolean logic, yes. Okay. Fine. I think that -- I think that whole page works.

COMMISSIONER EBERT: Well, I just have a quick -- and, Mark, I might just be off.

In B.2 it says, the project site abutting an arterial or collector road and located in a nonindustrial district. This shall include project sites separated from the arterial or collector road of up to 150 feet of right-of-way and easements. What was the man cave? That was none? Was that set back over 150 feet?

CHAIRMAN STRAIN: That was a -- that was a PUD, first of all, and it was across the street from --

COMMISSIONER EBERT: Industrial.

CHAIRMAN STRAIN: -- industrial, and Livingston Road is probably 200 feet wide. Generally, our main corridors of that size are about 200 feet, but without looking at a map, I wouldn't know for sure.

MS. CILEK: But, Chairman, I would like to make note that we are looking under the far right column, Ms. Ebert.

COMMISSIONER EBERT: Okay, I know --

MS. CILEK: Okay, cool.

COMMISSIONER EBERT: -- where we're looking under. Where the word "shall" here in -- and you're right, the county has to come back and clarify some of the things on the other thing, too. But I was just trying to cover it.

MS. CILEK: Okay.

MS. ASHTON-CICKO: Mr. Chair, may I make a comment?

CHAIRMAN STRAIN: Yeah.

MS. ASHTON-CICKO: Under B.2, A-B, you're referring to in the "however" section a proposed site, but then in this one we're looking at now, B.2.C, you're looking at a footprint, so do you want to make that distinction where one is a site which would be a property line versus a building footprint, or do you want to stick with the same term for both?

CHAIRMAN STRAIN: They both should be the building, I would assume. That's what we're -- that's what you guys are doing the architecture on.

MS. CILEK: For that one, if I may, we were using the existing application. So the existing language in the middle column will relay that, that B.2.A was dealing -- B.2, more or less, was dealing with the project



site, and B.2.C was dealing with the proposed building footprint. So it wasn't our intent to change the original concept of 5.05.08.

MS. ASHTON-CICKO: But you have because you changed it with a distance. So before just the site had to be on the roadway. Now you're saying the site is 150 feet.

MS. CILEK: I recognize the distance has changed, absolutely. But the impact could be changed if we make them both the same. Just wanted to put that out there.

CHAIRMAN STRAIN: I don't mind leaving them the way they're written.

MS. ASHTON-CICKO: Leave them the way they are? Okay. And then the second one being the B.2.C is 300 feet for the first one and then it will read "however," just like the top one?

CHAIRMAN STRAIN: That would -- I mean, yeah, that would work.

MS. ASHTON-CICKO: I don't know why you'd do it --

MS. CILEK: That would be just fine.

CHAIRMAN STRAIN: Yeah, that would work --

MS. CILEK: We will make that change, absolutely.

CHAIRMAN STRAIN: -- the same way as the first one reads, yeah.

Now, Caroline, I'm assuming you're taking clear enough notes that you'll be able to make these corrections after the panel votes --

MS. CILEK: Yes.

CHAIRMAN STRAIN: -- at the end?

MS. CILEK: We are both taking notes, and we also have staff back in the office taking notes as well.

CHAIRMAN STRAIN: Okay. Okay. Are we done with Page 1? Everybody satisfied on Page 1? (No response.)

CHAIRMAN STRAIN: If so, then we can move to Page 2. And I think -- and, Jeremy, I'll just let -- I don't mean to keep leading your discussion, but go right ahead.

MR. FRANTZ: Well, sure.

CHAIRMAN STRAIN: I'm just trying to get through it quickly because I know we've got a lot to go through.

MR. FRANTZ: So for B.3 we're looking at alterations to existing buildings. You had recommended that they retain the existing language but to allow for interior renovations to not count towards the applicability. And so the section that's in the far right-hand column shows all new language, but it's just been kind of rewritten and it's essentially the same as what's in that center -- center column.

CHAIRMAN STRAIN: Yeah. I don't see a problem. If anybody sees an issue, just make a note and speak out, please. Otherwise, we'll just keep moving on. B.3.A?

MR. FRANTZ: So in B.3.A, again, they've made a change, and actually it might help to start thinking about B.3 in general, because they've made a couple of changes that might affect a couple of different provisions.

So in B.3.A, previously that is where the exemption for alterations greater than 4,000 square feet came into play, and that has been removed. And so B.3.A now really just sets up the rest of this section.

CHAIRMAN STRAIN: Okay.

MR. FRANTZ: And now facade improvements would apply when more than 75 percent of the facade area has changed.

CHAIRMAN STRAIN: I didn't see a problem with that. Still, we're going on an opportunity if they do 100 percent renovation, then they're still going to come in and do it right.

MR. FRANTZ: And then the next section which currently applies when the redevelopment exceeds 50 percent of the assessed value or 25 percent of the square footage of the gross area, that's primarily the same; however, the 50 percent of the assessed value has been removed.

COMMISSIONER CHRZANOWSKI: That middle column wording doesn't sound right from redevelop --

MR. FRANTZ: Right. It's been -- sorry.

COMMISSIONER CHRZANOWSKI: Redevelopment exceeds 50 percent of the assessed value of

the existing structures or would exceed increased percent of the square footage.

MR. FRANTZ: Oh, okay. So...

COMMISSIONER CHRZANOWSKI: Am I reading that wrong?

MR. FRANTZ: Yeah. We had just made a note that when the Planning Commission met last time, a specific number wasn't suggested, but it was suggested that maybe the committee could look at increasing that number. So we were just pointing that out.

COMMISSIONER CHRZANOWSKI: Because the one on the right column sounds okay.

MR. FRANTZ: Right.

COMMISSIONER CHRZANOWSKI: The one in the middle doesn't.

CHAIRMAN STRAIN: Yeah, I know. I agree with Stan.

COMMISSIONER ROMAN: Is that what we're looking to adopt is the ad hoc committee consensus?

CHAIRMAN STRAIN: After we discuss it, yeah. Right at this point we're saying --

COMMISSIONER ROMAN: Yeah, but that's why we're focusing on those.

CHAIRMAN STRAIN: Yeah. The right-hand side is what we're considering as adoption language in preference to what we sent back to them, so -- so I don't think Page 2 has an issue, then, there, so we'll move on to Page 3.

MR. SCHIFFER: Let me -- before we move on, I'd like to make a pitch on double "i" at the bottom. And what it is is if we're doing a project where we're adding more than 50 percent of the square footage, I still would like us not to have that, mainly because I'm concerned about the value of existing building and vested rights of existing buildings.

The way we have it now is you can't make an existing building nonconforming, but the problem is -- and especially in redevelopment. Mark, you even cited the Legal Aid. To make people fix up the facade on an existing building, I mean, first of all you're assuming the facade doesn't look good even though it may even be noncompliant.

And so I think that the requirement to have to do that with double "i" really hurts the value of existing buildings.

MS. CILEK: If I may?

COMMISSIONER HOMIAK: That building looks really nice now.

CHAIRMAN STRAIN: Well, that's what I was just going to say. But they wouldn't have fallen into the ability to make those improvements had this language not been in there.

MR. SCHIFFER: Right.

CHAIRMAN STRAIN: So that's why the language is important to have there, contrary to your statement, though, Brad. I think you disagree with us is what I'm thinking.

MR. SCHIFFER: Well, yeah. I mean, we could have a perfectly fine building that doesn't meet some of the requirements of this, and then because they're putting in a big addition, I have to go back and remodel that existing building.

Now, it's easy to understand in a blighted building that that's a good idea, but not all buildings are blighted.

CHAIRMAN STRAIN: But, see, this is only when it affects 50 percent of the square footage. In the case of the Rex building, it didn't change the square footage at all. It's still the same.

MS. CILEK: If I may, I believe the Rex building would have been considered nonconforming, correct?

CHAIRMAN STRAIN: Yes, because of the standards we have for size of square footage that we're changing in the LDC. It was a 12,000-square-foot building, and it was a single use. We can't do that in a C3 anymore. We currently -- this was before that time, and now we're reconsidering that as a maximum in looking to undo those, but --

MS. CILEK: If I may, the way that we've set this up is that nonconforming buildings would fall under little three, okay. Conforming buildings that are seeking to modify their exteriors would fall under little two.

CHAIRMAN STRAIN: Jim, you're not giving up already, are you?

UNIDENTIFIED SPEAKER: I'm sorry. I've got a meeting I've got to get to.

CHAIRMAN STRAIN: Okay, sorry. I saw him leaving. He was one of the three architects that remained for this part of the day, so...

MS. CILEK: Conforming buildings would fall under little 2.I, and furthermore, this is the only provision that would help and bring site design standards up to conformity as well for conforming.

Nonconforming buildings would simply fall under three, iii.

MS. ASHTON-CICKO: And these are all "or," right? You might want to put an "or" in there, or meets one of the following?

MS. CILEK: Yeah. We can look into that.

MS. ASHTON-CICKO: Right. And you've got one, two, and three.

MR. SCHIFFER: The concern, though, is that -- and, you know, when the economy went out, there was a little task force put together how to deal with vacant buildings. One of the big problems is if you touch it, it becomes a problem of doing the site plan.

So what this is saying is if I go into a vacant building and renovate 50 percent of it, I've got to bring up the site, everything, to code.

CHAIRMAN STRAIN: You do unless you can justify that the site was created under a -- under a previous code, and a change in time to the codes have caused you the problem. Then with a site plan deviations application, which would require some mitigation for the changes you want to make -- and they may not be too strenuous -- that's how you'd be able to still retain the site changes at the site as you had it.

MR. SCHIFFER: And that would depend on -- you know, that's not something that could be guaranteed while you're designing. You would have to go through a process.

CHAIRMAN STRAIN: That's right. You've got to go through a county review process to get there.

MR. SCHIFFER: And the impression I get that that's typically successful.

CHAIRMAN STRAIN: Yes.

MR. SCHIFFER: Okay. But wouldn't it be better for us to clean -- you know, make -- outline it here so that people can -- if the building was built before the code, which we know it had to be to be here, what's wrong with just leaving it the way it is so long as you don't make it a worse situation? Just --

MS. CILEK: And that would apply to the nonconforming buildings. It would be the conforming buildings that are doing something to their exteriors or to the site and then are not also doing a facade change, because they would fall under "i."

MR. SCHIFFER: I get -- you know, the triple "i" is a good one. The double "i" is, the building could be -- I mean, how -- would it be conforming? I mean, if it's conforming -- well, I guess maybe there wouldn't be a problem. I mean --

CHAIRMAN STRAIN: Right. If it's a conforming building, that means it meets all of our current standards; therefore, it's not nonconforming. It's not nonconforming, so therefore it is conforming.

MS. CILEK: They're just changing the exterior for a new use, you know. They're just making modifications to it.

MR. SCHIFFER: Maybe it's not a big deal. We'll see. We can -- if we bump into that problem, we'll put it on the list.

CHAIRMAN STRAIN: Okay. Let's move to number -- page 3.

MR. FRANTZ: Okay. So on Page 3 the first row is just indicating that the committee -- you had briefly spoken about the need for an infill and redevelopment code, and the committee also supported making that recommendation to the Board.

CHAIRMAN STRAIN: Okay.

MR. FRANTZ: The next row for B.4, A through C, this was a staff proposed change to clarify for B. Committee has just accepted that.

CHAIRMAN STRAIN: Okay.

MR. FRANTZ: And the next section is the exemptions section, and the change here is that they've removed the exemption for 4,000-square-foot buildings, and they have replaced it with some changes to the facade standards in other sections of the code.

And so in that tan or peach box is where those change have been made. First, in D.2.B, the primary

facade features. For buildings that are 5,000 -- less than 5,000 square feet, only one of the design features is required.

CHAIRMAN STRAIN: Okay. I mean, we're talking, I mean, how buildings about the size of houses are rather small buildings at that point, yeah.

MR. FRANTZ: And we have the list of those design features so that, you know, you can see what they'll be able to choose from.

CHAIRMAN STRAIN: That would take us to the highlighting on the bottom of Page 4.

COMMISSIONER ROMAN: I have a question.

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER ROMAN: Regarding these 4,000-square-foot buildings, what's required now? How many design features?

MR. FRANTZ: Currently, any building would be required to meet -- it's two of the following design features.

MS. CILEK: Yeah. It's right there on the page for you.

COMMISSIONER ROMAN: Okay. Well, I'm looking at my photos, because I remember this discussion from our last review of the architectural design standards, and you showed the buildings before 2004 and then those afterwards, and there was a significant difference. And I thought that we didn't want to see those watered down.

So with that in mind, with one architectural feature, you think that we'll still maintain the standards?

MS. CILEK: That is what the committee's proposing, and it's -- Jeremy, you want to speak to the two areas where the changes are occurring just as a recap?

MR. FRANTZ: Yeah. So we had only gone through one section. There's also a --

CHAIRMAN STRAIN: I think Charlette was asking a -- you didn't get your question answered, did you?

COMMISSIONER ROMAN: I think he's about to answer it.

CHAIRMAN STRAIN: Okay. I thought he was going on to a new section. I'm sorry, Jeremy.

MR. FRANTZ: Well, I'm going on to a new section, but it's all related to this change.

CHAIRMAN STRAIN: Okay.

MR. FRANTZ: So they also made changes to D.3, which isn't actually reproduced here but is in a later section of this table, and that's related to variation in massing.

We can come to that later if you'd like. The next section that they made changes are to the design treatments for all facades, not just primary facades. And, there again, they've reduced the number of options that they are required to choose from, from four to two.

COMMISSIONER ROMAN: Jeremy, what I'm referring to where we had a discussion -- and I'm looking at my notes from the previous meeting -- and we were talking about fast-food restaurants and those that have corporate logos and those types of things, and I remember the discussion of the Board that buildings with less than 4,000 square feet are important, too, and that they should meet our architectural design standards.

Maybe there's certain ones that have -- I'm looking at my notes from last time. There's certain design standards that maybe don't apply but, as a whole, to throw them out, I didn't get the impression that this board was in favor of that.

MR. FRANTZ: Right. And so that's where the committee has -- rather than just removing the standards for small buildings, they've just reduced the number of standards they're required to meet.

CHAIRMAN STRAIN: From two to one?

MR. FRANTZ: Right.

CHAIRMAN STRAIN: Okay. So that means any sized building previously had to have at least two. That could go from a small building to a big building. And now they're saying, okay, the building's smaller than, what is it, 5,000 square feet, only need one, and then two apply to everything else.

COMMISSIONER ROMAN: And were there some that were removed for small buildings? And what was removed, if I might ask?

MR. FRANTZ: From these list of options, nothing was removed.

MS. CILEK: But from the application of 5.05.08, yes. So we're going to walk through the changes to D.3 as another area that they removed requirements, and there are a couple other sections where they removed the requirements for buildings under 5,000, yes, and we'll get through all those.

COMMISSIONER ROMAN: We'll highlight those when we get to those.

MS. CILEK: Yes. And I believe we also have a table that will show you that at the end, and you can see where -- what does and does not apply to those buildings.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: I think that gets us down to Page 6, and Page 6 -- and correct me if I'm wrong, Jeremy, but I think we've -- those other -- all those other pages apply to the standards of the one or two facade elements.

MR. FRANTZ: I'm sorry. I didn't follow you.

CHAIRMAN STRAIN: Okay. Pages 4 and 5 are a follow-up to Page 3 we just discussed.

MR. FRANTZ: Correct.

CHAIRMAN STRAIN: Okay. So we're down to Page 6. And, basically, this is the transition in the massing element which the committee didn't agree to.

MR. FRANTZ: Correct, and they've provided some additional explanation.

CHAIRMAN STRAIN: Okay. Well, so you wouldn't have to blend in with the surrounding buildings based on the massing issue is what you're trying to say?

MR. FRANTZ: Yeah, it would be required -- I mean -- I'll let Rocco speak.

MR. COSTA: For the record, Rocco Costa. Correct, we still believe that transitional elements between -- a new building proposed to an existing building, we don't believe that those transition elements should be brought into the new building.

CHAIRMAN STRAIN: So let me figure out how this would apply. If you had a PUD in an area that had -- say, a commercial PUD, and you were in an area where there's commercial surrounding you, whether they be PUDs or straight zoning, does the new PUD have to coincide with the transitioning elements and that around it, or is it just when you apply a building in straight zoning districts?

Because there's a big difference. And the reason that I'm asking this is because there are proposals for some new PUDs to change the massing elements dramatically from the areas surrounding them. And I didn't know if that was -- if the PUDs were applicable to this, or was it strictly if you bought a lot in a straight zoning district, say, a C3 or C4 along a major highway like U.S. 41 and you wanted to build a -- because C4, I think, can go up to 50 feet or 75 feet, and C3 might be less. You would be required to retain a massing element compared to those around you because they're straight zoned? Or how do you apply it to a PUD?

MR. COSTA: It would be terminated completely from the requirement is based on -- my understanding is it's -- as long as you have the applicability, if you're meeting those requirements, this section would just disappear.

So those transitional elements between two projects or two buildings would not necessarily need to comply. You wouldn't have those transitional banding elements or reference another building for your building.

CHAIRMAN STRAIN: Okay. Because the PUD would basically stand on its own. We couldn't regulate the commercial within a PUD if it's allowed to go to a higher height, but we'd have to have some of the massing elements for transitioning to the properties around it?

Mike, did you --

MR. BOSI: In terms of clarification, unless the PUD specifically exempted structures from meeting the architectural code requirements of the LDC, if the building proposed was on the edge of the PUD and the building that was next to it on the other parcel was a much smaller building than what was being proposed, the architectural code would still recognize that and impose the architectural standards.

CHAIRMAN STRAIN: Okay. But, see, transitioning -- let's say you can't be 100 percent taller than the average height of the adjacent buildings, but if you've got a PUD that has a height limit of, say, 200 feet, and then the nearest building around you -- but the PUD approved. The nearest building around you on other projects outside your PUD is at 40 feet. The highest you could go, theoretically, then is 80 feet, but your PUD was approved for 200. So would the PUD still prevail?

MR. BOSI: There would be -- there would be a conflict between what the architectural code would require and what the PUD -- and then I'm -- I would have to -- probably have to do some research with the county's attorney's office to see what would be the controlling document.

But if the architectural code provision limits the height of the individual building but the PUD expresses a height of something greater than that, it most certainly would be an area where -- there's not a clear understanding, at least from my perspective, as what would be the controlling.

I think that would be something that we would hopefully have anticipated as part of the PUD rezone when we --

CHAIRMAN STRAIN: For compatibility.

MR. BOSI: -- were looking at that compatibility context.

One of the -- that PUD -- that PUD process of rezoning, we would just recognize that this is a 200-foot limitation of height being proposed by this PUD, and it's sitting next to a building that's -- an environment that only has buildings of such height.

That most certainly would be part of the discussion in the PUD approval process as to how that would work out. But strictly from your hypothetical standpoint, if that PUD was approved at 200 feet but the architectural code had a requirement, I would think the architectural code requirement of the adopted LDC would be the prevailing document, but maybe the County Attorney's Office would --

CHAIRMAN STRAIN: No. I don't want to get into it that far. I was just trying to understand how this fit. We don't need to -- we don't need to jump into all that.

MR. FRANTZ: I just want to make sure that it's --

CHAIRMAN STRAIN: Yeah. And what I'm -- pardon me?

MR. FRANTZ: I just want to make sure it's clear. This section is not limiting the height of the building itself.

CHAIRMAN STRAIN: Oh, I understand. I was just trying to figure out how the elements would apply based on the height variables because there are limitations to 100 percent taller than the average height of the adjacent buildings, and you have certain design standards kicking in and things like that. So would they apply within a PUD if it was allowed to go a higher height? It was a theoretical question that we don't need to waste any time on.

MR. FRANTZ: Okay. I wasn't sure that was clear. I just wanted to make sure it was --

CHAIRMAN STRAIN: Yeah. So the committee says you don't want any transmission -- transitioning elements, and the Planning Commission previously said we do. Okay. And we're at a disagreement on that one, or at least we were. I don't know where the current mindset of the Board is.

So on old C3, that's suggested by the committee to be removed, and we previously had suggested to take a second look at it. They came back and said, no, remove it. What does this committee want to do with it? It's on Page 8.

COMMISSIONER ROMAN: Well, as I said in the previous review of these standards, I think massing's an important component. I've seen too many communities that didn't address this that are well out of proportion, especially when you're transitioning like our community is with old traditional buildings here and the new structures that are coming in.

So unless I can understand, maybe with some photos or better from the committee on why you wouldn't address massing, I tend to say that we need to have it stay there.

CHAIRMAN STRAIN: I would tend to agree.

COMMISSIONER HOMIAK: I agree.

CHAIRMAN STRAIN: Anyone else?

MR. COSTA: Just to clarify, the massing of a building is always being looked at when you're designing it. This, more or less, is about transitional elements and how you transition from an existing building to a new building.

A lot of the buildings in town don't really relate to each other. Each building is designed as a stand-alone and should be designed in its context. And those elements that transition from one building to the other may not necessarily or should transition to those buildings that are being designed.

COMMISSIONER ROMAN: But our buildings in town, pretty much, follow this code that's currently written, and -- I would think. Maybe there's exceptions and maybe we're not following the code. I don't know. But if I take the code at face value and we are following the code, maybe that's why the transitions look so good, when you have new structures against -- adjacent to older structures.

MR. SCHIFFER: Let me just try, because this is a trick in the architects' bag of tricks. Not necessarily a cheap trick, but a trick. And, essentially, what it's trying to do is -- a way to make two things look good side by side is to pick up some component of the one next to it.

Case in point, Fifth Third Bank. The Walgreens came first. The Walgreens had a height of about 30 feet or so, so when that building was designed, it cantilevered out and has that glass area at 30 feet, and that was the carryover, the transition. You would never know it if I haven't told you, I mean, because it's not something that jumps out at you.

But in balancing, maybe that made sense, maybe it didn't. I think all of us feel, again, it's a trick. Is it necessary? And to interpret it, it must be difficult for staff because I can do anything I want, like the Fifth Third Bank, and claim that's a transitional component.

CHAIRMAN STRAIN: But if you didn't have to do that trick, what could you have done?

MR. SCHIFFER: It was going to happen anyway. To be honest with you, the explanation of why it's there came second to, oh, we need something that shows transitioning. So, oh, that's why the gap is there.

CHAIRMAN STRAIN: I mean, I don't know --

MR. SCHIFFER: It's not a big thing in the design. And also cities, you know, they kind of leapfrog. You know, you work with the building next to you. I mean, look at what this is saying is I can be -- take that 100-foot building. I can be 100 percent higher, 60 feet; that fits the 30 feet, so I could put something, you know, almost to the top of the Fifth Third Bank and say that's my transition to the little building. It's not a clever trick, and --

CHAIRMAN STRAIN: But it does break up the massing of the newer building.

MR. SCHIFFER: We'd break it up --

CHAIRMAN STRAIN: It might be a little bit -- it might be a trick, but it does seem -- what little bit it is may not be that harmful and is better than nothing.

MR. SCHIFFER: Well, you know, I think they could give examples of what they're reviewing now of what that treatment is.

The massing of the building's being covered in other areas, wall planes and things like that. But Matt -- Matt may have some good examples of --

CHAIRMAN STRAIN: Oh, wait a minute. You're going to ask an engineer for an architectural detail? This ought to be interesting.

MR. SCHIFFER: You don't have an architect.

CHAIRMAN STRAIN: You ever see an engineer design a lake?

MR. SCHIFFER: Rectangle.

CHAIRMAN STRAIN: Oh. Hi, Matt.

MR. SCHIFFER: Square corners.

MR. McLEAN: Thanks for the introduction, Mark. Matt McLean, for the record.

I just want to indicate that this section of the code rarely does come up; however, it will continue to come up as we're doing infill developments. When you're looking at buildings that are existing, they're typically smaller than ones that are coming in adjacent to it.

There hasn't been a major issue with those respective developments on meeting that section of code, but it does not happen very often. The other areas of the massing elements in this section of code do cover a lot of that massing area. This is just specific to the ones that are adjacent on infill. We've only had a couple of projects in the last three years where this has come up, and they've been able to meet that section of code.

CHAIRMAN STRAIN: So maybe it's not hurting it as much, and I -- as a safety edge -- see, and you-all agreed that we should be looking at a redevelopment and infill code that applies to the special instances and where this will be the most pliable.

I would think that if we're leaving this in place, it really doesn't hurt anything. And when we get into this infill and redevelopment code and we address this issue, then it all comes out, and it only applies to those

infill and redevelopment parcels that would fall under a code that would hopefully be better written than what we've got here today. That might be an alternative to consider.

MR. SCHIFFER: I don't think we'd have any trouble steering around it, so -- we're making a bigger deal than we have to.

CHAIRMAN STRAIN: Okay. Well, I mean, I think the consensus of the Board is leave the massing element in. It's not -- does that -- anybody object to that?

(No response.)

CHAIRMAN STRAIN: Okay. Then let's go on to Page 7.

MR. FRANTZ: Okay. This first section is that -- one of those sections that Caroline mentioned that is reduce -- eliminating a standard for the smaller buildings. Currently there's a breakdown of projection and recesses standards for different size buildings. And so where previously they had -- the committee had recommended removing several of these sections all the way up to 20,000 square feet, it is now just removing the standard for buildings that are 5,000 square feet -- less than 5,000 square feet.

CHAIRMAN STRAIN: Okay. So that means they'd still have to have a primary facade if it was facing the street, right?

MR. FRANTZ: Right. This is just for the -- if you see the individual sections, it identifies the depth of individual projections and recesses and the linear feet that those projections and recesses have to occur within. So it's not changing any of the facade applicability, if that's what you're --

CHAIRMAN STRAIN: Okay. I think the concern that we probably have, or at least I have, maybe the rest of us, is the blank wall buildings where nothing now is required, recesses, facades, nothing.

So how plain can a building be if this is taken out for the 5,000 and less buildings? If you have a 5,000-square-foot building, which is 10 feet by 500 feet long, 10 feet deep -- so for that 500 feet you wouldn't need anything. It would be just one straight solid wall except for a trellis in one location. I mean, is that what we're saying?

COMMISSIONER ROMAN: Yep.

CHAIRMAN STRAIN: I mean, I was just thinking at one time I was in Arizona looking at a piece of property whose entrance was across from a storage facility, but it was the old type. And, sure enough, it was a 10-foot-deep building, 500 feet long, and that was going to be the project's main entrance. It wasn't really a good place to sell high-end homes from.

And I'm just wondering, could we get into a scenario where we've eliminated everything for the small buildings down to a point where we have outrageous circumstances like a man-cave project that didn't have articulation, the man-cave project that came before us. Some of those buildings were over 200 feet long and, basically, they were shallow. They were what, 20 feet, 15 feet deep, maybe a little deeper.

So how much articulation would there be in all different ways? Whether it's facades, transition massing elements, or elements for projections and recesses? If it's 5,000 square feet, it doesn't address the lineal footage to go with it?

Brad? And I know you were big on lineal distances when you were sitting on this board.

MR. SCHIFFER: Yeah. And I'm a big -- this section of the code is a very important section. If it was 500 feet long -- first of all, I can point out some fire code issues that you would never get that building.

But if it was 500 feet long, you would have a 4-foot break somewhere such that it's not any greater than 50 percent. So you wouldn't -- what are you getting anyway if you're designing that building?

CHAIRMAN STRAIN: How plain could the building be, though, Brad? I mean, that's, I think, the concern. We've got a real nice style in Collier County, and it would be nice not to lose that completely for the benefit of these changes.

MR. SCHIFFER: And the intent of this code -- you know, it's a menu code, so we start out with the big building. There's a block that's the building. And this section of the code is making sure that that building isn't a blank wall, that there is projections, and the bigger the building, the deeper they get, and the percentage is set up -- I think it's 60 percent that can't be -- there's illustrations. And then the rest of the menu is us sticking stuff, essentially, to articulate the building.

So to keep what's going on with Collier -- first of all, you and I have talked. I think the landscape ordinance is a huge part of why Collier looks good. And then the building -- you know, and there is a



difference between since we've had it and since we haven't. You just drive to Lee County and you can see when the code's left behind.

So, you know, this part of it is just breaking up. You know, a 5,000-square-foot building is not going to be 10 by 500. It's going to be 100 by, what, 50. So, you know, putting a 2-foot notch in it, a 3-foot notch isn't going to help a small building.

And there will be entranceways and canopies and all this stuff attached to it that would be much more important.

COMMISSIONER ROMAN: But I understood that one of the recommendations from the previous section was for this size building, they could select one design feature.

CHAIRMAN STRAIN: That's a facade feature.

MR. SCHIFFER: No, but you're right. I mean, to -- and that was the approach we took is to, you know, not eliminate the smaller buildings, just make it easier, let's say, for elements on the small building. You're right. Would two look better on the building than one? You know, how could I say no. But maybe one good one would be better than somebody just guessing for two.

CHAIRMAN STRAIN: And the fear I have is, you know, I think -- I've known you for a while now, and I have great respect for the way you approach things, and especially in Collier County, and your diligence in the manner in which you do it.

Unfortunately -- and I know from some I've seen in front of this Planning Commission over the years, not all architects are nearly as conscientious as you or the people that sat on your committee are. And I think those are the ones we worry about, not the -- not what you would do, but what some outrageous people might do. And I'm trying to make sure we don't give them an avenue to do what they might want to do if they had no restrictions.

MR. SCHIFFER: And there's no question that this is establishing a minimum standard that is used by people designing buildings, maybe not even architects at the time, so this is an important document for what is going to be in a building.

And even as architects, when we're putting things on buildings and owners want to value engineer it off, we can take advantage of this code to prove that we need something like that. So we take advantage of it also. It's not something that works against us. It gives us the ability to get things we want.

COMMISSIONER ASSAAD: More challenging?

MR. SCHIFFER: Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: I agree with you, Mr. Chair. I agree with you in your last comments about it's not for the professionals that are making these recommendation to us. It's for everybody. And we've got to look at that.

CHAIRMAN STRAIN: Okay. Karen?

COMMISSIONER HOMIAK: So if you had a cluster of small office buildings, they'd be even more boxy?

CHAIRMAN STRAIN: Well, if you had a cluster of small office buildings and you kept them below 5,000 square feet, you could put a bunch of small boxes with a front door, no awning, no decorative features, maybe a window as -- if one was needed or required, but a facade treatment of some kind, and that's -- and it could be as simple as a trellis with a plant on it, and that would be your building. You could do that, I would think, under --

MR. SCHIFFER: You know, but maybe a recessed entrance with a canopy would have been a better choice on the menu.

CHAIRMAN STRAIN: Right. But they're not forced to do that, though, right? They could pick the least expensive choice, which is the unfortunate part about it.

COMMISSIONER HOMIAK: So more boxy.

COMMISSIONER ROMAN: Yeah.

MR. SCHIFFER: We -- you know. Even in -- yeah. You could still make a box if you really wanted a box. And, you know, one of the things that makes Collier good, too, is the people appreciate the buildings. They spend money on the buildings. The clients that we work with don't say give us an, you

know, architectural minimum. We design a building, and it has a lot of components, and these components help us, you know, pass this -- the requirements here.

CHAIRMAN STRAIN: Well, consensus on the Board?

COMMISSIONER EBERT: Brad, do -- in Collier County, do -- all architects are supposed to be licensed? Is there --

MR. SCHIFFER: You cannot in any state, but you cannot in Florida, hold yourself out to be an architect which is use the word "architect" unless you are a licensed registered architect.

COMMISSIONER EBERT: But does our county have a special license that you have to have, I guess, is what I meant.

MR. SCHIFFER: No.

COMMISSIONER EBERT: So it is not. It's statewide?

MR. SCHIFFER: It's a state license.

COMMISSIONER EBERT: Okay.

COMMISSIONER CHRZANOWSKI: Does the code require that any building built in Collier County have an architect?

COMMISSIONER ASSAAD: No.

MR. SCHIFFER: The building code -- this code requires that an architect provide the documents for compliance which essentially gives the impression that he did it. The building code, there are exemptions where you don't need an architect or an engineer.

COMMISSIONER CHRZANOWSKI: Single-family residential?

MR. SCHIFFER: Single-family, yeah, there's some --

COMMISSIONER CHRZANOWSKI: But commercial and industrial?

MR. SCHIFFER: Commercial is definitely covered by design professionals.

COMMISSIONER ASSAAD: You could have an engineer. You could have a civil engineer or structural engineer stamp your drawings, and you will get your permit, but you don't need an architect.

MR. SCHIFFER: The state had a task force which had architects, engineers --

COMMISSIONER ASSAAD: Which is -- which is a bad deal.

MR. SCHIFFER: -- and building officials that produced the guidelines --

COMMISSIONER ASSAAD: Doesn't allow --

CHAIRMAN STRAIN: We can only talk one at a time so that she can record it. So when Brad finishes -- or you finish, and Brad can talk. One of you. Take turns.

MR. SCHIFFER: And your point's correct, is that -- but the state did have a group to get together, the AIA, the architects, the Engineering Society, and BOAF, to come up with a guideline as to where you need architects and where you don't. It's not a crystal clear thing.

The practice act for an architect says I can't do engineering unless it's incidental to my design. An engineer has the same wording, and actually he has the word "purely" incidental to his design. So he, theoretically, shouldn't be designing the architectural standards.

COMMISSIONER ASSAAD: In many instances people hire designers, architectural designers, who are not engineers or architects, or they could be architects where they didn't pass the licensing exam, and they are practicing, but they cannot sign.

COMMISSIONER CHRZANOWSKI: That's what I was asking.

COMMISSIONER ASSAAD: Yeah.

COMMISSIONER CHRZANOWSKI: Do you need a seal --

COMMISSIONER ASSAAD: Yeah.

COMMISSIONER CHRZANOWSKI: -- to submit to the county?

COMMISSIONER ASSAAD: Yes.

CHAIRMAN STRAIN: Look what's on your screen.

COMMISSIONER ASSAAD: So they design -- I could hire an architectural designer who is not -- he doesn't have an architectural degree, and then after I finish the design I can -- he will find somebody to stamp it for him. They seal it, stamp it, and they get the permit.

MR. SCHIFFER: That's not based --

CHAIRMAN STRAIN: But it must be signed and sealed by a licensed architect who is responsible to prepare the drawings and is registered in the state of Florida. So that -- yes, you've got to have an architect. That gets to your question.

MR. SCHIFFER: I think the thing we should take away from this conversation, and it doesn't have much to -- is that these standards are going to be the minimal standards on a lot of buildings. A lot of people are not going to add more. They're going to sit down -- many a developer might sit down with his design team and say -- you know, go through the standards. They check off what they want, what they don't want, they put together a kit, and they give us the building.

CHAIRMAN STRAIN: And you just made the argument as to why we should insist we leave the language in D.3.A alone and not reduce it for less than 5,000-square-foot buildings.

MR. SCHIFFER: And I think that anything you -- you know, you make a decision like that is not going to hurt the county.

CHAIRMAN STRAIN: No, because what you're describing as the typical building that would outcome from a professional is going to be met by leaving the language there. So what's to hurt?

MR. SCHIFFER: It's not going to be some designer saying, oh, where's my 2-foot indent. He's going to have multiple indents in his design and easily qualifies for that.

But, anyway, that's -- again, we can steer around it easily.

CHAIRMAN STRAIN: So I think the consensus from this group is that we would go with a CCPC recommendation still on that one.

Then the D.8.C, the Planning Commission requested to review other sections providing this interconnection. The committee proposed no change but said the committee stated that this provision is a good practice but should be addressed in a different LDC section.

So the question is still the same. Where in the LDC is this addressed to the manner in which it's required here?

MS. CILEK: Would you like feedback on that?

CHAIRMAN STRAIN: That might be a great way to respond to it.

MS. CILEK: When we were working with the committee, they relayed that they felt this section should be simply elsewhere in the LDC. It is, in and of itself, not elsewhere because of the pedestrian interconnection. That part is not elsewhere. The vehicle interconnection is.

So when we worked with the committee, we proposed providing for the pedestrian interconnection, but the committee provided these three bullet points as their justification for not including it; however, they did leave it open to putting it elsewhere.

CHAIRMAN STRAIN: Well, I would think that we'd leave it in this section until you bring a change to the LDC adding it to one and striking it from another; otherwise, we have a hole in our code in regards to that interconnection. So why don't we just approach it that way? I mean, I don't care where it goes in the code --

MS. CILEK: I'll let Brad respond first.

CHAIRMAN STRAIN: -- but the interconnection ought to stay there.

MS. CILEK: I'll let Brad respond first.

MR. SCHIFFER: We're talking about sidewalks from, hopefully, a public sidewalk to the building. We obviously have to have it with ADA requirements, but it could be as minimal as one. From every sidewalk, you have to get to your building with a wheelchair-accessible route. What this was requiring -- and there were engineers on the board that really were the ones mostly concerned with this, is that by putting a requirement that you have a driveway at the edge of all the road accesses to the site, they couldn't figure out why that made sense. Some of us might feel that's a dangerous place to put the walkway.

CHAIRMAN STRAIN: You said a driveway. You mean a walkway.

MR. SCHIFFER: Walkway. I'm sorry. Sidewalk, yeah. But I did say it's next to the driveway.

MS. CILEK: Brad, I believe that's actually a subsequent section that you're speaking to. This one is simply about interconnection within a PUD for vehicles and pedestrians.

MR. SCHIFFER: Is this E.8.C?

MS. CILEK: Yes. That's the next, you know --

MR. SCHIFFER: I'll be back.

CHAIRMAN STRAIN: Okay.

MS. CILEK: I will relay that if it is introduced elsewhere in the LDC, then it will be applicable to all projects, not just those that are under 5.05.08.

CHAIRMAN STRAIN: Or wherever you introduce it you write it so it's only applicable to the projects that fall under 5.05.08, or however you want to word it. But if they've already said -- the committee stated this provision is a good practice. Fine, let's leave it there until we put it somewhere else in the code if that's the way the committee feels. And if it can't go anywhere else in the code, they've already acknowledged it's the right thing to do.

MS. CILEK: We will move forward with retaining it from the Planning Commission.

CHAIRMAN STRAIN: Okay. We're on Page 8.

Terri, are you doing okay with your timing?

THE COURT REPORTER: (Nods head.)

CHAIRMAN STRAIN: Okay.

MR. FRANTZ: So Page 8 begins with -- well, the first row is the carryover from the last page. D.9.B is related to roof edges, and here the standard has changed to -- or sorry. The standard was not changed from the previous proposal.

CHAIRMAN STRAIN: Okay. And the previous proposal was for buildings larger than 5,000 square feet with a floor area that is larger than 10,000 square feet. For buildings larger than 5,000 square feet in gross building area, a minimum of two roof edge parapet changes are made.

Okay. And this is at -- I think we've seen the -- we have a parapet on a canopy, let's say, for a 20-pump gas station. Right -- with this change, you wouldn't have to have a change in transition on that entire canopy. It could be a straight edge. Is that what we're seeing?

MR. FRANTZ: If the -- if the square foot of the -- if the floor area meets that square foot criteria then, yeah, they would not be required to provide the minimum of two roof edge or parapet line changes.

CHAIRMAN STRAIN: Okay. And what they're saying is increase the square footage so it's up to a larger building size before that kicks in.

MR. FRANTZ: Right.

CHAIRMAN STRAIN: Previously the wall -- the other treatments were -- one was less than 4,000 for facades and less than 5,000 for massing and transitioning elements. Now we're going to go to 10,000 for roof edge and roof parapet treatments.

Why the change in square footage from 5,000 to 10,000? If 5,000 was good for some of the other architectural features, why wouldn't it be good for this one?

MR. FRANTZ: Well, they did provide some additional justification, and --

CHAIRMAN STRAIN: Well, yeah. It adds cost to a project. Well, so does tile. So does trusses. So does electrical. I mean, that's not a justification. Everything adds cost.

MR. COSTA: It had more to do with the number of roof changes on that building. You start adding too many roof changes for a small building, it becomes a conflict. You're trying to force something that doesn't need to have a roof change.

CHAIRMAN STRAIN: Do you consider --

MR. COSTA: Or more than two.

CHAIRMAN STRAIN: -- a roof change just a vertical change, or could it be a horizontal change?

MR. COSTA: Well, in the past it's been a vertical change. So if you had a parapet that came up and you had a secondary parapet, that would be one roof change.

CHAIRMAN STRAIN: Well, what if you had a flat roof, like a canopy to a pump station and you made a notch into it and brought it back out again and continued on, would that be considered a roof edge or parapet treatment change? It would be a roof edge change, wouldn't it?

MR. COSTA: It would have to -- there was the height requirement of two feet, I think it was, for -- there was a height requirement to create a roof change.

CHAIRMAN STRAIN: Okay.

MR. COSTA: So if a gas station -- in most cases you have a one plane element.

CHAIRMAN STRAIN: Right.

MR. COSTA: And if it exceeds -- if it exceeds that 10,000 square feet, then you would have to have two elements.

CHAIRMAN STRAIN: And previously if it exceeded 5,000 square feet it needed two; is that what the --

MR. COSTA: Correct.

CHAIRMAN STRAIN: And it would only be on the primary facade. So if you've got something that falls under the conditions you've previously recommended where we've only got one facade that we're having to treat because of its location, so that one facade would have to have the roof changes whether -- and previously at 5,000 square feet, now it's proposed at 10-

And part of this is a vertical requirement for a change. What if the changes could be vertical or horizontal for both of them? Then you'd keep with the classic style of the roof level that you may want, and there are some stations that have that. And the reason I'm focusing on gas stations, a question just came up with some new stations coming into the community, and I was trying to figure out how this would fit or not fit their concerns.

But what if we took out the vertical component and let it be either horizontal or vertical transit -- elements?

MR. COSTA: The vertical element's more of a height requirement for those element -- for that roof edge treatment change. So, yeah, it could -- you know, right now if you have a non-pitched roof and just a flat roof, you'd still have to have one roof change or one element that would go beyond that minimum distance of two or three feet or whatever it is.

CHAIRMAN STRAIN: But the element would have to go vertical, but could it go horizontal, like just an indentation? More like a setback of the -- you know, just breaking up the canopy's straight edge would always have to go vertical?

MR. COSTA: Currently.

CHAIRMAN STRAIN: Okay. If we took that out and left the two changes to be whether they're vertical or horizontal -- and I would still think we'd accomplish the goal that some the national firms are looking at in the way they design some of their buildings. They'd move along for a distance, notch in, come back out, move along and do the same thing. That would give you some articulation on that roof edge, because it says roof edge or parapet treatment. But what it really means, if it's allowing -- if it requires vertical, it's more than just roof edge.

MR. COSTA: But then it becomes more of a massing element, and it's picked up as that point.

CHAIRMAN STRAIN: But only if you've got something next door comparable to it that you're dealing with, right?

MR. COSTA: No. It's a lineal footage requirement that if you're moving planes back and forth and you're considering that as a roof change, it's a facade -- part of the massing requirement where you have to move that building plane back based on the square footage. A roof plane is more of a horizontal.

CHAIRMAN STRAIN: Well, you know, the issue that I'm asking about, too, it says, for buildings with a floor area. So actually would an accessory roof on the outside of, like, a canopy for a station even fall under this?

MS. CILEK: If I may, for canopies for facilities with fuel pumps, there are specific standards for those structures.

CHAIRMAN STRAIN: I know.

MS. CILEK: Okay. I don't believe that they would fall under this.

CHAIRMAN STRAIN: Okay. And I know we do have it. But, see, where those are lacking in definition, we have to fall back on the other parts of the code, so I wasn't sure if that was happening here.

MS. CILEK: Right. I believe that those standards do provide for flexibility. If we are to amend D.9 to include any additional types of articulation, we would need to come back with proposed language for you to review.

CHAIRMAN STRAIN: Okay.

MR. COSTA: And we would -- we would approve that. I don't see why -- you know, if we can start

manipulating --

CHAIRMAN STRAIN: Back and forth instead of up and down. Well, I mean, that would be a better change than changing the square footage application. So we leave the square footage at 5,000 square feet but give the ability to go horizontally instead of vertically, both, one or the other. That would give you more.

MR. SCHIFFER: I think that's good, because this is roof edges, which a sloped roof has an edge, and a parapet, which the parapet goes up.

So I think if you just took the word "vertical" out of this the way it is, that means somebody's not going to get a big plain roof. He's going to be able to have it come out, go back up, sawtooth, whatever they want.

CHAIRMAN STRAIN: Right.

MR. SCHIFFER: So that's a very good idea.

CHAIRMAN STRAIN: Okay. Well, then, it looks like -- is anybody dissatisfied with that? If not, that was one that could be accepted by both us and the committee so you wouldn't have a contested.

MS. CILEK: Sure. And staff will go back and propose new language, and we can work with the committee.

CHAIRMAN STRAIN: Okay. The next one is the D.12.

MR. FRANTZ: This is another staff proposed change.

CHAIRMAN STRAIN: It's the same as what we're saying, basically, isn't it?

MR. FRANTZ: Yeah. They didn't make any changes. They've just confirmed that.

CHAIRMAN STRAIN: Okay. E.6.C, that's the same issue we've gotten into with the coverage. And so C might want to be rewritten, since we've accepted basically up to 300 feet, to use that same language and correct the language there?

MS. CILEK: Yes. We'll take a look at it for consistency.

CHAIRMAN STRAIN: Okay. Then we'll move on to Page 9.

COMMISSIONER ASSAAD: Can we go back to D.12?

CHAIRMAN STRAIN: Sure, D.12?

COMMISSIONER ASSAAD: Does not include signage.

MR. FRANTZ: Correct.

MS. CILEK: Correct.

MR. FRANTZ: This is for neon tubing on the building.

COMMISSIONER ASSAAD: Signs are excluded from that?

MR. FRANTZ: Right. They're -- neon colors and tubings are covered in the sign section of the code.

MS. CILEK: For signage. This is separate.

MR. FRANTZ: For signs, yeah.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Page 9 is E.7.C. Same consistency language issue there.

MR. FRANTZ: Right.

CHAIRMAN STRAIN: F.1.A -- the committee agreed with adding the word "shaded" back in, and then F.2.B.i; oh, this is the parking issue, is it --

MR. FRANTZ: Right. This is when landscaping is required to be increased for large parking lots.

CHAIRMAN STRAIN: And, you know, I still don't understand why this is a problem, because if you -- you have landscaping increases for parking lots in excess of 20 percent of the minimum parking requirements. Say you're required to have 10 spaces and you want to go to 13, you've got to put additional landscaping in, but it's not the quantity of landscaping that you would have if you had 200 spaces. And instead of going to 240, you went to 250.

So how is -- the ratio is automatically built in by the number of spaces you're dealing with. So why do we -- can you explain to me how this becomes a landscaping issue?

MR. SCHIFFER: Jeremy has a nice chart. But the problem with this is it increases the normal landscaping. In other words, you could build that --

CHAIRMAN STRAIN: Right.

MR. SCHIFFER: -- 13-space parking lot with a certain amount of landscape, but if you get it because you needed 10 and you added three, there's more landscaping then. So why wouldn't we just use the same form we would use for a normal parking lot? Why do we increase the landscape for --

CHAIRMAN STRAIN: Because, number one, you've increased the impervious area with no real need to. For whatever reason you may have done it, we've got more asphalt and less plantable area, less open -- less -- not open space, but vegetative space.

MR. SCHIFFER: Right.

CHAIRMAN STRAIN: Why would we want to encourage that? I think we would want to discourage it, not encourage it.

MR. SCHIFFER: But you could also look at it as -- that they have enough land that they have extra land that they could put extra parking on. So, I mean, automatically, I don't think they would make that land non-pervious use. They might put another building there, increase their parking load. I mean, this is just people who want to have more than the code-required parking, and why penalize them in the landscaping? It's a small penalizing. I mean, Jeremy may not care about it. I wouldn't consider it -- it's pretty minute, the difference.

CHAIRMAN STRAIN: Well, then why are we changing it? Again, it makes this place a little bit of the character we've got. And you guys said earlier, if you want to fix something, the landscaping's what makes Collier County. Well, now you're telling us we don't need it.

MR. SCHIFFER: What I'm telling you is that, you know, there's a formula, and this is to adjust the formula slightly. Why don't let the guys -- let the people designing landscape just use the one criteria. If it's not good enough for the regular parking, why would it help the additional parking?

CHAIRMAN STRAIN: Is your legal counsel Richard Yovanovich?

MR. SCHIFFER: Yes.

CHAIRMAN STRAIN: You're starting to sound a lot alike.

MR. SCHIFFER: Almost everything we know.

CHAIRMAN STRAIN: I don't think this is a necessary change, and I would rather we -- I'd rather we take your earlier advice that we have a great landscaping code, and we ought to keep it, so -- at least that's one opinion on this board. What do the rest of you -- any different?

COMMISSIONER EBERT: Well, I'll tell you what, some parking lots that I've been in lately, to be honest with you, I don't even know how the county could approve them.

You take Trader Joe's, and then they add Comcast, you cannot get in there. I wish the police and fire were there. I mean --

CHAIRMAN STRAIN: That's a different issue altogether.

COMMISSIONER EBERT: Well, now, wait a minute.

CHAIRMAN STRAIN: That has nothing to do with the architecture.

COMMISSIONER EBERT: There is architect -- there is greenery there. I'd rather see bigger parking spots. I mean, you can't move.

MR. SCHIFFER: Let me segue from Diane's point is that maybe the reason they're not building the additional parking is they get stuck with the excessive landscaping requirement.

CHAIRMAN STRAIN: No, it's -- it's like Mercado. You try to get into Whole Foods at Mercado, and they've got this discounted number of parking spaces because of the, supposedly, overlap of time frames; it's a nightmare. And you know Mercado. You live right near there. My God. You can't hardly shop in that shopping center. You've got to stay away from there now.

COMMISSIONER ASSAAD: Was that a deviation?

CHAIRMAN STRAIN: No. No, that actually came in with their PUD with an argument as to why -- you're allowed to make an argument as to why you have a discount in parking, and I forgot how that one came about. But that's a good point.

COMMISSIONER ASSAAD: The city has -- the city, if you -- have a rule that if you do a parking needs study --

CHAIRMAN STRAIN: That's what I think -- we have the same rule.

COMMISSIONER ASSAAD: -- and you say for my particular intended use I don't need to comply with the code because here is a professional study that shows that I need five spaces instead of eight. And if the City Council approves it, then you have reduced your parking from eight to five. Two years down the road, Comcast come in, and they want to lease that space, and you have a problem like that, so...

CHAIRMAN STRAIN: It's occurred quite a few places in Collier County, so...

COMMISSIONER ASSAAD: I don't know what the solution is. The solution, in my view, is not to give any discounts or deviations.

CHAIRMAN STRAIN: I think we know that, yeah.

COMMISSIONER ASSAAD: Another chance to make my point.

MR. SCHIFFER: Let's reward people who do things in excess, like the parking.

But, Jeremy, wasn't one of the other reasons is that it's covered in another section of the code anyway, and they wouldn't -- they would have to do that anyway in the -- in the landscape section of code; is that right? So, essentially, we're just trying to take it out of here.

CHAIRMAN STRAIN: Well, if that's the case, then when you come back, Jeremy, would you show -- we're going to need to see the cleanup language. When you come back, would you show us where that is in the code? And that would help us understand it better.

MR. FRANTZ: Yeah. I can show you that the next time. I can relay now that the current standard in what is 5.0 -- sorry, 4.05.04 is that it doubles the landscaping and trees required for parking lots that are required to provide a minimum of 80 spaces. So the difference with this current -- the way that the architectural section is currently worded is that it would apply to any size parking lot.

So if this section were removed as the committee recommends, the standard would still be in place for parking lots that have a requirement for at least 80 spaces.

CHAIRMAN STRAIN: And can you bring that code in to show it to us? And as an alternative to that -- so you're saying that in a 10-space parking lot, if you want to add three more spaces, you have to double the landscaping?

MR. FRANTZ: Correct.

CHAIRMAN STRAIN: Okay. Now, that helps understand this argument better, because that's one factor we've been trying to understand is what the ratio is. So it's not at a ratio. It's a flat-out double.

MR. FRANTZ: Right.

CHAIRMAN STRAIN: And can you --

COMMISSIONER HOMIAK: Doubling?

CHAIRMAN STRAIN: Doubling what? That was my next question. So maybe when you come back, you can explain to us what it means on a small parking lot versus a 50 parking lot versus an 80 so we know that the standard is at a ratio as it increases and to what extent.

MS. CILEK: We'd be happy to do so. There are several layers to it, so we'll walk through those at the next meeting.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: Many parking spaces in the old days used to be designed with an eight -- 10-by-20-foot parking stalls.

COMMISSIONER CHRZANOWSKI: Eight by 18.

COMMISSIONER ASSAAD: Then the code changes to nine and eight feet for compact cars, and instead of 20, you use 18. So a lot of developers re-stripe the parking lots, and that reduces the ratio of open space greenery because you have more cars and less parking -- less greenery.

CHAIRMAN STRAIN: Well, they wouldn't be changing the asphalt if they just re-stripe. So it would be the same.

COMMISSIONER ASSAAD: They added so many cars.

COMMISSIONER EBERT: They added more cars.

COMMISSIONER ASSAAD: They added more use, and they didn't increase the greenery.

CHAIRMAN STRAIN: Okay.

MR. SCHIFFER: I think the reason we want this out -- the architects don't want to deal with that. Other people can have that problem.



COMMISSIONER ASSAAD: There you go.

CHAIRMAN STRAIN: Well, if we can address it elsewhere in the code, then I'm just as fine with that, as long as you don't put it on an engineer. We've got to be careful of those engineers.

COMMISSIONER CHRZANOWSKI: Hey, I'm an engineer. I don't have architectural opinions.

CHAIRMAN STRAIN: Let's move on to Page 10. There's two items on Page 10. The committee proposed no change to F.2.B.ii, and this is back -- same thing that we're talking about now. Oh, no. This is actually moving it to the back instead of all in the front.

MR. FRANTZ: This is the location of where the parking is on site.

CHAIRMAN STRAIN: Which contradicts the Dover-Kohl study, which was one of the points that I found the last time we went through with this. So, I mean, basically this would allow every project to have 100 percent of the parking in front of the building instead of around it, in back of it, et cetera, right?

MR. FRANTZ: Correct.

CHAIRMAN STRAIN: And what's the consensus from this board? I don't see the need to change it myself, but that's -- Charlette? Wafaa?

COMMISSIONER ROMAN: No. I don't think we want all the parking all in the front.

CHAIRMAN STRAIN: Anybody? Okay. We'll just -- it's not one we're going to agree to, Caroline. Old E.2.C, no change. The minimum pedestrian pathway connections must be provided from the building to adjacent -- this is the one where they believe it's another part of the code. You're going to check that out and let us know. And if it is, fine. If it isn't and it needs to be moved, then it will be concurrently with the strikethrough, not --

MS. CILEK: If I may, that was the prior section we spoke about. This was the one that Brad was alluding to earlier. So we'll let him go first.

COMMISSIONER EBERT: That's when he said, "I'll be back."

MR. SCHIFFER: This is the one I was rehearsing before.

The problem was we don't really want or think it's necessary. And, again, it's been really driven. There were several engineers on this committee. They obviously don't like to come to these meetings, but -- and the putting the sidewalk alongside the entrance drive didn't really make sense.

Now, putting proper sidewalks makes sense, but there's other parts of the code, like the ADA and stuff, that regulate that.

CHAIRMAN STRAIN: Okay. Let me -- I think in a visual example there was a project -- I think it was a small grocery store or something where they had parking on the side of the building, and this would have required them to put a sidewalk along the entire length of the outside of the building so that people parking in that side parking lot could walk up to the sidewalk and use the sidewalk to walk down to the entrance door that was out front.

And they added -- coupled with that was the foundation planting requirements that pushed it out even further. So when they finally got done, they were losing so much space they couldn't even get a parking space on the side parking lot.

Why -- so this -- someone has decided that parking lots aren't safe to walk in, that it has to be a sidewalk even in a small parking lot?

MR. SCHIFFER: Well, I mean, what's the -- first of all, again, as architects, it would be nice to move this away from building design. But why would you have to have at every drive entrance a sidewalk at that point? I mean, if you're on the sidewalk, obviously, you could come up that, and you'd be crossing other roads.

CHAIRMAN STRAIN: What do you mean every drive entrance?

MR. SCHIFFER: Well, what -- it says here --

MS. CILEK: It is main entrances.

MR. SCHIFFER: Drive aisles leading to main entrances must have at least a walkway on one side of the drive aisle.

CHAIRMAN STRAIN: So a driveway down the middle of a parking lot, the drive aisle, with spaces on either -- one or both sides. When you get to the end of that parking lot and you want to park, you still -- they're looking to say you need a sidewalk to get you back up to the front door if the front door's in the

front of the building. Is that --

MR. SCHIFFER: Yeah. I mean --

CHAIRMAN STRAIN: No. Jeremy's shaking his head no. So somebody needs to tell us what this means.

MR. FRANTZ: So this will be at the entrance to the property.

CHAIRMAN STRAIN: Right.

MR. FRANTZ: And wherever there's a -- wherever there's a vehicular entrance to the property, this code section requires that there's also a pedestrian -- that there's also a pedestrian entrance at that location.

CHAIRMAN STRAIN: Okay. And the pedestrian entrance would go along both sides of the asphalt close by the asphalt on the drive aisle and out to connect to the street; is that what the assumption is?

MR. FRANTZ: It says at least one side of the drive aisle.

CHAIRMAN STRAIN: Okay. But the connection is to the street then? It's not for the people in the parking lot.

MR. FRANTZ: Right.

CHAIRMAN STRAIN: Okay. That's what this is for. Well, what's the problem with this?

MR. SCHIFFER: I mean, there is other areas of the code. The ADA, for example, require a sidewalk entrance to the main entrance. So that exists. So why do we have to put them on the --

CHAIRMAN STRAIN: Well, the ADA requires it, but do you know the ADA is not too strongly enforced in this county, so how do we know -- and why don't we put it in our code if it's that important?

COMMISSIONER CHRZANOWSKI: I don't think it requires a sidewalk either. I think it requires a handicap accessible pathway route, which could be just a piano key type crosswalk striping in your parking aisle, I think.

MR. SCHIFFER: From a public sidewalk, you have to have an accessible route, which is -- you know, it's a 4-foot concrete.

COMMISSIONER CHRZANOWSKI: Yeah. But it doesn't say sidewalk. It says a handicap accessible route.

MR. SCHIFFER: That's made out of concrete and some other thing.

COMMISSIONER CHRZANOWSKI: Asphalt, whatever.

MR. SCHIFFER: Asphalt would work. But the -- anyway, I mean, the issue is why require in the architectural standards a sidewalk alongside entrance drives?

COMMISSIONER EBERT: Yeah. Why are you putting it in architectural?

CHAIRMAN STRAIN: Well, first of all, does the committee believe this is something -- a good practice?

MR. SCHIFFER: It's a good -- you know, look at the Miami Beach entrance.

CHAIRMAN STRAIN: He knows where I'm going with this. If you think it's a good thing, then okay. It may not be needed in your part of the code, but if it's not in another part of the code, we need to leave it there until it is.

MR. SCHIFFER: And, again, I'm speaking for the civil engineers that had heartburn over this, is that they were given examples of where they're putting in multiple sidewalks that they felt weren't necessary.

Obviously, you know, the Miami Beach entrance with the drive and the sidewalks, of course it works good. But why put a requirement in the architectural standards?

CHAIRMAN STRAIN: Well, it says, the committee believes that requiring pedestrian access to be located near drive aisles creates a safety hazard that creates an unneeded impervious area. So it's safer to walk on the drive aisle; is that what they're saying?

MR. SCHIFFER: No. It's safer to continue to where the sidewalk is and come -- which would be away from the drive aisle.

COMMISSIONER CHRZANOWSKI: Handicap code says you need a handicap accessible entrance. This is just redundant. He's right about that.

MR. SCHIFFER: Right.

CHAIRMAN STRAIN: Can you -- can staff research --

MS. CILEK: Yeah.

CHAIRMAN STRAIN: -- and find where another code provides this, and then we can eliminate it if that's the case?

MS. CILEK: Sure. We can come back with the ADA requirements for you bulleted out. I will just mention that, you know, as staff we're trying to provide a consensus concept for the committee to look at. And in talking with staff, we recognize that maybe providing a sidewalk on each entrance, each main entrance to a project may be burdensome and does perhaps increase impervious area, so we were looking at, perhaps, a threshold of distances of when they would be required. So we wanted to see if we could come up with a compromise of some sort, too.

CHAIRMAN STRAIN: Stan? I thought --  
Okay. Page 11.

MR. SCHIFFER: Mark, let me point out one thing before we go back. The first sentence that Rocco just pointed out is that it does require one at each vehicular entrance. So that means if you have a parking lot with six entrances, you've got the ADA in the main, and you've got six sidewalks all over the place. And obviously people -- we want sidewalks, we want them to get from buildings -- the sidewalk to the building, but is that necessary? That's all.

And, again, in terms of regulation, maybe, you know, find another place for it.

CHAIRMAN STRAIN: No, that's fine. If we can make sure it's -- make sure it's somewhere. I think that's the issue. We've got to make sure it's addressed in some manner somehow in one of the codes or another. And if you guys say it shouldn't be here, then -- and it is somewhere else, let's just find that so we understand it before we vote on it.

MS. CILEK: Sure.

CHAIRMAN STRAIN: Page 11 or -- yeah, it's Page 11.

MR. FRANTZ: This is --

CHAIRMAN STRAIN: No change to the committee proposal, right?

MR. FRANTZ: Correct.

CHAIRMAN STRAIN: One drive-through facility for each building regardless of size is the issue, I believe. You guys are looking at eliminating the square footage size?

MR. COSTA: Eliminating because it is located in 4.02.01, and it's limited by the use and the zone.

CHAIRMAN STRAIN: Okay. I don't have any problem with that. As long as it's there, that's what we're looking for. Thank you. That makes that one simple.

Anybody else?

(No response.)

CHAIRMAN STRAIN: That takes us to the end of it. They're saying that this reference to square footage is already in the code because you can't build a building smaller than any of these numbers so, therefore, you couldn't have a drive-through smaller than those buildings in the -- so...

And, Jeremy?

MR. FRANTZ: So that's -- that takes us through to the end of the sections that you had questions for the committee. We have some things to bring back to you.

CHAIRMAN STRAIN: Just cleanup, yeah.

MR. FRANTZ: Right, some cleanup items.

We do need to make some changes to the actual amendment request. We're looking at a portion of the changes that they've requested, and we had a long narrative prior to the amendment, and we need to make some changes based on the changes that have come out of these couple of meetings. So we may need a little bit of time before we bring that back to you.

CHAIRMAN STRAIN: That's fine with me. Does that work for the committee and everybody else?

MS. CILEK: Yeah. We're looking for a date-certain of April 21st, I believe. It's a Thursday.

CHAIRMAN STRAIN: Okay. Well, do we have to continue this one again, Heidi, to that date, or how do we do that?

MS. ASHTON-CICKO: I'd suggest you just continue it to that date.

CHAIRMAN STRAIN: Okay. Is there a motion to continue the review of the architectural standards --

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: -- to April 21st? Motion made by Charlette. Seconded by?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Diane.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

MS. CILEK: Great. One more thing. There is actually a second amendment with this package which introduces cross-references in other places of the LDC so that it's easier for a reviewer who's abiding by 5.05.08 to know about other provisions and vice versa. So at the next meeting, we'd like to walk through that as well. It's a helper item.

CHAIRMAN STRAIN: Just put it on the end of the meeting, and as long as we can get to it, we will.

MS. CILEK: Okay. Sounds good.

CHAIRMAN STRAIN: Sounds good.

Okay. That takes us to old business. There isn't any.

New business? We talked about discussion on deviations. We had a discussion already on deviations but, Mr. Assaad, it's -- if you wanted to further discuss it at this point, just say so.

COMMISSIONER ASSAAD: I think we should discuss it at a later meeting because --

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: But when we do discuss it, I would like somebody in staff to tell us what the most common deviation requests are.

COMMISSIONER ASSAAD: Yeah, yes.

COMMISSIONER CHRZANOWSKI: You know, if every subdivision coming through here is requesting a sign deviation, then why? What's wrong with the code that they all have to request -- you know, if -- and, you know, I don't necessarily want them to go through every PUD they have and -- but these guys deal with it all the time. They know what common ones are, and I'd like to know what ones they see most often.

CHAIRMAN STRAIN: Okay. And I guess what we'll have to do is have a discussion with Ray to find out when he could have -- he won't be able to do that by the next meeting. Another thing that has to occur, too, then, if we're going to look at it that way, we need to look at why we call these deviations. Because I went back and looked at the old PUDs. They were all there, but they're called exceptions. They're buried in the paragraphs.

So it's nothing new. It's something that has changed its reference over time, and we need to understand how that occurred and what that meant previously. So I think all that needs to come together. And I know, Caroline, that's not your bag, but we'll have -- Ray, I'm sure, is going to watch this -- is watching this back at the office.

COMMISSIONER ROMAN: I think another part of that is not just what's requested but what was approved, you know, in terms of if -- let's say the sidewalk deviation was requested 30 times in the past five years and it was approved 29 times or what -- you know, what the track record has been, because I think that coming forward with a PUD, the developer is going to ask for as many options as they feel they need to make the project viable.

COMMISSIONER EBERT: Well, Charlette, my -- on the sidewalks was one of my deals. It's because it was brought through as deviations since I've been on the Board, and all of a sudden it is expected. You will give us this deviation. And I'm hearing pushback from people who now live in these communities, you know, so -- and it's in the Land Development Code. Either we change the Land Development Code --

CHAIRMAN STRAIN: Well, you guys have missed something. We have the deviations request. At some times it builds up to such an issue and it becomes controversial, like you're just saying, that it is looked at more closely by the Board of County Commissioners. They are the final interpreters of the code. They set the policy. When we finally got to that point with sidewalks, guess what? They reviewed it, and the policy was set. Basically, you don't get a majority vote if you put a deviation in there for sidewalks on one side of the street. So from here on out we know already how to deal with that issue.

So I think that some of those do get handled. And over time you'll see that some of the old deviations got changed and modified in the PUD -- in the code, so they're not asking for them anymore. And it wouldn't be bad to look at what the new ones are asking, but we're going to get into the roadway one. That one doesn't have to be done as a deviation. It's already allowed by code.

So someone could go to the county -- get it administratively, and they could reduce the road down to 40, 45 feet, whatever they want. They're trying to do it for the surety of asking for it at the time they come through with their PUD because that's way in advance of their plats and their PUDs and their SDPs that they ask for. That's why we're seeing them. But it's still something that could be done by code by staff.

COMMISSIONER ROMAN: When they come forward with the PUD, it's their right to ask for different, you know, deviations or exceptions.

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: And that's customary. I don't think there's anything wrong with that. I think that it's this board's responsibility whether to make recommendations to grant those as the petition goes forward.

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: But I think that the code is based upon allowing for some of those variations in their projects.

CHAIRMAN STRAIN: That's what, hopefully, staff will come back and provide --

COMMISSIONER ASSAAD: I'm trying to hold my tongue till we get to discuss it.

CHAIRMAN STRAIN: Well --

COMMISSIONER CHRZANOWSKI: I have one item of new business. I think we ought to find out where we're going with exotic vegetation in this county, because I see it everywhere. And the only people taking it out are private individuals that the county is making remove the exotics, but the county has exotics on all their land. Nobody's doing anything. I see exotics in Rookery Bay. I see exotics on every piece of preserve parcel around. They're just everywhere.

COMMISSIONER ROMAN: Even beaches has exotic vegetation.

COMMISSIONER CHRZANOWSKI: Yeah. We need to find out what the plans are. Who's on top of it? Who's going to take it out? Why we're spending so much money. And I hate to say this, but I just saw a study in nature come out that said that the sea level is going to rise three to six feet by the year 2100. The Everglades is going to disappear when this happens. Why are we saving it if it's gone?

CHAIRMAN STRAIN: Ooh?

COMMISSIONER CHRZANOWSKI: Yeah, I know. It's a waste of money a lot of times. I'm just --

COMMISSIONER ROMAN: Well, I think, Stan, that we remove it when new projects come before us, but maintaining it is a whole different thing unless you're in a development that has the easements to protect.

COMMISSIONER CHRZANOWSKI: And it was Marsala that started me down this kick, because when I went and looked that -- on the side of Livingston opposite Marsala there's all this -- they call it dog hair Melaleuca, a mile of it just all in the FP&L easement. There's just Brazilian pepper everywhere. The county park has four or five kind of exotics through there. It's just -- you know, the more I bicycle through that area, the worse it is. And I'm wondering why we're bothering. It's a waste of money.

COMMISSIONER EBERT: Shouldn't FPL take care of their own?

COMMISSIONER CHRZANOWSKI: They should, and every other project. The county park should take care of their own. Marsala should take care of the stuff I saw out there. Everybody should take care of their own.

COMMISSIONER HOMIAK: They're supposed to.

COMMISSIONER CHRZANOWSKI: But nobody's doing it.

COMMISSIONER ROMAN: And part of it is funding. When I addressed --

CHAIRMAN STRAIN: Well, I'll tell you what. I'll -- when I get back, I'll let staff know at one of our upcoming meetings to explain the exotic removal criteria to us so we understand it and the -- how the Estates is treated in the agricultural area and all the essential service areas and things like that. Okay.

COMMISSIONER CHRZANOWSKI: Right. Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: With that, is there any public comments? Seeing nobody out there, I know that can't happen.

So is there a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

CHAIRMAN STRAIN: Made by Diane. Seconded by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Karen.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody -- we're out of here.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 1:48 p.m.

COLLIER COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
MARK STRAIN, CHAIRMAN

ATTEST  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 4-21-16, as presented \_\_\_\_\_ or as corrected .

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