

June 2, 2016

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, June 2, 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, 3299 East Tamiami Trail, Naples, Florida, with the following members present:

CHAIRMAN: Mark Strain
Wafaa F. Assaad
Stan Chrzanowski
Diane Ebert
Karen Homiak
Charlette Roman
Andrew Solis

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Mike Bosi, Planning and Zoning Manager
Nancy Gundlach, Principal Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the June 2nd 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: If the secretary will please do the roll call.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Solis?

COMMISSIONER SOLIS: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Assaad?

COMMISSIONER ASSAAD: Here.

COMMISSIONER EBERT: Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. We have a long agenda today. Under the addenda to the agenda, I don't know of any further changes.

Ray, do you have anything from staff's perspective?

MR. BELLOWS: No.

CHAIRMAN STRAIN: Okay. We'll move right into Planning Commission absences. Our next regular meeting is June 15th. Does anybody know if they're not going to make it on June 15th?

(No response.)

CHAIRMAN STRAIN: All right. We'll have a quorum that day. Great.

We received electronically, or I don't know if some of you may have got it hard copy, approval of minutes. There are two sets. We'll start with the first one, April 21, 2016. Are there any changes? If not, is there a motion to approve?

COMMISSIONER ROMAN: Move to approve.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Made by Charlette, seconded by Karen. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: 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 -- 7-0.

Next one is May 5, 2016, same action. Anybody wish to make a motion?

COMMISSIONER ROMAN: Move to approve.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Same motion maker and second. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: 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 7-0.

Ray, BCC report and recaps?

MR. BELLOWS: Yes. On May 24th, the Board of County Commissioners heard the Davis/Radio rezone. That was approved on their summary agenda subject to the Planning Commission recommendations.

CHAIRMAN STRAIN: Great. Thank you.

Chairman's report; I've got nothing unusual to talk about today, so we'll move right into the other items.

Consent agenda; there's no items carried over from the last meeting, which takes us to our first advertised public meeting.

For the benefit of the public, we have three land use actions today, and the order in which they'll be taken is the order in which the agenda calls out. Highview is the first one; the Grace Romanian Church, also known as the RMC Enclave RPUD, is the second one; and then the Onyx RPUD is the third one.

***So we'll start with the first one, which is 9A. It's PUDZ-PL20140002809. It's the Highview Roost Road RPUD off of Manatee Road.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. If you're going to talk on this item, please stand up and be sworn in. This is for the Roost Road project. So if you're going to speak, you need to rise and be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Okay. Disclosures on the part of the Planning Commission. We'll start way over with Tom Eastman.

MR. EASTMAN: Several months back I did speak with a transportation engineer regarding this project.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Nothing recently.

CHAIRMAN STRAIN: Okay. Andy?

COMMISSIONER SOLIS: None.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: Myself, I've had a lot of discussion with the applicant, applicant's representatives, and staff.

Karen?

COMMISSIONER HOMIAK: None.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: None.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Just staff.

CHAIRMAN STRAIN: Okay. With that, we'll move right into the presentation. This is an item that's been continued a couple of times for some changes that were needed involving the lake and other

issues. So, Patrick, I'll let you continue.

MR. VANASSE: Okay. Good morning. My name is Patrick Vanasse. I'm a certified planner with RWA. It's my pleasure to be here this morning to discuss this Highview Roost Road rezoning petition.

With me this morning I have our ecologist, Craig Smith, with us. I've got Norm Trebilcock for transportation; Mark Sunyak, our project engineer; and Ashley Caserta, also a planner with RWA; and I think our land use attorney should be coming shortly also.

I believe we made some recent changes to the PUD exhibits. About a week ago you should have received a copy of that via email. We brought some hard copies with us if you need those. Should I hand those out or --

CHAIRMAN STRAIN: If they're the same as what we received, I think we'll start with that first, and we'll see where it goes.

MR. VANASSE: Yeah. You should have received it via email about a week ago.

CHAIRMAN STRAIN: Nancy, what he's talking about, is that the one that was in our packet?

MS. GUNDLACH: No. It's the one that was emailed. Could you hand them out, please, Patrick.

CHAIRMAN STRAIN: Okay. And that was the one that was over 10 pages?

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Okay. So, yes, you'll have to hand them out because, by the Planning Commission's previous policy, if it's over 10 pages it needs to be delivered to us in hard copy. We're not obligated to have to print those items out. None of us have printers supplied by the county.

MR. VANASSE: Well, the changes were pretty minor details in working with staff that were changed kind of last minute; however, the request today before you is relatively simple. We are asking for rezone from mobile home to residential PUD. It's relatively simple in that it's a 22-acre, essentially, infill project, and we are asking for only single-family uses.

Also, from a density standpoint, we are reducing the potential density on site. We are also reducing the potential traffic impacts, and we have no environmental issues of concern on this site.

That being said, we've reviewed staff's report and their findings of consistency and compliance with the Land Development Code and with the Comp Plan. And unless the Board would like a more detailed presentation, we're ready to answer any questions you may have.

CHAIRMAN STRAIN: Well, I mean, there's going to be needed some corrections to the current plan that we have, and I haven't reviewed the one that was handed out now, obviously. I reviewed the one that was included in our packet.

So I'm sure the questions will be from that one to start with, and I'll turn to my other Planning Commission members first for their comments. Anybody have any comments from the PUD application that's in front of us in our packet?

(No response.)

CHAIRMAN STRAIN: Okay. Patrick, let's turn to Development Standards Table on Page 3.

MR. VANASSE: Okay.

CHAIRMAN STRAIN: Based on the cross-section of the lake, which I believe is Page 15, you've got, instead of an LME, you've got an LSB, a lake setback instead of a lake maintenance easement. That lake was an old lake dug decades ago, and so I understand the reasoning for that.

But your setbacks in your fifth line of your Development Standards Table reference seven-and-a-half feet rear yard for the principal structure from the perimeter buffer or LME. I think you need to include the lake setback easement in there as well because that's what you have on one lake out of three.

MR. VANASSE: I'll direct you to the exhibit. And if we take a look at the lake setback easement, that terminates prior to the landscape buffer easement that goes further into the property, so the principal structure setback and the accessory structure setback would still be based on the landscape buffer.

CHAIRMAN STRAIN: Then why does it bother you that we include the lake setback -- lake setback easement?

MR. VANASSE: We can include it. That's not a problem. I'm just pointing that out.

CHAIRMAN STRAIN: Well, you've got a word "varies" in there, plus you know from my conversations with you the flattop on this easement isn't in the easement. So there is going to have to be

some changes on this plan here. Did you bring any of those for discussion today, or did you resolve how to handle the planting area --

MR. VANASSE: Yes.

CHAIRMAN STRAIN: -- of that 15-foot easement?

MR. VANASSE: Yes, we have.

CHAIRMAN STRAIN: Do you have a detail on that?

MR. VANASSE: We haven't modified the exhibit, but I can use this one and discuss this right now if you'd like.

CHAIRMAN STRAIN: Okay. Because what happens is with your flat area for planting, you end up being two feet outside the landscape buffer easement with your required landscaping.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes.

COMMISSIONER CHRZANOWSKI: I think Patrick's point might be if you sum up the seven-and-a-half foot setback in the 15-foot landscape buffer easement, it's 22-and-a-half feet. Even if the "varies 7-foot minimum to 12-foot maximum" goes down to zero, the 20 is still less than the 22-and-a-half. So I got no problem with them putting that in there. It's redundant, but --

CHAIRMAN STRAIN: Well --

COMMISSIONER CHRZANOWSKI: -- engineers like redundancy.

CHAIRMAN STRAIN: Wait a minute, though. If you've got the -- if you've -- if that "varies" goes down to zero --

COMMISSIONER CHRZANOWSKI: It's still 20 and less than 22-and-a-half.

CHAIRMAN STRAIN: Right. But the point would be he needs to go -- the rear setback would then need to be measured from the 20-foot lake setback, not the 15-foot landscape buffer easement, right?

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Well, that's the only point I'm making. In looking at the survey they supplied on Page 139 of the original document, the contours of the lake are very close to the property line. On this, they're saying they're going to be 7-foot and 12-foot maximum because they're going to reconfigure. They're going to actually fill in the lake and re-slope the lake to county standards, and that's fine, but it doesn't hurt to include the LBS (sic), the lake --

COMMISSIONER CHRZANOWSKI: You're right. There's no harm in that.

CHAIRMAN STRAIN: Right. Just in case something doesn't come out exactly, you've got another standard to have to adhere to for setback. I didn't see the problem with it, to be honest with you.

MR. VANASSE: Understood. The clarification was just that let's say we -- the reason why it varies is that the lake edge meanders, and in areas we're going to have to backfill, and what we're saying is we're going to provide the seven feet as a minimum from the property line of the water.

So that would be where things are the tightest. In some areas it's going to be more generous than that. So looking at that cross-section -- and this can be seen as a worst-case scenario, meaning the closest the homes will be to the water.

So if you look at this and we make it to the lake setback, it actually benefits us from a development standpoint, meaning that we gain an extra two feet for our setback to the homes, but if we were to measure from the LBE (sic), it's actually inwards closer to the homes.

CHAIRMAN STRAIN: Well, we'd be looking at the most stringent, not the most flexible. Why would you -- so you're saying -- you're suggesting that you would pick the one -- I would suggest that it would have to -- you can't go in a separate tract. First of all, let's establish that. You're going to plat these separately, correct?

MR. VANASSE: The buffers.

CHAIRMAN STRAIN: Right.

MR. VANASSE: Not the lake setback. That won't be platted.

CHAIRMAN STRAIN: I know, but you're going to separately plat the buffers.

MR. VANASSE: Correct.

CHAIRMAN STRAIN: Okay. So you can't go into another tract, so your measurement's going to

be from that platted tract, the lot that you're on, is that correct, the rear lot line?

MR. VANASSE: Right. And the only thing I was pointing out is that the landscape buffer is actually further landward side than the 20-foot setback. We can put "setback" in there.

CHAIRMAN STRAIN: No. If you can tell me how you're going to clear up that 5-foot flattop on the easement and get it inside the easement, that might help resolve the concern that I have.

MR. VANASSE: Okay.

CHAIRMAN STRAIN: So how are you going to clear that up?

MR. VANASSE: So I know this might be a little confusing, but like I said, the water's edge meanders, okay. So right now, if we were to just take the 15-foot buffer and move it towards the homes to include the 5-foot flattop, that means we would be moving it two feet, and instead of our landscaped buffer starting at the property line, we'd have a 2-foot gap, okay --

CHAIRMAN STRAIN: Right.

MR. VANASSE: -- which is uncommon. We're fine with that. But if we -- if we show a 2-foot gap, it doesn't necessarily mean that it's going to be a 2-foot gap along the entire property line, because in some instances we can get to the top of berm and the flattop within 15 feet.

So my thought was we could show that the landscape buffer could vary from 15 to 17 feet and show that as "varies," but a minimum of 15-foot would be provided.

CHAIRMAN STRAIN: Okay. But the problem is the way this detail's down, it would be a deviation to our code because you've got the flattop portion of the buffer that requires the buffer planting to be actually in the backyard portion of the ownership of the property you're selling to the property owner, and they could come in and take that out. That was my concern.

So what you've got to do is take that 7.5 minimum line and move it closer to the house to pick up the entire five foot and then show the variable. This detail's not going to work because it changes the Land Development Code. And you've not asked for a deviation to do that.

MR. VANASSE: So if we were to change this from 17 -- 15 to 17 feet, we put "varies," and we put "minimum 15," would that --

CHAIRMAN STRAIN: As long as -- see that flattop where you're planting?

MR. VANASSE: Yeah, in the line.

CHAIRMAN STRAIN: That's got to line up with the exterior edge of your LBE.

MR. VANASSE: So the line would be shifted here.

CHAIRMAN STRAIN: Right. Okay. And that works.

MR. VANASSE: That works? Okay.

CHAIRMAN STRAIN: Nancy, do you have any problem with that?

MS. GUNDLACH: No, I don't.

MR. VANASSE: We're going to make that change and bring it back at consent with that change made.

CHAIRMAN STRAIN: Okay. Now, move your drawings so we can see the building's relationship to the setback.

Now, it looks like the building has got -- it looks like it's possibly a two-story building with a one-story lower side. That might be assumed to be an accessory structure, but here's the other problem. You're asking for the rear yards in that location -- all locations to be zero feet. So you're going to go to -- how do you go to zero feet and retain your swale, just out of curiosity?

MR. VANASSE: We're asking -- you're talking about accessory structures?

CHAIRMAN STRAIN: Yes.

MR. VANASSE: We're not talking about the principal structure, so the principal structure would still be at seven-and-a-half feet.

CHAIRMAN STRAIN: Right.

MR. VANASSE: Accessory would possibly encroach within the swale. That swale configuration, I don't think, has been fully designed at this point. So, again, this would only apply to accessory structures, not the principal structure.

CHAIRMAN STRAIN: And we -- that's not something that's abnormal to ask for. We've had it on

other projects, but because of your diagram, I couldn't figure out how you intended to use it, and that's what I was asking.

MR. VANASSE: Okay. And going back to the table and identifying the lake setback, what I'd like to point out is, so with this edit, our landscape buffer's going to be shown as this line in blue, and our 20-foot setback terminates right here. So what I'm saying is no matter what we're going to be measuring from the --

CHAIRMAN STRAIN: Right. I understand now. We're fine. We've dropped the LSB reference. That's fine.

On your Exhibit B, development standards notes --

MS. ASHTON-CICKO: Can I ask a quick question on the chart just to make sure I'm clear?

CHAIRMAN STRAIN: Sure.

MS. ASHTON-CICKO: The 7.5, that "minimum" that you've got on the cross-section, does that protrude into the 15- to 17-foot, or it's outside?

CHAIRMAN STRAIN: No, it's outside.

MS. ASHTON-CICKO: Okay. Thank you.

CHAIRMAN STRAIN: They're going to separately plat the LBEs, LMEs, and those kind of tracts, so, you know, they can't -- they'd be in separate tracts. They can't go outside their lot line, so...

MS. ASHTON-CICKO: All right. Thank you.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ASSAAD: You have a seven-and-a-half foot setback between the principal structure and the property line?

MR. VANASSE: No, in the buffer. The buffer's going to be platted separately.

COMMISSIONER ASSAAD: Oh. Those units cannot have their own swimming pool or any sizable backyard?

MR. VANASSE: It's a minimum. So it could be greater, but that's the minimum.

COMMISSIONER ASSAAD: So let's talk about the minimum, because this is the standard that you included, right?

MR. VANASSE: Yes.

COMMISSIONER ASSAAD: Do you think seven-and-a-half feet backyard is adequate?

MR. VANASSE: They haven't decided exactly what product they're going to put on there, so we've looked at large development envelopes versus something a little smaller. On these smaller development envelopes, there would be space for a pool. On the larger ones, as shown here, there wouldn't be. That's going to be a market decision and a decision by the builder.

COMMISSIONER ASSAAD: I find -- personally find the seven-and-a-half foot setback very little. In my view, it should be significantly more. I understand that you're talking about minimums and market conditions and individual houses or buildings but, nonetheless, as a minimum standard, I don't think this is adequate at all.

MR. VANASSE: And the --

COMMISSIONER ASSAAD: Is there any room to increase it?

MR. VANASSE: No. From the standpoint of engineering this design and, also, we're dealing with a lake issue where we've got a lake setback and we have a buffer there.

So when we -- we're talking about a seven-and-a-half foot minimum setback, that's the smallest their backyard could be. But when you think about it, you're going to have 15-foot -- feet of buffer, and the plantings are only a portion of that 15 feet, and then they're going to have a view onto the lake.

COMMISSIONER ASSAAD: Can you put a swimming pool or a screened cage in the buffer?

MR. VANASSE: Not in the buffer.

COMMISSIONER ASSAAD: So you're limited to seven-and-a-half feet?

MR. VANASSE: But I don't think it's a necessity of all projects to provide the ability for a pool. I think that becomes a market decision. Not all owners want that. Plus, if we are going to have to provide pools on every project, we're just going to increase (sic) affordability and increase house prices throughout the county.

COMMISSIONER ASSAAD: I understand.

Did you start with a product that you wanted to put on the side, or how did you arrive at the building envelope?

MR. VANASSE: We just looked at a building envelope with identifying the setbacks and what we could build on. We haven't worked with an architect yet to define an actual building footprint.

COMMISSIONER ASSAAD: And in your front yard, minimum setbacks, you've identified 15 feet?

MR. VANASSE: Yes.

COMMISSIONER ASSAAD: So do you have garages?

MR. VANASSE: It's 15 feet for the principal structure, and the 23 feet from front of garage still applies.

COMMISSIONER ASSAAD: Where do I find that?

MR. VANASSE: That would be as part of the footnotes.

COMMISSIONER ASSAAD: Part of the footprint (sic)?

MR. VANASSE: Footnote No. 1 to the table.

CHAIRMAN STRAIN: Footnotes, yeah. If they have a front-entry garage, they have to be 23 feet from the back side of sidewalk. And if they don't go to front entry, they do a side entry, then they can put their principal structure -- their accessory garage up to the 15-foot.

MR. VANASSE: Correct.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Just as some point of clarification, we have had product come forward where they've had wraparounds for the pool, meaning the principal would be up -- would be from the front to the back and there would be a courtyard in the middle with a pool in between some of the bedrooms and the more utilitarian uses up front or living rooms that are going to be overlooking the pool and all those enclosed and part of the structure more or less. So that still would be a product possibility which has been commonly used in a lot of projects we've seen.

MR. VANASSE: Correct.

COMMISSIONER ASSAAD: How big is the recreation facility going to be?

MR. VANASSE: It's going to be a relatively small rec area because right now we're not a very big project. We're looking at either 60 single-family detached homes or 86 --

COMMISSIONER ASSAAD: How big is the recreation facility going to be?

MR. VANASSE: We've got about just over three acres for that area. We've got -- actually, sorry. Just .19 acres, so about one percent of the site is allocated to that recreation area shown on the master plan.

COMMISSIONER ASSAAD: Is it the land area of the recreation site --

MR. VANASSE: Yes.

COMMISSIONER ASSAAD: -- or which part of the lake?

MR. VANASSE: The land area only.

COMMISSIONER ASSAAD: What facilities do you intend to put in it?

MR. VANASSE: We're looking at a small clubhouse, and I use the term loosely. When I say "clubhouse," it could be just meeting rooms for residents, but something in keeping with the size of the project. It won't be very big.

COMMISSIONER ASSAAD: Have you identified the price for this product?

MR. VANASSE: No, we have not.

COMMISSIONER ASSAAD: So you haven't identified the price, you don't know what the market conditions are going to be, but yet you identified the building envelope?

MR. VANASSE: We have identified --

COMMISSIONER ASSAAD: I think it's too crowded; that's what I'm trying to say.

MR. VANASSE: We have identified a maximum building envelope, and I do not believe that going to price is a requirement of the LDC.

COMMISSIONER ASSAAD: There was a study done in Collier County a while ago that has to do with the recreation and outdoor spaces, and the essence of the study is that the big, big houses, you know, the 6,000 square feet or 4,000 and up, they usually have big yards, big swimming pools, big amenities on site, but those people can also afford to belong to a country club or have outside recreation facility to utilize.

The smaller the unit, the more competitive the price. The smaller the lots and the lack of recreation, the redevelopments are crowded, and those people that live in those developments are very confined in a small house, a small yard with no adequate recreation.

Seems to me like the opposite should be done. If you're looking at an economical development, if we call it that, a reasonably priced development, and you're putting so many units in it, there should be emphasis on the recreation away from your own lot.

MR. VANASSE: Understood; however, just to clarify again, from a crowded standpoint, I just want to address that issue.

Our density that we are requesting is less than four units per acre, which is a pretty low density overall, so I don't want people to think --

COMMISSIONER ASSAAD: And with that density you included the lake.

MR. VANASSE: But I don't want people to think this is a high-density project where things are crowded.

COMMISSIONER ASSAAD: Believe me, I understand.

MR. VANASSE: And we're over --

COMMISSIONER ASSAAD: In calculating your density, you included the lake area.

CHAIRMAN STRAIN: When -- for the court reporter's sake, when you ask a question, let him finish first so she can type it, because she can't type both of you talking at the same time.

MR. VANASSE: Yes, we included the lake area. That's standard practice in Collier County. Density is based on the gross acreage.

COMMISSIONER ASSAAD: Thank you very much.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: On your Exhibit B, footnotes to the table, we need to add a footnote back in like you had originally saying that the LBE and the LMEs will be separately platted.

MR. VANASSE: We'll add that in.

CHAIRMAN STRAIN: Okay. On the master plan that is on Page 5 of 14, a couple of issues here.

You call out the 15-foot Type B buffer on the north lake, but you don't show how that -- you don't show the 20-foot land -- lake setback buffer applying to that area. I think somehow we need to know where that's located.

I see you've got a plan in front of us that seems to locate it. The one that's in our packet does not.

MR. VANASSE: Yes, correct. That's the one that was emailed out about a week ago.

CHAIRMAN STRAIN: Okay.

MR. VANASSE: And in the hard copies we handed out today, it does include it.

CHAIRMAN STRAIN: Okay. On the southern property line you have a 15-foot Type B buffer. Are you intending to put a wall in that buffer where there aren't water management lakes, or is it just going to be landscaping?

MR. VANASSE: At this point the decision hasn't been made. We do have the option of putting a wall/berm combination in the buffer. But we -- so far we just have the code requirement of 15 feet.

CHAIRMAN STRAIN: With the landscaping?

MR. VANASSE: Type B, yeah.

CHAIRMAN STRAIN: Well, the only reason I ask is during the NIM I know there are people commenting about things. Did -- any of the neighbors from that southern project, do you know if any of them were at that NIM? I know -- I think there were from the northern project, but I don't remember if there were any from the southern.

MR. VANASSE: I believe we had a few people.

CHAIRMAN STRAIN: Okay.

MR. VANASSE: And we did receive one comment that was directed at the environmental staff with regards to some existing trees in that area. Steve Lenberger developed a condition that is under the environmental section that was acceptable to the lady that provided that comment, and it was acceptable to us also.

CHAIRMAN STRAIN: Okay. We'll wait and see what our public speakers have to say.

On the next item, it's on Page 6 of 14, this is a -- part of the PUD, but it's not a master plan. It's more of a location plan with some notes. Under your open space notes, the first -- there's two sentences: One says 60 percent open space requirement will be met through buffers, water management, common areas, and open space on individual lots. And then the second sentence says, 60 percent, and then parenthetical, 12.95 acres minimum open space required, and then it says that much is provided.

I can see the need for the second sentence, but the first sentence is an item that's already in the LDC, and I'm concerned that when you restate something in the LDC, if it isn't stated verbatim, we could end up having multiple definitions, and there's no need for that since the LDC defines what open space is. So I would suggest that that needs to be struck.

MR. VANASSE: And we're fine with that. I think the verbiage kind of came from the back-and-forth with staff. But if staff is correct (sic) with us eliminating the first portion...

CHAIRMAN STRAIN: Well, see, if that's here, then -- if it's different than the LDC, it would need a deviation. If it's not different from the LDC, there's no reason for it to be here; otherwise, we shouldn't be picking pieces of the LDC as the most notable. If you want to include stuff, we include the entire 400-page LDC as part of each PUD, and I think that would be rather awkward.

If we move on to the cross-section of your streets, I know this isn't a requirement. It was just suggested to you that you may want to modify the 5-foot sidewalk location by indicating from one side to the other that it can vary only because you might want to use the street area between the sidewalk and the curb for your street tree program, which is encouraged. And it provides shade for your sidewalks, and it's something that is allowed to offset the canopy tree required on the lots, especially when you have lots that are pretty well built on.

MR. VANASSE: We think that's a great suggestion. It does provide flexibility for us moving forward, so we're agreeable to put "varies" in there.

CHAIRMAN STRAIN: Okay. If we get into the issue on Page 11 of 14, it's the detail on where you're going to have the parking spaces alongside the roadway. The previous plan had a 19-foot depth space but did not have the 4-foot apron. In this plan, you've got the 16-foot space with a 4-foot apron.

I understand the need for the apron and how it still gives you plenty of room. But in talking with either you or Ashley or both of you yesterday on the phone, you had a thickened edge on the sidewalk up on the north end to more or less act as the stop.

And I'm a little concerned because the sidewalk represents an area where people can safely walk. And so if someone's walking along the south edge of that sidewalk and you back your car in or drive your car in, you're going to have a 2- or 3-foot overhang. You just kind of knock them off the sidewalk. It's probably not the safest way to go.

MR. VANASSE: Point well taken. What we've done is we've looked at our configuration. What we'll do is we'll revise that and show wheel stops within the parking area and then revise our sidewalk. Instead of being seven feet, we'll make it five feet, and there will be a 2-foot gap in between. So we'll bring that back at consent.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: I have a question on the -- on the road. You're asking for a deviation from 60 to 50 feet and yet when you -- you're putting the 10-foot utilities on the people's property so it ends up being 70; I've never seen it this way before, shown that way.

And do the people -- you don't know this, but do the people realize they cannot do any plantings in a utility easement?

CHAIRMAN STRAIN: Well, before you go too far, the 10-foot PUE are required on each side of all the right-of-way, so this is the detail that is prevalent across the board in Collier County. And, yes, everybody has -- that is a private utility. It's not -- I mean, it's a public utility, but it's for private --

COMMISSIONER EBERT: Private use.

CHAIRMAN STRAIN: -- like FP&L, Comcast, Sprint, people like that.

COMMISSIONER EBERT: Yeah, uh-huh.

CHAIRMAN STRAIN: And that 10 feet is part of what they own. It's an easement over their

property. It's outside the right-of-way. That is a -- that's a common detail.

COMMISSIONER EBERT: Well, I know, but I've just never seen it worded this way before where it shows, you know, the 70 thing. If they're asking for a deviation, they normally just do that and then just put the -- on the other side.

The other thing, on your -- I notice you have all hammerhead turns.

MR. VANASSE: On the master plan.

COMMISSIONER EBERT: In this -- on the master plan.

MR. VANASSE: Correct.

COMMISSIONER EBERT: And on the spaces, you're planning on what, 10 spaces for the exercise room or conference room, whatever you're going to do? And is there handicap there?

MR. VANASSE: We will meet code requirements. This exhibit was meant to be an illustrative in nature to show the configuration, but we'll meet the requirement for any kind of handicap spaces.

COMMISSIONER EBERT: Okay.

COMMISSIONER ASSAAD: May I?

CHAIRMAN STRAIN: Sure; absolutely.

COMMISSIONER ASSAAD: Why is that, the utility easement, not included in the road right-of-way or the single-family lot? You have 50 feet for the road right-of-way on your road cross-section.

MR. VANASSE: Correct.

COMMISSIONER ASSAAD: And then you have 10-foot --

MR. VANASSE: PUEs each side.

COMMISSIONER ASSAAD: -- the easement, and then you have the beginning of the single-family lot.

CHAIRMAN STRAIN: Well, no. I just circled that. And you're right, that's the way it reads, and I was going to point that out to you, Patrick. That's an error on your detail. The single-family lot should include the PUE.

MR. VANASSE: Yes, it should. We'll correct that.

CHAIRMAN STRAIN: Right. And if you leave it like it is, you could be caught up in a review that requires you to start the lot at the outside of the PUE. Those are technically part of all the lots in Collier County. That's a good catch. That's exactly what they --

COMMISSIONER ASSAAD: So the lot line now moves 10 feet closer?

MR. VANASSE: Yeah. We -- our exhibit doesn't show a property line, but I can see how this is confusing, so we'll definitely correct it. And the property line will go clearly where the right-of-way ends, and the PUE will be on the lots.

COMMISSIONER ASSAAD: Would that mean that you have 10 extra feet now that you gain that you can put towards the backyard?

MR. VANASSE: No, we don't.

COMMISSIONER ASSAAD: Why not?

MR. VANASSE: Like I said, the exhibit -- we weren't clear on the exhibit, but it was always intended to have the PUE on the lots.

COMMISSIONER ASSAAD: Okay.

MR. VANASSE: We'll clarify that exhibit and bring it back.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Okay. If we move down to Page 12 of the PUD under public utilities, Item B refers to a master metered system. This is a single-family product. I'm not sure how you would do a master metered system and then end up trying to rebill and collect from each individual owner. I even think the county utility department doesn't -- that's a practice that's frowned upon or not allowed. So do you need this master metered reference here?

MR. VANASSE: No. You're perfectly correct. We looked at that yesterday when you mentioned that issue. And I'm not exactly sure how it got in there. I think it could have been the back and forth, but we can certainly cross that out.

CHAIRMAN STRAIN: Okay. Under Exhibit F, your language under miscellaneous C, it talks

about the problem that caused this to be continued so many times, and this is that lake reconfiguration. Since we talked about this last, you have verified the lake depth is approximately five feet.

MR. VANASSE: Correct.

CHAIRMAN STRAIN: You applied the detail that shows that there is going to be built into the lake a slope of 4-to-1 going down to the water's edge, and from the water's edge down to the 5-foot depth you're going to have another 4-to-1 slope.

MR. VANASSE: Correct.

CHAIRMAN STRAIN: Okay. All that's going to be completed and inspected and cross-sectioned consistent with Section 22-112 of our Code of Laws.

MR. VANASSE: Right.

CHAIRMAN STRAIN: Okay. So final approval of that lake will be done by our Engineering Department like they cross-section and look at all lakes, but it will just be that southern side of the lake from your property boundaries around both sides to wherever they stop.

MR. VANASSE: Understood.

CHAIRMAN STRAIN: Okay. The two things that we need to clarify on this. First of all, I want, at some point when we get done discussing these lake modifications, Jack McKenna, who's our county engineer, acknowledge that this is going to work for his department because he's -- his department's the one that's going to have to inspect this and sign off on it.

You need authorization to fill this lake and create those slopes. The previous authorization I saw only provided for expansion of the lake. I'm wondering how have you proceeded to obtain that authorization. What's your -- where are you at with that? What are your time frames to get that authorization?

MR. VANASSE: To answer that question, I'll turn things over to Doug Lewis, our attorney. He's been working with the seller and the adjacent mobile home park. And my understanding is they have an agreement, and it's going to have to be ratified by their board at their next meeting. But it seems like everybody has worked together and come to an agreement.

CHAIRMAN STRAIN: So it's not the agreement that was attached to the zoning verification letter that was previously supplied to the county?

MR. VANASSE: (Nods head.)

CHAIRMAN STRAIN: Okay. Doug, it's been a while. Nice to see you again.

MR. LEWIS: Good afternoon -- actually, good morning. For the record, Doug Lewis, Thompson Lewis law firm.

To your point I wanted to first acknowledge this is a development commitment, so as a requisite to proceeding forward, these conditions, per the cross-section, will need to be completed. So it's a development commitment.

I also want to report that in response to the development agreement, there is a development agreement between both my client and the -- and the mobile home park, the cooperative owners. In that agreement there are -- there are certainly provisions and rights to go in and expand the lake, utilize the lake.

Our seller has taken the position that that development agreement also permits reconfiguring/remodeling that lake.

We've reached out and made contact with the attorney for the condo co-op. There is a board meeting later this month, and this item will be addressed. But I do want to reaffirm that these are development commitments. My client understands in proceeding forward that this cross-section is a development commitment.

CHAIRMAN STRAIN: Great, thank you. Time frame on that, Doug? I'd like to put a -- first of all, the reconfiguration of the lake from the county attorney's perspective. I had talked to Heidi Ashton prior to the meeting to consider some kind of time frame that that should be tied to. That work should be well ahead of any occupancy of the project and, you know, people being on the property because until then the lake is problematic.

MR. LEWIS: I would agree with that and could stipulate to that as well.

CHAIRMAN STRAIN: Okay. So you would stipulate that no lake -- lake modifications must be completed prior to the uplands development orders being issued?

MR. LEWIS: You mentioned the certificate of occupancy or the building permit?

CHAIRMAN STRAIN: Before people are utilizing the lake. You're going to have construction workers and people --

MR. LEWIS: PPL approval, we could do that.

CHAIRMAN STRAIN: Prior to PPL approval, okay.

MR. LEWIS: Yeah.

CHAIRMAN STRAIN: Heidi, does that work for you?

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Okay. And with that, Jack, would you mind coming up and acknowledging that the discussion you just heard is going to be workable from the county's perspective for your inspections and other sign-offs, especially up to the PPL point?

MS. ASHTON-CICKO: I'm going to include plat or SDP approval, since it could be multifamily.

CHAIRMAN STRAIN: No, it can't be multifamily. I think they've only got single-family uses allowed in this site.

MS. ASHTON-CICKO: Oh, okay. I'm sorry.

CHAIRMAN STRAIN: So go ahead, Jack.

MR. McKENNA: For the record, Jack McKenna.

Yes, as we had discussed, I think that this can work. This is an unusual situation, and so we have to do stuff a little bit out of the ordinary, I guess. But I think that this is a good solution, what we've come up to.

CHAIRMAN STRAIN: Okay. Thank you, sir.

The fact that there's no LME because it's an old lake and they're going to do a lake setback of the same equivalent standards, do you have a problem with that?

MR. McKENNA: I think it's the best solution that we could have at this time. It's not ideal, but the way the property was divided off, it's what we have there.

CHAIRMAN STRAIN: Well, for the county to issue a permit to modify the lake, would they need an excavation permit or -- because they're not excavating. They're actually filling it. They may be cutting slopes. How do you see that evolving?

MR. McKENNA: I would imagine that would be -- that they're going to have some excavation as well as filling and that that would be an excavation permit for the modification of those slopes, yes.

CHAIRMAN STRAIN: And you'd be looking for a modification of the South Florida Water Management district permit?

MR. McKENNA: They'll have a district permit on their site. They'll need some sign-off from the district. And I know I spoke to their engineer, and they were working, talking to the district already. They will need a sign-off from the district for the modification. So that lake, which is off their site, yes.

CHAIRMAN STRAIN: All right. So they'll need cooperation from the owner of the lake. In addition to allowing to modify the lake, they need cooperation to obtain the permits, I would assume, too.

MR. McKENNA: I would agree with that.

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

Go ahead, Wafaa.

COMMISSIONER ASSAAD: That will not require any blasting?

MR. McKENNA: I wouldn't anticipate it would. I think that the original lake probably went down to rock, and that's why they stopped digging when they did.

CHAIRMAN STRAIN: Okay. Thank you. Did you have something, Stan? You're reaching for your mike.

COMMISSIONER CHRZANOWSKI: (Shakes head.)

CHAIRMAN STRAIN: I'm trying to see if there's anything else that I have before I --

MR. LEWIS: Commissioner Strain?

CHAIRMAN STRAIN: Yes, sir.

MR. LEWIS: I just want to confirm with respect to the PPL, the typical process is that we would come in for subdivision. There would be certain development conditions, the roadway improvements, other plat-related improvements, correct? And this would be part of those plat conditions, correct?

CHAIRMAN STRAIN: Well, I think the way the --

MR. LEWIS: With respect to the offsite lake work.

CHAIRMAN STRAIN: -- from County Attorney's Office was indicating this needs to be done before the work goes.

And, Heidi, can you explain, because you said SDP and other actions. Let's forget those as far as applicable here, because it would -- I believe it would be PPL.

Ray, do you see any reason it wouldn't be?

MR. BELLOWES: I don't see any reason it wouldn't be.

CHAIRMAN STRAIN: Okay. If it's a PPL, at what stage would they have to have this work completed before they could start with specific uplands development?

MS. ASHTON-CICKO: Well, we were going to write it as PPL approval. So as soon as the plat is approved, then they can start the work on the other part.

CHAIRMAN STRAIN: Okay. So you're anticipating, though, that the lake work, the excavation permit for the lake, would be issued and completed, cross-sections approved before the PPL could be issued.

MS. ASHTON-CICKO: That's what you previously discussed, but we can write it differently if you'd like to.

CHAIRMAN STRAIN: Well, that's why I'm trying to make sure we write it appropriately so it's done and you don't have to come back in and try to figure out how to modify it. And noticed your developer's doing this waiving thing, so they want to talk, too.

MR. VANASSE: The concern is we're going to have to modify the ERP to get this done, and we understand that that would have to be done prior to final approval of the plat, so we're fine by stating that; however, the construction -- we don't want the construction to have been completed prior to the plat being issued. We'd like to be able to move forward with an approved plat and if the construction occurs afterwards and just stipulating that you can't have occupancy until all the final grading is done and the lake embankment is taken care of.

CHAIRMAN STRAIN: That's more of an issue with the Code of Laws. And, I mean, if there's no problem from the Code of Laws perspective and when the lakes have to be acknowledged as being completed -- because typically on a development project, you could be underway with your lakes while upland construction is going on, so that's not unusual. I don't have a problem with it, Heidi, unless your department has an issue with it.

MS. ASHTON-CICKO: Well, it's going to be a policy decision whether you want it tied to issuance of the first CO or whether you want it tied to building permit issuance.

CHAIRMAN STRAIN: And from your perspective, you've got an SDP and infrastructure -- not an SDP; a PPL and all the infrastructure to complete before you really go in and do your building permits.

MR. VANASSE: Right.

CHAIRMAN STRAIN: So do you anticipate doing this lake at the same time your PPL work is going on and prior to your issuance of building permits, or are you suggesting it's simultaneous?

MR. VANASSE: I think it will be simultaneous, but we want to be able to obtain our permit, our PPL, do the work. And then before any residences are built, it would be in place.

CHAIRMAN STRAIN: Okay. So before you get issuance of building permits, you'll have the work on the lake done. Your client's nodding his head yes, so...

MR. VANASSE: Yes.

CHAIRMAN STRAIN: Okay. I think that works. It's typical. Anybody?

(No response.)

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Mark, I have one thing, but it's not related.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: On Page 13, Miscellaneous B, all other applicable state and federal permits must be obtained. We go over this all the time. It's redundant. They have to do it anyway. I'm just curious if anybody at the county makes a list of those permits and sees that they're obtained.

CHAIRMAN STRAIN: That's language required by the County Attorney's Office, so maybe Heidi

can explain.

MS. ASHTON-CICKO: I was writing down the commitments, so I didn't hear the question, the complete question.

COMMISSIONER CHRZANOWSKI: Miscellaneous B, all other applicable state or federal permits must be obtained before commencement of the development. They have to do that anyway. Does anybody at the county list all the permits that must be obtained and sign off that they have been obtained?

MS. ASHTON-CICKO: The Miscellaneous A and B is statutorily required, so that's why we include it.

COMMISSIONER CHRZANOWSKI: Does anybody at the county list the permits --

COMMISSIONER EBERT: Check them.

COMMISSIONER CHRZANOWSKI: -- and check them?

MS. ASHTON-CICKO: I believe that during the construction meeting that they discuss the permits that are required. I don't know if you want our engineer to comment on it, but that's my understanding. I can't really speak for anyone else, but I do know that that is --

COMMISSIONER CHRZANOWSKI: Because I know there's a lot of different permits that can be obtained.

MS. ASHTON-CICKO: Yeah. I can't really say what the staff is doing, but I do know that there is some discussion at the construction stage.

COMMISSIONER CHRZANOWSKI: Hi, Jack. Oh, I can't say that.

MR. McKENNA: For the record, Jack McKenna, county engineer.

The way that it works, after the Senate Bill that said that we could not hold up the issuance of a permit pending state and federal permits, is the county will issue the SDP, PPL, or whatever, but construction can't start until all the permits are obtained. And it's up to the engineer of record to certify that he has all the required permits.

For example, staff may not at that point know if there's red-cockaded woodpecker or there's other issues. It's up to the applicant to verify that he has obtained the permits, and he supplies those permits at the preconstruction meeting or prior to it.

COMMISSIONER CHRZANOWSKI: Okay. So it's nobody at the county. It's the engineer of record for the developer?

MR. McKENNA: Correct.

COMMISSIONER CHRZANOWSKI: Good. Thank you.

COMMISSIONER ASSAAD: If they do.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ASSAAD: If the county issues a list, would that be binding? Does this mean that they cannot ask for another permit later on at the point?

COMMISSIONER CHRZANOWSKI: I don't know.

MS. ASHTON-CICKO: Well, I don't believe the county issues any formal lists. If there is a list that's discussed and the list does not include everything, it would still be the developer's responsibility to obtain all the permits.

COMMISSIONER ASSAAD: Yeah, that's what I'm saying. I think -- I've never seen the county issue a list of permits that you need to have. They leave it up to the point when you get to apply for the permits, and then -- you may be surprised then, but that's --

COMMISSIONER CHRZANOWSKI: Thank you.

CHAIRMAN STRAIN: Thanks, Jack.

Okay. That's the questions I had of the applicant. Does anybody else have any others before we go to staff and then the public?

COMMISSIONER ASSAAD: I have questions when we get to deviations.

CHAIRMAN STRAIN: We're there now. If you have questions of the applicant, now's the time to ask them.

COMMISSIONER ASSAAD: Deviation No. 2 that you've requested -- I think Deviation No. 1 is widely accepted, you know, particularly if the roads are going to be private.

Deviation No. 2, you stated in your rationale that this deviation is typical of many of the master plan development throughout the county. Are you stating -- are you trying to imply that because this deviation was granted to others, I should get it, too?

MR. VANASSE: No. I think the deviation justification has multiple points. The -- that clause is one of several; however, we address health and safety issues. We also say from a flexibility and functionality standpoint, it works well within our project, and it's also not going to affect any line-of-sight issues for drivers in the community.

COMMISSIONER ASSAAD: You said health and safety. What health and safety issues are going to be enhanced or jeopardized by reducing the setbacks from 10 feet to five?

MR. VANASSE: I think the idea is we -- in our justification we say that there will not be any hinderance on health and safety. We're talking about, you know, stop sign, that type of thing. It's still going to be outside of the right-of-way.

COMMISSIONER ASSAAD: I guess the question is, where are you asking for it?

MR. VANASSE: Because it does provide some flexibility of design as to where we locate those. Obviously, with our right-of-way justification being 50 feet instead of 60 feet and being able to bring things a little closer to the road we think works well, it works with our design, and I think it's consistent with the overall look of the community.

I don't think there's any benefit by putting it at 10 feet, so it does provide that flexibility as to where we locate it.

COMMISSIONER ASSAAD: I appreciate that you're advocating for the deviation, this particular one, but I don't see any design flexibility in relocating it five feet closer to the road than 10. And then my next question is, if you go to your typical road section, there is a gap between the valley gutter and the sidewalk. I'm assuming that this would be grass.

MR. VANASSE: Correct.

COMMISSIONER ASSAAD: How wide is that grass strip?

MR. VANASSE: One of the things that we talked about, we're going to change this, and it's going to show "varies." Usually the minimum is two to three feet; however, with "varies," we're going to have the opportunity of making that wider and possibly be able to put street trees there.

COMMISSIONER ASSAAD: So if it's typical two or three feet and you're measuring the setback from the outside of the valley gutter, the 5-foot setback deviation that you're looking for would fall in the middle of the sidewalk. Do you agree?

MR. VANASSE: I'm taking a look here at the way this --

COMMISSIONER ASSAAD: You have two or three feet of grass next to the valley gutter, and then you have a 5-foot sidewalk, and you're asking for the sign to be five feet from the outside of the valley gutter, then this sign could possibly be located in the middle of the sidewalk.

I think the point I'm trying to make is that --

MR. VANASSE: We're saying minimum five feet.

COMMISSIONER ASSAAD: That doesn't -- in my view, it's not necessary for the well-being of your development. There is no impact that I can identify or flexibility or benefit to you. And I just hate to see deviations granted or even asked for just because, you know, they've been had before or they are commonly (sic).

I don't think there is -- what do you call it? Because we gave it to others, then you should have it, too. Each case is individual.

CHAIRMAN STRAIN: It's called consistency. That's the term I've used before.

MR. VANASSE: And I don't think we're asking because it's been approved elsewhere before. We have run into some issues, for example. So if we take this cross-section where we're providing two or three feet of grass after the curb, 5-foot sidewalk, you could put -- you could put your sign at eight or nine feet. So it's within the -- it's less than 10 feet.

And we've had some instances, for example, that we have a light pole that's close by and we want to provide a certain separation between the sign and the light pole, and the 10 feet just makes it a little difficult for us.

So we've been through this before, and we've had to go back administratively and try to work that out with staff, so this is the perfect opportunity through the deviation process to address that right now so we don't have to run into this problem later.

COMMISSIONER ASSAAD: Deviation number --

CHAIRMAN STRAIN: Before we leave that one, could I ask a question? Patrick, you have a 50-foot right-of-way. Of that you're going to have 24 feet involved in the travel area, and that's going to leave you 26 feet. Divide that by two, you've got 12 feet on each side. You take out five, you're going to end up with your sidewalk on -- 26 would be 13 feet on each side.

You're going to take out your sidewalk, which is five feet. So you've got about eight feet on each side in which you're going to be flexible with that sidewalk.

So the signs, I'm assuming, would be on the drive side of the sidewalk, not on the outside of the sidewalk, which is where you're trying to put them, the same place you'd be putting your trees.

MR. VANASSE: Yes.

CHAIRMAN STRAIN: Okay. That's what a -- from a -- so from a safety perspective, a sign is no different than a tree in regards to safety. In fact, it's probably more safe than hitting a tree.

MR. VANASSE: Correct.

CHAIRMAN STRAIN: Okay. Thank you. Sorry to interrupt.

COMMISSIONER ASSAAD: Deviation No. 4, where you're seeking the height variance for the wall.

MR. VANASSE: Yes.

COMMISSIONER ASSAAD: Why are you asking for that?

MR. VANASSE: The reason we're asking is along the right-of-way to Roost Road and we're -- we've experienced through the years that sometimes the residents like to have a higher wall, especially when they're close to a roadway, and that provides the opportunity to provide that higher wall and provide extra shielding for the residents.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Would you consider dropping Deviations No. 2 and 4 from your request?

MR. VANASSE: I'd have to discuss that with my client. At this point I think we feel that we have strong justifications for those. I'll certainly discuss it with my client, and we can come back to you on that.

COMMISSIONER ASSAAD: Thank you.

COMMISSIONER ROMAN: I have a question, Mr. Chair.

CHAIRMAN STRAIN: Go ahead, Charlette.

COMMISSIONER ROMAN: Yes. Patrick, on Deviation 3, during our discussion we looked at Exhibit E, and there were --

MR. VANASSE: Yes.

COMMISSIONER ROMAN: -- some comments that Commissioner Strain made regarding looking at that diagram.

My question is, how does that affect your request for Deviation No. 3?

MR. VANASSE: The changes we made to the diagram with regards to the wheel stop and the sidewalk does not change our deviation. Our deviation is to be allowed to have that off-street parking within a portion of the right-of-way. So that ability is what we're asking for. The actual design details really doesn't affect us.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Patrick, when you do those details on that particular issue, make sure you leave enough clear space past the bumper and still have enough space to keep them inside the parking space so that that clear space doesn't jut into that sidewalk. That was the whole issue to begin with from a safety perspective.

MR. VANASSE: Correct.

CHAIRMAN STRAIN: Anybody else have any questions of the applicant before we go to staff report?

(No response.)

CHAIRMAN STRAIN: Okay. Nancy?

MS. GUNDLACH: Good morning, Commissioners. Staff is recommending approval of this petition subject to three conditions that are listed on Page 18 of your staff report, and the three conditions are related to interconnections. And if you would like for me to restate those conditions, I'd be happy to.

CHAIRMAN STRAIN: I don't need you to read -- I don't think we need you to read your staff report to us. We've already read it, but thank you.

Did you have anything else?

MS. GUNDLACH: That's all.

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

(No response.)

CHAIRMAN STRAIN: Okay. With that, Ray, do we have any -- oh, go ahead, Charlette.

COMMISSIONER ROMAN: I have one question, Nancy, just for clarification. On the replacement of the trees and also the trees that have been designated to be retained on the site, will you be more intimately involved with that when it comes before the Site Development Plan?

MS. GUNDLACH: Actually, I can ask appropriate staff to respond, and that would be in the environmental staff.

COMMISSIONER ROMAN: Right. Thank you. I've got the code from the staff, and I understand the placement process. I just am interested in the oversight. It's good to see Summer.

MS. ARAQUE: Hi. Summer Araque, environmental planning supervisor, for the record.

Technically, we will not because we actually have two separate sections. Environmental review under development review would review that; however, we do coordinate with them. So when I see that project in the queue, I will make sure to kind of say, hey, we'll take a look at that and do a group review, which we do quite often. So I look at that report every week.

COMMISSIONER ROMAN: Okay. Because I want to make sure -- you know, we went through a lot of trouble identifying trees to be retained on the site. And I'm just wondering how that's followed through throughout the process.

MS. ARAQUE: Okay. We'll flag this one, and I'll actually send an email right now to the environmental review staff to make sure when this comes in. Okay?

COMMISSIONER ROMAN: Thank you.

MS. ARNOLD: Okay. Ray, do we have any registered public speakers first?

MR. BELLOWS: Yes, we have two. William Jones to be followed by Germaine Dufour.

CHAIRMAN STRAIN: Okay. For those of you that are going to speak on this, just use either one of the mikes and please identify yourself for the record. And I know this lady was sworn in. I don't believe the gentleman was. So when he comes up, we'll have to swear him in.

MS. DUFOUR: Well, I'm Germaine Dufour. I live at 43 Queen Palm Drive. And I will be directly affected by any zoning change.

Now, when we bought our park, the area was zoned for mobile homes and manufactured homes. Now, if there's a change, it's going to affect us in a great way.

First of all, manufactured homes that are built today are much better built. They're less impact on the whole economy because there are no children. I'm talking about 55 plus. There's no impact on the schools. People that usually buy these places are here part of the year, so they're paying taxes. They're also spending a lot more money when they're here. So as far as the economy is concerned, status quo is much better.

We are having construction by Manatee school, I think quite a few homes that are going in there. So why change the system? It's not very good for us. We paid a fortune for our section of the area and the lake, and we don't feel that things should be changed. We'd like to keep it as it is. And it should be considered because of all the other construction around us on on-site homes.

That's it. Oh, and everybody in the park is against the change.

CHAIRMAN STRAIN: Ma'am, there's a couple points that might help explain some of your concerns.

First of all, there's nothing in this project's application --

MS. DUFOUR: I'm sorry?

CHAIRMAN STRAIN: Oh, I was just going to try to explain some of your concerns. I was just going to comment on some of your concerns.

MS. DUFOUR: Uh-huh.

CHAIRMAN STRAIN: There's nothing in this application that says they could not utilize the product they're going to build there in the same manner you're utilizing your mobile home. They won't have to be year-round residents.

In fact, when a lot of people buy these smaller homes, they generally buy them as second homes, so that would still potentially apply. These smaller homes may not have families in them. I -- you know, that's the same option that we -- that you'd have if it was a mobile home park.

Also, your mobile home park, as well as this location is in what's called a Coastal High Hazard Area for Collier County. That's a line that says if there's a storm, you're in real danger. And so we've been told by the state to discourage mobile homes in the Coastal High Hazard Area.

So when a project like this comes along and wants to put stick built or, you know, more solid built facilities there, it's not dis -- it's not necessarily bad. It's probably a good thing compared to a less solid mobile home.

So we're looking at -- this is not maybe a bad project for your area is what I'm suggesting. It may not be as bad as you think it is.

MS. DUFOUR: Well, we can't --

CHAIRMAN STRAIN: Could you talk to the mike -- use the mike, please.

MS. DUFOUR: Sorry.

CHAIRMAN STRAIN: Thank you.

MS. DUFOUR: We had Hurricane Andrew and several other hurricanes. We're still standing. And my home is 27 years old. And, you know, no more damage than on-site houses. Mostly roofs, so...

CHAIRMAN STRAIN: Thank you.

MS. DUFOUR: Unless you have a Category 5 or 6. That's something else.

CHAIRMAN STRAIN: Thank you, ma'am.

MS. DUFOUR: Thank you.

CHAIRMAN STRAIN: Next speaker, please.

MR. BELLOWS: William L. Jones.

MS. ASHTON-CICKO: He's here to speak on the 9C Onyx project.

CHAIRMAN STRAIN: Oh, okay. Is there anybody else here that would like to speak on the project that we're talking about here off of Roost Road? It's called the Highview project.

(No response.)

CHAIRMAN STRAIN: Okay. With that we will go back to the applicant. Any final statements you want to make before we --

MR. VANASSE: Yes.

CHAIRMAN STRAIN: -- consider this for voting?

MR. VANASSE: Yes. If I could clarify a few things. I did talk to my client with regards to the deviations.

With regards to the reduction of the separation, the five feet versus the 10 feet for the signs, what we'd like to point out is that if we don't get the deviation, essentially, this will mandate that we put all the signs on the other side of the sidewalk further away from the road.

And we think that the ability to locate them between that -- the sidewalk and the curb is a benefit. Essentially, if we agreed to not ask for that deviation and discard that deviation, that pushes it back.

We don't think that's a benefit, but we're not tied to that deviation. We'd be okay with removing it.

With regards to the deviation associated with the 10-foot wall, we think that's a benefit to the community and a benefit to the residents, and we'd like to keep that.

Also, just to clarify two others points. The density we're requesting -- because there was question with regards to how density is determined. I just want to clarify that. There's been discussion of this offsite lake, and we just want to clarify that we're not calculating that offsite lake as part of your project area when defining our density.

The last point is, with regards to rear yards and the setback, I just want to clarify also we did the quick math, and people would, essentially, have 22.5 feet in their rear yard as a minimum. We have a seven-and-a-half foot setback from the buffer. You add the buffer to the property line, it gives you at least 22.5 feet. That's it.

CHAIRMAN STRAIN: Thank you, Patrick.

Anybody else have any other questions before we close the public meeting?

(No response.)

CHAIRMAN STRAIN: Okay. We'll close the public hearing on this item, and we'll have discussion and then a motion.

I have taken notes. I'll -- if you guys -- I'll read them all like I usually do, and if you want to supplement them, just speak up after I finish.

There are 10 items I made notes on that need to be considered. One is that they will -- for the landscape buffer easement along the north lake, they'll add a variable to show it's between 15 and 17 feet.

Two, we accept staff recommendations.

Three, the lake modifications will be consistent with the PUD cross-section and approved pursuant to the Code of Laws as a normal development lake is.

Four, they'll separately plat the landscape buffer easement and the landscape maintenance easements.

Five, the modification of the parking area at the recreation center will be made as we discussed here at the meeting and will be ready for -- reviewed on consent.

The sidewalk locations within the 50-foot right-of-way will be modified to show their variable from the back of curb. Hopefully that will allow for a street tree program, which we strongly encourage.

Seven or six, whatever it is, the lake's cross-section must be completed prior to the building permits being issued.

Eight, the use of the master plan -- the master plan that we use for the PUD will be the one that was handed out today that has a couple changes to it, one of which is the 20-foot lake setback.

And then -- they'll remove the open space sentence on the master plan that references the same argument, the same definitive terms that are in the LDC.

And with that, I don't have any others. Anybody else?

COMMISSIONER HOMIAK: I'll make a motion to approve with all the --

CHAIRMAN STRAIN: Motion to approve by Karen.

COMMISSIONER HOMIAK: -- stipulations you just read, changes you just read.

CHAIRMAN STRAIN: Subject to the changes. Is there a second?

COMMISSIONER SOLIS: Second.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Seconded by Andy.

Further discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: 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 --

COMMISSIONER ASSAAD: I would like to add to my support of the motion that I'm still concerned about the deviations. And the small size of the size of the backyard.

CHAIRMAN STRAIN: Okay. With that, we'll ask -- I'll ask just for final vote again. All those in

favor, signify by saying aye?

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: 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 7-0.

COMMISSIONER HOMIAK: Is this coming back on consent?

CHAIRMAN STRAIN: Yeah, I'm sorry. We'll do the consent vote. We have to vote on consent. I think the applicant has agreed to come back on consent. We talked about it in the motion, but we'll just have a separate motion on that.

COMMISSIONER ROMAN: I'll move to bring it back on consent.

CHAIRMAN STRAIN: Seconded --

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: -- by Karen. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: 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 7-0.

Gentlemen, thank you. We'll see you at the next meeting. You'll be first up on consent.

***Okay. The next item up is 9B. It's PUDZ-PL20150001613. It's known as the Grace Romanian Baptist Church of Naples, which is a CFPUD, and it's going to be requested to be turned into an RPUD with the RMC Enclave, which is an adjoining PUD already in existence on the Livingston Road north of Immokalee Road.

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

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

CHAIRMAN STRAIN: Okay. Disclosures on the part of Planning Commission; we'll start with Tom Eastman.

MR. EASTMAN: I attended the neighborhood information meeting, and I've spoken with county staff as well as the developer's attorney and planner, Bruce Anderson and Wayne Arnold, and several residents from the Camden Lakes community.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Yeah. I talked to Wayne Arnold, and I received a bunch of emails from Camden Lakes. And I had no idea there was such strong feelings about senior citizens, so I should tell them that I'm approaching 70. My wife is older than me. I'm the secretary of the ROA, and I'm the secretary because I'm one of the youngest members, Reserve Officers Association.

But being a sensitive kind of guy, because I was born and raised in New Jersey, I won't let any of that interfere.

CHAIRMAN STRAIN: Okay. Andy?

COMMISSIONER SOLIS: God, that's hard to follow.

CHAIRMAN STRAIN: It was supposed to be simple, you know.

COMMISSIONER SOLIS: I received lots of emails from residents in Camden Lake. I've also spoken with Wayne Arnold and Bruce Anderson.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I spoke with Mr. Anderson yesterday, and tons of emails on this.

CHAIRMAN STRAIN: I spoke with Mr. Anderson and Mr. Arnold and staff at various times, and I received most of the mails, and I forwarded them all on to Eric who I believe forwarded them on to all of you. So we've all got the same ones.

COMMISSIONER HOMIAK: We got them, like, three times.

CHAIRMAN STRAIN: Yeah. Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Anderson and emails.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: I read the emails that I received over my computer. I didn't talk to anybody.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Yes, the emails from the Camden Lakes residents and also I talked with staff.

CHAIRMAN STRAIN: Okay. Thank you.

Mr. Anderson, it's yours.

MR. ANDERSON: Good morning, Mr. Chairman, Planning Commissioners. My name is Bruce Anderson. I'm with the law firm of Cheffy Passidomo, and with me today I have property owners Randy Kurtz and Mitch Melheim.

As part of our project team, we have planner Wayne Arnold; and Jim Banks, the transportation engineer; Frank Feeney from Grady Minor, the project engineer; and Bethany Brosious, an ecologist with Passarella & Associates.

This application is to amend the Enclave PUD which already allows residential and group housing for seniors as permitted uses. You can see the relationship between the two properties on the overhead projector.

This amendment would add 12 acres to the Enclave PUD and allow these same two uses and the same development standards that already exist in the Enclave PUD. The 12 acres being added are presently zoned for the Romanian Baptist Church which allows a 500-seat church and daycare pre-school for 150 students. Instead of that, this proposed amendment would be for approval of 48 residential dwelling units or 150 senior living units. The PUD -- the PUD would be developed as either residential or senior group housing but not both.

Also, with respect to the project having access to Learning Lane, the school district, which owns the road, will not allow the Enclave to have access to Learning Lane. I've spoken with Mr. Eastman about the access issue, and I would ask him to please confirm that for the record.

MR. EASTMAN: That's correct, Mr. Anderson.

CHAIRMAN STRAIN: You want to finish your presentation before he confirms it? He jumped faster than I could. Go ahead.

MR. ANDERSON: Accordingly, we withdraw our request for access to Learning Lane, and the reference to it in the PUD should be deleted. I believe Mr. Arnold has some amendatory language that he'll share with you.

On the PUD master plan where it shows and labels a potential interconnect to Learning Lane, that would be amended to read, "potential pedestrian interconnection" in case the property's developed with residential uses. That would allow any children who live in the community to be able to get on the sidewalk directly.

And at this point I will ask Wayne Arnold to come forward and to discuss with you some of the development standards that are contained.

CHAIRMAN STRAIN: Thank you.

MR. ARNOLD: Thanks, Bruce.

Good morning.

CHAIRMAN STRAIN: By the way, before you get started, Wayne, we normally break after an hour and a half for the court reporter whose fingers are typing as fast as I try to talk, and we'll break for 15 minutes, and that will occur at 10:30, so...

MR. ARNOLD: I'll try to wrap up in 15 minutes or less.

CHAIRMAN STRAIN: It's up to you.

MR. ARNOLD: For the record, I'm Wayne Arnold with Grady Minor, professional planner, and we're here representing, obviously, the Enclave PUD. I had the pleasure of working on the original Grace Romanian project, the Enclave PUD. I did the original zoning for the Royal Palm Academy, which is where Camden Lake is now located, so I'm really familiar with the area and have good knowledge of what's been approved and what's permitted to be developed in the area.

The interconnection that Bruce discussed -- and those of you who were on the Planning Commission a few years ago when this came through originally, there was a debate. We didn't have access to Learning Lane shown on our plan, and staff pushed for us to add a condition that said we had to go to the school district and attempt to get this access point in addition to our access on Livingston Road.

So in speaking with the residents at the neighborhood information meeting, it (sic) was very, very vocal about having access to Learning Lane so, Mr. Anderson, as indicated, followed up with Mr. Eastman to talk about gaining that access or not, and I know that there was also a conversation with Camden Lakes folks, and they had formally rejected our request for the access, which means that master plan, as Bruce mentioned -- I kept an access there, but it's -- you can see it's labeled "potential pedestrian interconnection." We think that, obviously, makes sense. I've configured the internal road a little differently just because it no longer is going to connect from Livingston down to Learning Lane.

And I think -- can you pull back out on that just a little bit, Eric, so you can see all of it.

Just to go through the master plan with you briefly, those of you who may not be familiar with it, primary access point has always been designed to be at Livingston Road on the northern end of the project immediately adjacent and across from the new fire station. We worked with the fire station during the original approval process to negotiate and reconfigure some other median openings to accommodate a left-turn movement into our property from Livingston Road, so northbound left into our project, right out. And that's why we have the divided access point on Livingston Road.

We show a secondary access now to Livingston Road on the south end where the Grace Romanian Church property was going to connect to Livingston Road, and there is a condition that was added in your transportation section of the PUD that says our primary access is the northernmost access and will determine whether or not we need and will gain access at the secondary location during the site plan or plat review, whichever it becomes. So I just wanted to clarify that. That's one of the few changes.

The other changes that you see, Bruce referenced the 150 new senior housing units that we're adding, so we go from 350 to 500, and then we go up to 162 of conventional residential units, and that's at your standard four dwelling units per acre.

There is one previous deviation that was approved for the original 28-acre Enclave project, and that was for the senior housing option, and that allowed for a floor area ratio of a .6. We're modifying our request with the addition of the new 12 acres to go down to a .55. We did sort of an average blended number of the standard .45 that the LDC grants us and the .6 that was previously approved. And it comes out really to .555. We're rounding it down to .55 for our overall FAR for the project.

So those are really the changes we're proposing to make. I know that I saw the same emails that you did, and I was a little surprised at the opposition to the senior housing option because I think -- you can hear testimony from Mr. Banks if you'd like, but the senior housing option actually generates less traffic than any other option of development for the property.

I think we've documented -- I've worked on a number of senior housing projects in Collier County, in Bonita and Lee County, and most are deemed to be compatible with nearby residential development.

And I would only say to the Camden Lakes people, their PUD -- the developer is developing it with an option of single family, but their PUD also makes provisions for multiple development and also,

obviously, the school campus.

So, I mean, they are a multiuse PUD. They happen to live on a single-family only component, but here we're looking at having an option for senior housing. And I think if you look at the original conditions of approval, the senior housing option has to be those that you've seen elsewhere which mandates that we have on-site management, on-site transportation, recreation, dining options for our residents, et cetera. Those all further reduce the traffic impact of any community like that.

And I think, more importantly, some of the issues -- you know, it was called out that these were high-rise buildings. Well, previously we were approved for the senior housing option to have 65-foot-tall buildings as the zoned height, 75 feet as the actual height, but we also had a development requirement that those had to be at least 200 feet from the Learning Lane or from Livingston Road and a minimum of 50 feet from any permit or PUD, which would mean adjacent to the school or the diocese property, and those standards were accepted back in the day.

And I think when you look at your master plan, we have -- almost have the ERP approval through the water management district. There's some incidental signatures and things that have to be taken care of, but the preserve area, at its point near the interconnection, is a little over 200 feet wide, and the area that's on the Grace Romanian piece that we're adding is approximately 50 feet in width.

So I think we've -- we've ended up with a very natural buffer, and that makes us even more compatible given our setback and the buffer and the preserve where we have it.

I'm happy to answer any questions if -- I can show you the language that I was striking, if you'd like to see that.

It's in red and blue, so hopefully you can see it. It's not the most legible. But the prior commitment for us to go and try to negotiate the access point with the school district is being eliminated, and you'll see the new language that discusses our secondary access point on Livingston Road.

CHAIRMAN STRAIN: Okay. We'll start with questions of the applicant. Does anybody have any questions of Mr. Arnold or Mr. Anderson at this time? Wafaa?

COMMISSIONER ASSAAD: On Exhibit B for the development standards and setbacks and all of that, are those the same that exist in the present PUD, or have you added something to it?

MR. ARNOLD: No. That's the same development standards.

COMMISSIONER ASSAAD: Okay. How much are the setbacks from Learning Lane?

MR. ARNOLD: A minimum of 200 feet for the senior housing option.

COMMISSIONER ASSAAD: That --

MR. ARNOLD: Or I should say for any building over 50 feet is the way it's expressed. So any building over 50 feet has to be minimum of 200 feet from Learning Lane.

COMMISSIONER ASSAAD: What is the height maximum allowed under the existing PUD?

MR. ARNOLD: The same as we're proposing today, 65 feet zoned height for senior housing, 75 feet maximum.

CHAIRMAN STRAIN: I think also, when you answer, you ought to answer for both PUDs, because it will be clearer. Mr. Assaad may be looking at the other Grace Romanian, and I believe that's 60 and 72 or something like that, so...

MR. ARNOLD: I think it was 50 plus. And I can find it. I've got the ordinance here. Just let me pull that up.

MS. ASHTON-CICKO: While he's looking on the master plan, I'd suggest that the southerly two-way arrow that's on the map be removed, because that will likely be construed in the future by staff as an access point.

CHAIRMAN STRAIN: Well, when we get to that, there's probably a better change to make to that, so we'll hold that comment until we further discuss that.

MS. ASHTON-CICKO: Okay. Thank you.

CHAIRMAN STRAIN: I'm sure Charlotte's going to comment that probably the best way is to join those preserves and allow a passive elevated boardwalk if someone wants access to Learning Lane; that way the preserves all one continuous one.

So I knew she was going to say that, and I figured that. I'll hold the comment that you just made till

she gets to speak.

MR. ARNOLD: Mr. Assaad and Mr. Strain, I pulled ordinance 11-18, which was the original approval for the Grace Romanian, and the community facility tract, which housed the church and the daycare center, allowed the maximum zoned height of 50 feet, and then the actual height was 60 feet to the top of roof with a maximum additional 12 feet for cupola.

CHAIRMAN STRAIN: Okay. Thank you.

Mr. Assaad, did you finish, or did have you more?

COMMISSIONER ASSAAD: I finished.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: I have a question.

On Attachment 3, Wayne, where we've got the area density map on your particular two parcels, your density wasn't reflected.

MR. ARNOLD: This was created by staff, but our density is proposed at four units an acre for standard conventional residential and, of course, we're governed by the FAR, but we limited the number of senior housing units to 500 because there's no other way to really look at traffic other than per unit or per bed, however you do those, so...

COMMISSIONER ROMAN: But you're asking for an increased FAR, if I understood you correctly.

MR. ARNOLD: For the floor area ratio?

COMMISSIONER ROMAN: Right.

MR. ARNOLD: We're actually asking for a slight reduction from .6 to .55.

COMMISSIONER ROMAN: And you mentioned the LDC is .45?

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: With the exception of the Planning Commission's review just recently of the changes to the LDC to allow it to go to .6 in some sections of the county and types of zoning that they have. So we have had that flexibility provided before, and currently we codified that with our just recent approvals last Wednesday night, so...

COMMISSIONER ROMAN: Right. But there is a difference as of today on those two floor area ratios that he's speaking about.

CHAIRMAN STRAIN: Right. As of today, the Grace Romanian Church site would be .45 if applied strictly, and the other site -- because they have a .60, would be .60. And what they've done is blend them together as a .55.

MR. ARNOLD: Right.

COMMISSIONER ROMAN: Thank you.

COMMISSIONER EBERT: Wayne, I have a question for you.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: The fire station --

MR. ARNOLD: Yes.

COMMISSIONER EBERT: -- across Livingston, do you know how tall that is?

MR. ARNOLD: I know approximately how tall it is. It's approximately 45 feet.

COMMISSIONER EBERT: Forty-five feet, okay. I just -- I think that is so people can see the heights on this. Being it has to be back so far, I don't think the additional height is that bad.

And I'm looking at this, and it looks like the Camden Lakes people, is their only entrance on Learning Tree (sic)?

MR. ARNOLD: Let's go back to the aerial. Yes, their access point --

CHAIRMAN STRAIN: Wayne, you're getting a little far from the mike. There you go.

MR. ARNOLD: Is this on?

The accessory -- thank you. The access point for Camden Lakes is actually here. It's closer to Livingston Road, and it is their only access to the property.

COMMISSIONER EBERT: So that's why they were having such a fit with if somebody else would be able to go on there; is that the problem?

MR. ARNOLD: Well, I can't speak for them, but I know they were concerned about the congestion

that they face given bus traffic and things of that nature. And, obviously, we're sensitive to that, and I think the school district took care of that issue, so...

COMMISSIONER EBERT: Yeah, just so they know that that is the school's road and not their private road.

I remember doing both of these. I was on the Board when these both came up. I'm sorry that the Roman (sic) Church pulled out, but they were going to also have a daycare there. I guess I don't see any problem with this.

MR. ARNOLD: Well, we obviously think it's a compatible use. We think it's -- we think it's a responsible request. And, you know, I'm happy to hear what the residents say, but I think we probably took care of the largest issue, and I think maybe a lot of them -- it was a timing issue.

And we discussed this at the neighborhood information meeting. The amendments to the Royal Palm Academy PUD were in progress. Camden Lakes hadn't really been envisioned yet by Pulte Homes. We obtained zoning. So when they started building Camden Lakes, we were just a nice green spot across the street, and so was the church property. And I think it was unbeknownst to them that maybe our project was sitting there.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER SOLIS: Yeah. Wayne --

CHAIRMAN STRAIN: Andy?

COMMISSIONER SOLIS: -- a quick question. On the -- or the original Romanian Baptist Church PUD, what did the master plan provide for as far as a preserve along Learning Lane or -- and was there any? I wasn't here at that time.

MR. ARNOLD: There actually was a master plan amendment. I'm going to show you both of them. I've got both master plans. I just need to locate the original.

I'll just speak from -- that's the approved master plan for the Grace Romanian Church, and it also shows preserve along the southern boundary. When I rezoned it the first time, staff pushed for us to preserve a small upland area at the very northern end of the site. When the church started really going through their permitting, they realized that they were going to be impacting some wetland, and to avoid wetland impacts, it made sense for them to want to eliminate their access to Learning Lane, which this master plan reflects, and to put their preserve along Learning Lane where there were wetlands, and we've carried on with that preserve area.

COMMISSIONER SOLIS: And am I correct in -- well, you're -- I guess it's hard to tell because the new master plan contains both properties, but -- so there still is the preserve along Learning Lane, essentially, that was going to be there, except for maybe right where it meets Livingston Road.

MR. ARNOLD: That's correct. Yes, we were sensitive to that. It made sense. Those are wetlands. Obviously, the less impact we have to wetland, the less we have to pay for mitigation costs. So it made sense for us to -- it was a factor of acreage in part. The acreage for preservation actually went up when this property was acquired because of the size difference. The 12-acre piece qualified for a lesser -- the community facility was considered nonresidential, had a different preservation area, so the preservation requirement actually went up when we became a residential and group housing.

COMMISSIONER SOLIS: Okay. That was essentially my question was whether or not the preservation area actually went up --

MR. ARNOLD: It did overall.

COMMISSIONER SOLIS: -- because of this, okay. Thank you.

CHAIRMAN STRAIN: We're going to take a 15-minute break and come back at 10:45.

Can it wait, or have you got to ask it now?

COMMISSIONER CHRZANOWSKI: Oh, I was just going to ask him, but it can wait.

CHAIRMAN STRAIN: He's going to be back at 10:45 because I've not even started on mine yet. Thank you.

MR. ARNOLD: I can't wait.

(A brief recess was had.)

CHAIRMAN STRAIN: If everybody would please take their seats, we'll resume the meeting where

we left off. And Stan was about to ask a question when we stopped.

COMMISSIONER CHRZANOWSKI: No. I got my answer. You can just move on.

CHAIRMAN STRAIN: We can go on, okay. Does anybody else have any questions of the applicant at this time? Wafaa?

COMMISSIONER ASSAAD: Yeah. On the site plan exhibit that shows the preserve areas --

MR. ARNOLD: Yes.

COMMISSIONER ASSAAD: -- what is the minimum width -- what is the width of the preserve area fronting on Learning Road (sic)?

MR. ARNOLD: Well, obviously it varies, but the minimum's around 50 feet, and at the point where we showed the interconnection it's about 200 feet. I mean, this is conceptual, but we have a 10-acre minimum requirement for preservation areas on site.

COMMISSIONER ASSAAD: But regardless of the minimum width of that preserve area fronting on Learning Road, you still have the 200-foot setback?

MR. ARNOLD: For any senior housing building over 50 feet.

COMMISSIONER ASSAAD: Okay. Thank you.

MR. ARNOLD: Yes, sir.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER CHRZANOWSKI: How tall are the trees in the preserve; do you know?

MR. ARNOLD: No, I don't know. Bethany Brosious is here from Passarella. She may have a better idea of some of the heights of those pine trees, et cetera.

COMMISSIONER CHRZANOWSKI: Yeah, because a lot of times those trees, like the ones where I am, they're, like, 50, 60 feet tall.

MR. ARNOLD: I'm sure some of them do approach that height. But Bethany's here, and if you'd like, I can have her try to tell you how tall those trees are.

CHAIRMAN STRAIN: It's up to you.

MS. BROSIUS: Hi. For the record, Bethany Brosious with Passarella & Associates.

The habitats within the proposed preserve area consist mainly of hydric pine and pine cypress areas, and those trees, while we haven't measured them, there's documented growth rates of pines measuring up to between 100 and 150 feet tall and up to about 100 feet for Cypress trees as well.

COMMISSIONER CHRZANOWSKI: Okay. Thanks.

CHAIRMAN STRAIN: Okay. Anybody else? Charlette.

COMMISSIONER ROMAN: I had a question.

Wayne, in light of information this morning about the school board not wanting to permit the road on Learning Lane and in light of the fact that that won't be a road as shown on your master plan, as I understand it, based upon also the chairman's comment about completing that preserve, would that be an option that you'd consider and, also, would you look at putting maybe a pervious paver walkway there for the pedestrians or a boardwalk?

MR. ARNOLD: I don't think I have an objection. I was just looking to preserve my ability to connect with pedestrians to the sidewalk system that's there, so if I can deal with it from a notation standpoint on the master plan and remove the arrow, it doesn't really matter to us, honestly. I just wanted to make sure it was understood that we wanted pedestrian access to that sidewalk.

COMMISSIONER ROMAN: And then we could close up those preserves where that road was going to go?

MR. ARNOLD: Yes.

COMMISSIONER ROMAN: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Wayne, I guess this is a combination request of Ray as well. In the Grace Romanian PUD, which is the one you're blending with, it had four principal uses, and one of them, the second principal use, was listed as pre-school childcare not to exceed 150 students; is that correct?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Okay. That's a listed principal use.

And, Ray, from zoning's perspective, because it's a separately listed principal use, not an accessory to a church, my inclination would be that could be a stand-alone use on that property; is that correct?

MR. BELLOWS: That's my understanding as well.

CHAIRMAN STRAIN: Okay. So the Grace Romanian Church PUD doesn't have to be the Grace Romanian Church. It could be 150-student daycare with the outdoor recreational facilities, multi-purpose buildings, and ballfields -- I mean, playfields, playgrounds, and similar facilities. That's the accessories to the principal uses in the existing PUD.

So I know there's been a lot of concern about the senior living, but when you've got a daycare with the potential for a lot of outdoor playfields and playgrounds, that in itself is pretty intense and can be pretty noisy. That's an already allowed use by right on the Grace Romanian Church PUD.

The Enclave around it already has a use by right, which is what they're asking to spread over the current one. I wanted to make that clarification because a lot of the emails didn't seem to realize some of the uses besides a church that could be here.

Wayne, do you know what the Grace Romanian Church's PUD had for a setback from Learning Lane?

MR. ARNOLD: I can take a look at it. I've got the ordinance here.

CHAIRMAN STRAIN: If you consider it a front yard, I believe it would be 50 feet, but I didn't see where it specified anything else.

MR. ARNOLD: Yeah. Minimum front yard is 50 feet. I don't see where there's a minimum setback for PUD boundary.

CHAIRMAN STRAIN: Okay. And, of course, if you use the Livingston Road as a front yard, this being -- Learning Lane, is that a public road? That's a private road, isn't it? I don't know if you'd have a --

MR. ARNOLD: Well, I would think it's semipublic. I mean, the school district owns it, which is a public entity, but it's not a Collier County public road.

CHAIRMAN STRAIN: I'm not sure how it would look, but it would be anywhere between a side yard and a front yard, so it could either be 25 or 50 feet, and the building that would go there could be 50 feet high. So you'd be 50 feet high at 50 feet off Learning Lane at the best scenario.

MR. ARNOLD: Right.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: So your point is that setbacks from Learning Lane should be the same as the setbacks from Livingston Road?

CHAIRMAN STRAIN: No. My point is that they're going to do a slightly higher building. They're going to go from 50 feet to 65 feet, and they're going to be 200 feet back. That's a vast intensity improvement and compatibility element over what is already allowed on the site.

COMMISSIONER ASSAAD: Yep.

CHAIRMAN STRAIN: Especially when you take into consideration 150-student daycare facility with outside playing fields. That is a disruptive issue to a lot of neighborhoods, and we have a lot of opposition to those when they're brought in depending on where they're at and how they come about.

But it wasn't clear in the emails that I saw that people understood those uses could be there, and they could be stand-alone.

So in lieu of the 150-student daycare, you're looking at adding up to 150 units to your maximum allowed for the senior living that would be further back than the daycare would have to be and/or the church would have had to have been.

MR. ARNOLD: I think that's a fair statement, yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SOLIS: And the traffic generated by it --

CHAIRMAN STRAIN: Well, that was my next question.

Mr. Banks, I hear he's here today as a traffic engineer, which is rare for him.

So, Jim, if you could talk to us a little bit about the difference between the traffic intensity and the timing of a daycare traffic versus potentially the senior housing.

MR. BANKS: I will. For the record, Jim Banks, traffic engineer, part-time marketing expert.

CHAIRMAN STRAIN: And civic leader.

MR. BANKS: This table, what it shows is -- the land uses that have the arrow designation next to them, those are the uses that if the church property was added to Enclave project, that is the type of uses that might be constructed on the -- for the project, those additional units.

And what that shows is for the first -- first row is 48 single-family units, or senior housing would be the second row at 150 units, or an ALF assisted living facility at 150 units, or a CCR community, which is very unlikely that it would be developed with that, but it would be 150 dwelling units, and then the last two rows would be the church and the daycare center which actually can occupy the site together. They don't have to be one or the other.

CHAIRMAN STRAIN: Right.

MR. BANKS: Next to that is the columns that shows the trips that would be generated by those various uses and how they compare.

So if you go back up to the single-family dwelling units and you look at that far right-hand column, 54 trips is how many the -- how many trips that the 48 single-family units would generate during the p.m. peak hour. And then if you go down to the bottom of that column, the bottom row, you see a daycare center would generate 108 trips.

So basically double the amount of trips generated by the daycare center versus the 48 single-family.

You can also do that same analysis using the -- for the senior housing, which is 38 trips during the p.m. peak hour, and ALF which would generate 44 trips during the p.m. peak hour, and then a CCR, which is 79 trips during the p.m. peak hour.

So you can see that the uses that would be created by this amendment generate substantially less traffic than what the daycare center would generate.

And then, of course, on Sundays a 500-seat church, again, that could occupy the site at the same time, would generate 305 trips during the morning peak hours. So that's a fairly dis -- and that's actually more intense than what it reflects because typically a church, we say it occurs within an hour, but typically the church trips occur within about a 20- to 25-minute period.

So it's more intense than what -- if you just claim just 305 trips during an hour, it's not really over an hour. It's about a 20, 25 minute period that that occurs.

CHAIRMAN STRAIN: The daycare you have on here, I notice you didn't put the word "Sunday," and I think that's correct because you were calculating that as -- that could go on seven days a week. It was a principal use allowed by right, so it wouldn't have to necessarily be tied to church's operations; is that how you looked at it?

MR. BANKS: Yes. So if the daycare center was a stand-alone, which it can be, that's the type of trips it would generate five days a week or seven days a week, depending on whether it functions on Saturday and Sunday.

But my point is is that the church and the daycare center could actually occupy the site together, which that is commonplace, and then you would actually have trips associated with the daycare for at least Monday through Friday, if not Saturday and Sunday. In addition to that, you would also have the trips generated by the church on Sunday.

CHAIRMAN STRAIN: I understand. Okay. Thank you.

Anybody have any questions of Jim while he's up?

(No response.)

CHAIRMAN STRAIN: Thanks, Jim. Appreciate it.

Since you have removed off Learning Lane, a lot of the questions I have are gone. I'm not going to criticize Tom Eastman's school board, but that's okay.

COMMISSIONER EBERT: You could.

CHAIRMAN STRAIN: No. I'm just -- Learning Lane is an odd -- is an odd situation. We don't have that too often where the school controls the road like that, and other projects have the ability or not to tie into it, so it's just an odd animal. We don't come across it that often.

MR. EASTMAN: It is fairly rare, but we also have that with Pine Ridge Middle School. We have it

with Manatee. Those are two other instances that come to mind. But you're correct 100 percent, it's very rare.

CHAIRMAN STRAIN: And I'm glad that it's resolved in as far as access goes, so that seems to work out well for this project and the neighbors across the way. So I guess we'll have to see what other issues there are when we ask the public to speak.

I have no other questions of the applicant.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: So we'll move on to staff report.

MR. JOHNSON: For the record, Eric Johnson, principal planner.

Staff reviewed the proposed project. Staff acknowledges that no new uses are being proposed to the RMC Enclave RPUD. There is one deviation that staff evaluated, recommending approval of that. And staff also acknowledges that the group housing that's in the RPUD is restricted to seniors. So staff is recommending approval of the project as it was submitted in your packet.

With respect to any changes that were made post submittal, I can't really comment on that. Obviously, it is the Board -- or commissioner's prerogative to take action on anything that was given today, but I cannot opine on anything that was submitted after the packets were given out. And that concludes my presentation.

CHAIRMAN STRAIN: Okay. Well, that's an interesting statement. You can't comment on anything submitted after the packets were out. So what do you think of the suggested clarifications that the applicant has today? It didn't -- I'd like to -- the reduction or the loss of Learning Lane, do you see a problem there?

MR. JOHNSON: I would have to defer that to our transportation planner.

CHAIRMAN STRAIN: Okay. I'm not used to staff not taking a position on things.

MR. SAWYER: Good morning, Commissioners. For the record, Mike Sawyer, transportation planning.

We have no problems now that we have confirmation from the school board that Learning Lane is not available for this community, and we will proceed with the other access points as we've pointed out in the PUD for the project.

CHAIRMAN STRAIN: Thank you, Mike. Appreciate it. Okay. I didn't have any questions of comprehensive planning, but I guess David might want to say something. Go ahead, David.

MR. WEEKS: Good morning. David Weeks of the comprehensive planning staff.

Commissioners, as you'll note in the -- I believe it's in the staff report or, if not, then it's included in the comprehensive planning's section attached memo. We've asked for a vehicular interconnection to the property to the north.

And as we noted in the memo, we understood that the property was owned by the Diocese of Venice, but our position was just because it's owned by that entity does not necessarily mean that the property will be developed with a church. Point being that maybe a residential project could go here in the future and so that we believe that an interconnection will be appropriate regardless of ownership.

And I just checked last night and found that the Diocese of Venice no longer owns that property. It has been sold.

Staff still doesn't know what's going to go there. I mean, somebody else could come in and request a church or any other allowable use on the property under its existing ag zoning, a conditional use, or seek a zoning change. But from our perspective, we still think it's appropriate to consider that the project to the north could be developed residentially and that an interconnection to that property could be appropriate, at least identified as a potential interconnection or future interconnection.

As is typical when the project for the subject site actually comes in to develop, at that time there is the ability to determine whether or not it's appropriate to have the interconnection. At that time the use to the north might be something that's considered not appropriate to have an interconnection or for whatever reason might exist. The decision could be made at that time not to have the interconnection. But it's far less likely to get that interconnection if you don't have it identified in the PUD.

So, most particularly, what I'm telling you today that you don't already know if you've read the staff

report is that the ownership to the property to the north has changed, and so we think it's, I'll say, less likely, though certainly still possible, but less likely that a church would go there.

CHAIRMAN STRAIN: Thank you.

Okay. Are there any other questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. We'll move on to public speakers. Ray, do we have any registered public speakers to start with?

MR. BELLOWS: Yes, we do.

CHAIRMAN STRAIN: Okay. All those wishing to speak, when your name's called, just come up to one of the mikes, and we'll be glad to hear you.

MR. JOHNSON: The first person is Greg Bosco, Greg Bosco. After Greg will be Karen Paul.

MR. BOSCO: Good morning. Thank you for allowing me to speak.

I represent the board of directors for the Camden Lakes Homeowners Association. Needless to say, we are here because we are adamantly opposed to any senior facility going in where -- for the proposed Enclave development. We have 140 signatures from residents with their opposition to such development there.

The main reason is that section of North Naples, as everyone knows, is primarily families. It's mostly single-family homes. A senior development would not fit in the area.

We feel it could negatively impact our home values, certainly our sight lines, because in our opinion a 65-foot building can't be landscaped. We'll be able to see that throughout our entire community.

In addition, we are abundantly confused, when we reviewed the traffic study, how there's less of an impact when you're putting 500 units for a senior living versus single-family homes. When you count all the residents, the staff that would be in and out of there all day long, potential emergency vehicles that would be coming in and out all day long. It would be, we feel, a total hazard to the residents and also the kids in the community that walk Livingston back and forth to Veterans Memorial and the kids that travel to North Naples Middle School.

We -- again, we adamantly disagree that a senior facility go in there. Thank you.

CHAIRMAN STRAIN: Your petition, you flashed it, but could you put the first page, the written part of it, the typed part of it on the overhead so we can read what it said.

MR. BOSCO: Absolutely.

CHAIRMAN STRAIN: Okay. We residents of Camden Lakes community of North Naples oppose any access to Learning Lane by the developer of future Enclave project. In addition, we oppose the development of a senior living facility adjacent to North Naples Middle School. And someone -- it looks like they tried to cross out the reference to Learning Lane. Was that done before or after these people signed it?

MR. BOSCO: That was done -- was it done -- it was done after.

CHAIRMAN STRAIN: So after everybody signed it opposing the access to Learning Lane, you guys crossed out that on here, and then now that's not an issue, but you're falling back on the second sentence; is that --

MR. BOSCO: Correct.

CHAIRMAN STRAIN: -- what you're saying?

MR. BOSCO: Yes.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER ASSAAD: May I ask a question?

CHAIRMAN STRAIN: Go ahead, Mr. Assaad.

COMMISSIONER ASSAAD: I think this issue for the Camden community is very emotional, and I think your concern is about traffic.

Now that the connection to Learning Lane is eliminated and you do have that preservation area between the two developments -- and the traffic engineer is telling us that a development like the one proposed will generate less traffic. I can see the emotion behind it, but I cannot see the logic for objecting to it. Would you care to respond?

MR. BOSCO: Sure. For us, they're two separate issues: The Learning Lane access and

the -- actually what's being built on the property to us are two separate issues. While we're very happy there will no longer be access on Learning Lane, again, the other issue is what is being built on the property.

I don't -- we don't, as a community, understand how there will be less traffic and less interference. That part of where we are now, Learning Lane and north of Immokalee, the traffic already is unbearable most mornings, so adding 500 senior units to the mix plus, again, all the service vehicles, we feel it would be a big detriment to everyone living in our community. The traffic would be terrible.

COMMISSIONER ASSAAD: Do you understand that if they do residential community, you will have more traffic?

MR. BOSCO: We don't feel that's the case. And, quite frankly, we feel a residential community fits in better with the area. There's no senior living facilities anywhere in the area. It is all -- mostly single-family units, some townhouses, but it's primarily families. And, quite frankly, I mean, if they put in a daycare center, great. There's kids everywhere.

I mean, we have -- Camden Lakes is a primarily children-friendly area. We have kids and kids playing outside. We love kids. So having, you know, kids across the street playing in a daycare center was not going to be an issue for us.

COMMISSIONER ASSAAD: Thank you.

MR. BOSCO: Thank you.

CHAIRMAN STRAIN: Next speaker, please, Ray?

MR. JOHNSON: Karen Paul. After Karen will be Barry Weissman.

MS. PAUL: Hello, everybody. My name's Karen Paul, and I'm a resident of Camden Lakes. Yes, this is an emotional issue, and I'll address, perhaps, the reason why that is.

Although we had a list of 140 people who signed our petition, you can see we are only about 18 strong here today. The reason we got for that was, well, they're just going to do what they want to do anyway. Our voice doesn't matter.

And for those of us that are here today, we don't subscribe to that line of thinking. We know that there's a human element when you guys cast your vote.

I was pleased in listening to your first proposal that you were discussing that many of you took into account how it was going to affect the residents, the size of the backyards, et cetera. So we know that there is a human element associated with this and it's not just a computer program or an app that spits out an answer to this question.

So before you make your decision, we appeal to you to put yourself in our shoes or imagine that you have a family member or a child or a grandchild that owns a house in Camden Lakes and what you would want for them or what you would want for yourself if you lived in Camden Lakes.

So some of the points that I wanted to make is we are not your typical multi-million-dollar, millionaire Naples residents. We live here year-round. In fact, only a small handful of our community residents live here part time.

For us -- for most of us, this is our largest investment that we have is our home in Camden Lakes. What we thought we were buying was a house next to a church, and this is where the emotional issue comes in, and it may be up for debate down the road.

Pulte provided us with a plat that showed that this was a church next door to us. At the first meeting we requested information about the notification process. Ironically, although requesting that information two to three months ago, we received that information late last night.

We do not feel that we were appropriately notified, and many of us might not have purchased our home in Camden Lakes if we knew that a senior tower was going to be erected next door.

And I also want to say for the record that none of us have any issue with seniors. Many of us are seniors. It is not that at all. It is the traffic and the view that we feel will not be able to be landscaped away.

There will be lights shining on that building, the exotics will have to be removed, and we believe we will have to see that tower every day while we and our families are out walking and playing.

So you can imagine our surprise when this Enclave development was brought to our attention. And I think if you put yourself in our shoes, you would feel the same way.

While we don't fault Kurtz builders -- in fact, we have heard from many people that they are an

excellent builder and that they do excellent work, that they focus on low density and quality, and we appreciate that -- we do feel that there are other more appropriate areas in Naples for senior living around like-kind and facilities.

So, lastly, before you vote again, we'd just ask that you put yourself in the shoes of a Camden Lakes' resident. Thank you.

CHAIRMAN STRAIN: Thank you. Go ahead, Mr. Assaad.

COMMISSIONER ASSAAD: Ma'am, I have a question for you.

MS. PAUL: Yes.

COMMISSIONER ASSAAD: You're aware that maybe around two-thirds of the frontage on Learning Lane front on the Grace Romanian Baptist Church PUD, and under the existing zoning with no additional approvals from the county, they can go ahead and do a retirement community and daycare?

MS. PAUL: We are aware.

COMMISSIONER ASSAAD: You're still going to be subject to that.

MS. PAUL: We are aware of that. And, unfortunately, when they put the notification sign out of the request of the Enclave, because they did not own -- or they had something to do with the church property, they had to put the notification sign further down on Learning Lane after our entrance into Camden Lakes. So we drove into Camden Lakes and never saw the sign, and we were never allowed a chance to come and speak and even know anything about this. But, yes, we were aware there was a church.

With regards to these numbers, I did some quick math. On the senior housing they're talking about 150 units on this sheet, but what the developer is talking about is 500. If you do that math, it comes to 1,720.

CHAIRMAN STRAIN: Ma'am, but 350 units of the 500 are already approved for that location. That has no bearing on the issue in front of that chart for you here. This isn't -- they're asking for an additional 150. They're comparing that additional to what was on the site and what they -- what it would mean to their project.

So you're right, 350, it's a greater number, but it's already approved. So it's not a factor to consider in regards to the intensity. It's already allowed.

COMMISSIONER ASSAAD: They were -- I'm sorry.

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER ASSAAD: If they did not combine the two properties together, if they came in with an application for the additional land by itself, it would probably be viewed as very compatible with the existing zoning on the church property because it mirrors the same uses. It's right next door. It's in the same vicinity.

So like -- I appreciate the emotions behind it, but when you look at the facts, the zoning, the calculation, the traffic experts, they just don't support the emotional feelings that you-all have behind your objection. That's what I want to say.

MS. PAUL: And I guess what we're saying is that we're a little concerned about this. And we're not traffic experts, I understand that, but we also know that a senior living facility, there's going to be a lot more cars associated with it than just the people that live there. There's going to be nursing aides that will come in, there's going to be family members of those people, the staff that's required to man a 500-unit facility. And we just know that there's already a traffic issue in and around our area already, so...

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Ma'am, are you aware that the project you're living in, Camden Lakes, has the right to do 45 feet high? It's me. Yeah, you have a right to go 45 feet high 30 feet off Learning Lane. This project is asking to go -- on a piece of it that they don't currently own, they're under -- they're purchasing -- to go 20 feet higher but 200 feet back from Learning Lane.

I mean, I -- I share with Mr. Assaad. This -- when I started getting your emails, I understood your argument about Learning Lane, and that was taken off the books. And I still got emails, and I can't -- I mean, I would love to be in a community that had a nursing home like this or a senior living facility next to it. They're quiet. They're not heavy generators. This is not a tower. Sixty-five feet is nothing. That's a very shallow building set back 200 feet from the road. You're far better off with this than some of the other things that could go there.

I don't understand your community's concerns. I'm puzzled by it. And even the testimony I've heard from you and the gentleman before you, you're making assumptions that aren't supported by any of the historical zoning and evidence that we have and that has proven to be correct.

And senior facilities across the county are something we need, and they do a good job. They're good neighbors. If I were to pick an ideal location for such a facility in Collier County with compatibility standards, they've met everything I could figure out how to do. That's why I don't understand your concerns.

MS. PAUL: Do you feel that the ambulances -- the noise from the ambulances that will be coming in and out of that facility daily will disrupt not only the students that are trying to learn right next door, as well as us as a community next door --

CHAIRMAN STRAIN: They won't -- first of all, they're going to come off Livingston Road. They're going to go in that north entry that's being shown on the plan. They're not going to go down the road next to you. If they're coming down Livingston Road going to another call, they would disrupt you more than this facility's going to.

As far as when they come on the site, I, unfortunately, had to spend a lot of time in a couple of these facilities that exist in the county right now. Not for myself; for somebody else. I was there when the ambulances were called. They cut their sirens off before they enter the property.

So the closest they would get to having sirens on this property is that north entrance. It's no less or more than you would hear every time a fire truck leaves for anything from the fire station that's up there. And I really think you need to consider this as a better neighbor than some of the alternatives that are facing you for that property. I'm still puzzled by it, but I appreciate your comments, and I thank you for commenting. And if there's something that's provided to us that seems to make, I guess, scientific sense, I would certainly want further comments from the applicant. But right now, the traffic studies by the ITE and all the engineers that have done that work have taken into consideration all the elements you're concerned about, the workers that are going to be there, the caterers that would come in or the food vendors, however that's done. All that's been already been taken into consideration in that traffic study.

So I'm -- I don't mean to go against a neighborhood. I try always to listen to neighbors, but on this one, with your separation plus the 200 feet you've got the width of Learning Lane and your own internal setbacks, you guys have got a really good situation compared to a lot of growth areas in our county, so...

MS. PAUL: I understand. I think we're just saying that there are -- you know, that part of your job is to keep Naples beautiful, and there are other areas in Naples that already have this type of facility, and why not keep those together and keep our residential corridor intact?

COMMISSIONER CHRZANOWSKI: Mark, if I may?

MS. PAUL: Yes.

COMMISSIONER CHRZANOWSKI: I live in Lakeside. That's near the Greek church by Airport and Vanderbilt. Across the street is HarborChase, a senior living facility. My wife had to spend a week there recently after a hospital stay. It's a great facility but, you're right, the people, they're out there carousing in their wheelchairs until two, maybe three in the afternoon. Other than that, they have been a great neighbor for the 12 years I've been there and for a long time before that.

We have the Carlisle on the corner of Orange Blossom and Airport. We never have any problems with traffic. The only sirens I ever hear are people going by Airport Road past the Carlisle, past HarborChase.

You may think you have a problem. We're looking at having a senior-care facility built on Orange Blossom against our south property line. We're waiting for it to happen because the other two are such nice neighbors, who wants some other kind of residential? You never know what you're going to get.

Every one of these facilities I've dealt with, they're fantastic. I think you're blowing it out of proportion.

And I asked how tall the trees were, because if you've got a 65-foot building behind a 50-foot tree and you're standing on the road, you're not going to see that 200 feet back. I'm -- I don't know how much exotics they're going to make you pull out of there.

MS. PAUL: Could we add a stipulation in or something that says that we will not see the tower; is that what you're telling us? If we can add something into their development plan that assures us that we won't

see the tower, then I think that would ease a lot of our -- I mean, it sounds like you-all think we're not going to see it. So if we're not going to see it, then maybe --

COMMISSIONER CHRZANOWSKI: But even if -- I see HarborChase.

COMMISSIONER HOMIAK: There's no tower.

COMMISSIONER CHRZANOWSKI: I see the top of HarborChase from my cul-de-sac. So what?

COMMISSIONER SOLIS: We're talking about three stories.

CHAIRMAN STRAIN: It's 65 feet. I mean, that's not a tower, ma'am. A tower's 200 feet. I've built some of those. They are -- you can see those from a long distance. Sixty-five feet with 50-foot pine trees, 200 feet back behind a preserve across Learning Lane, you stand in your backyard, I don't know how you're going to see them. But I'm not going to provide you any guarantee, because it's not a requirement of our code to provide that kind of guarantee.

The compatibility standards are the ones I just articulated. They're already in place. This is more than most communities have.

His community going -- Erickson Communities is building a lifestyle facility down on the south end. It's going to be pretty close to their property line; 600 units, but it's a beautifully designed facility. I don't think it's going to disrupt them at all. And his experiences, as he just said, haven't with the ones across the street, and the ones I've been in they haven't.

MS. PAUL: It sound like there's a lot of these senior facilities being built. Have there been any studies that have shown that we actually need more?

COMMISSIONER EBERT: Oh, yes.

CHAIRMAN STRAIN: Yeah, we need more.

COMMISSIONER EBERT: Oh, yes. And --

COMMISSIONER CHRZANOWSKI: I'm looking forward to it.

COMMISSIONER EBERT: I'll be honest with you, when you moved in, I'm sure you didn't read all your whole pamphlets you got, but a lot of the PUDs, planned unit developments, in Collier County, along with homes, also have senior living in them. There are several of them that have it.

So you could have moved into another one that already has it in. It is a huge request in Collier County.

And the Arlington is -- it's absolutely gorgeous, if you want to go see another one. They have single homes in there, and then they take you all the way through the lifecare system. It's gorgeous. And that was just done.

COMMISSIONER CHRZANOWSKI: And I don't want to sound old and crotchety, but, you know, you say I should put myself in your shoes; I've been living in your shoes for a long time, and it's not a problem.

And, like I said, I'm from New Jersey, so I'm a little more tolerant of everything.

MS. PAUL: I just feel that we are going to see a major traffic issue that's not necessarily being -- I just think it's going to be bigger than you-all think, and we'll -- I guess we'll see down the road, but it's already a very difficult situation turning off of Livingston at the various lights. I guess we'll just see, but thank you for listening to our comments.

CHAIRMAN STRAIN: Thank you, ma'am.

Next speaker, Ray, or Eric.

MR. JOHNSON: Barry Weissman. After Barry is Fred Smith.

MR. WEISSMAN: Good morning. My name is Barry Weissman, and I'm older than you know, Stan, and I live in Camden Lakes.

CHAIRMAN STRAIN: Well, you're in a lot better shape. Why?

COMMISSIONER CHRZANOWSKI: You don't look a day older.

MR. WEISSMAN: I just wanted to say I've been a resident of Collier County for and paying taxes for 16 years. And I'm a realtor, so I recognize the fine work that you're doing. I've been here a couple times, and I'm just -- I'm just amazed at how much detail -- you guys really work hard, and I appreciate that, and it helps me in my job a lot.

I just wanted to say that we are concerned specifically not about the seniors themselves, but we were

hoping that it would be a single-family development rather than -- even if it was a 55-and-older development or a -- or transition development, we would have been quite happy. But it was just a surprise to us that the church property came around.

And I think that the major concern we were having was the safety our children that -- we don't have any there. We have grandchildren. But they do walk up Livingston to go to Veterans, and they bike into the middle school. So our concern was the additional traffic. And if you have that -- you have that traffic going especially to Veterans and you're going by the entry to the new development, you're going to now have to bus those kids because they can't walk that -- walk that traffic across that entry without being concerned about the -- about the traffic coming in and out. So that would be my main concern.

If it was a single-family development and it was seniors, being one, we don't take that many trips that we're in and out going to -- going to take the kids to school and all that stuff in the morning.

So that would be my only concern, and we were hoping not to have towers. And to me a tower is anything over three stories in this town. But we're not at the beach, so I don't have to worry about that. But I'm -- that was my main concern.

So you've addressed a lot of it, and I understand that you've already preapproved much of this development, two-thirds of it or three-quarters of it, so really it's maybe moot, but we were hoping to get some address to see our point of view. And I thank you for your attention.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Eric?

MR. JOHNSON: Fred Smith, and after Fred there is no one else signed up.

MR. SMITH: Good morning, Commissioners. I want to start out by saying that most of my concerns or thoughts here have already been covered, so I'm going to try to cut to the chase and not take any more time than I need to.

I also want to advise the Board that I'm from Philadelphia, so I understand that relaxed, tolerant view that those from New Jersey have as well.

I'm also two days past the very happy receipt of my Medicare card. I have nothing against seniors. I'm now officially one of you.

In any event, our -- my basic concern with the -- with this suggested senior living project is that it strikes me as a commercial project. The entire area is residential, mostly single families. There are a couple of condo developments in there as well. You're talking about a facility that's going to have a restaurant. It's going to have -- according to an article that we downloaded from the newspaper, it's going to have a spa and a beauty salon, a restaurant, even a charging station for electric cars. These all sound to me and to us in Camden Lakes like commercial enterprises. That's not the same as a single-family residential development. It's not the same as a residential development, whether it be multifamily or single-family.

In effect, this is a business that has all of the staffing that will be coming in and out, the traffic associated with that staffing, the ambulance and rescue vehicles as we've already mentioned.

The real problem that I see is the developer doesn't have to do this. It's not a need-based request. I'm sure that they can earn a handsome profit by putting in single-family homes and retain the nature of that area of North Naples rather than irrevocably change the nature by putting what amounts to a commercial enterprise into the middle of an entirely residential area. That's my main argument, my main point, and I think it's one that I would appreciate the commissioners take into account.

CHAIRMAN STRAIN: Sir, have you ever been in a senior living facility such as this?

MR. WEISSMAN: Yes. My mother's lived in one for quite a number of years up in Philadelphia.

CHAIRMAN STRAIN: And so was mine, and I spent a lot of time there. And I know how the beauty salons operate and how the restaurants operate, because I ate there with my mother periodically.

They're all internal. They bring the food into a small area where the people gather and they eat together at tables. They have a certain number of medical personnel per facility. I think it's one per nine or some ratio like that. The beauty salon is really just a small cubicle -- not a cubicle, bigger than that, but it's like a room within the core of the facility.

But all those facilities are only for the people that live there and their guests like you and I were. It's not like a restaurant where you bring in people in off the street or a beauty salon where you're advertising and

everybody shows up. It creates no more traffic than the people that go there to visit or to live.

And the difference between a senior housing facility like a single-family restricted to 55, those people still drive cars. Most of the people in these facilities don't drive cars. The traffic is severely less than what you're used to with a single-family.

So for children walking along Livingston, this facility will generate less traffic and be less of a problem to them than if it developed as you had hoped it would as a single-family facility.

I don't know how to explain it any differently to your community, but that's the facts. That's what we deal with every day in zoning in Collier County.

And I'm sorry that you guys don't see that, but that is the way the calculations come out. That's the way it's worked and historically been proven, so -- but I thank you for your input, and I'm hopefully trying to set your mind at ease with it. I may not be succeeding, but it's worth a try.

MR. WEISSMAN: We thought coming here today, too, was worth a try, and we appreciate the attention that you've given to us.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER CHRZANOWSKI: Congratulations on your Medicare card.

CHAIRMAN STRAIN: Eric, do we have any other --

MR. JOHNSON: None.

CHAIRMAN STRAIN: Does anybody who -- anybody here who wished to speak on this item who has not already spoken?

(No response.)

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: I have something I'd like to say.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: The lady mentioned traffic on Livingston. You ought to live on Immokalee or Pine Ridge. You really don't have that much traffic yet.

Veterans Parkway was going to go across the I-75. You would have had a ton more. That has been nixed. So as far as traffic, I go Livingston as far as I can because there is no traffic on Livingston, per se.

And as far as the senior living, I'm being very honest with you when I tell you a lot of these planned unit developments have a mixture of both in the same area, so it's not taking all of senior living or these homes and putting them in one section of town. They are dispersed all over town, and it's much more pleasant to see different areas have these places because it's closer to different families.

CHAIRMAN STRAIN: Okay. With that we'll -- Wayne or Bruce, do you guys want any time for rebuttal?

MR. ANDERSON: No, sir.

CHAIRMAN STRAIN: Okay. Go ahead, Mr. Assaad.

COMMISSIONER ASSAAD: I want to thank you for not asking for deviations.

MR. ANDERSON: You're welcome.

COMMISSIONER ASSAAD: Thank you very much.

COMMISSIONER ROMAN: I have a question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: Have you determined -- you haven't worked on the site plan or anything yet to determine where you were going to site -- if you're going to do senior housing and then where you're going to site it; is that correct?

MR. ANDERSON: That's correct.

COMMISSIONER ROMAN: So I think part of the issues that I can certainly relate to from the community's perspective of Camden Lakes is the unknown of being told in general in a conceptual plan that you have the rights to do these things and, as the site plan goes forward, you may choose to locate the group housing, even if you choose to do it, somewhere else on the site than against Learning Lane. Is that a possibility?

MR. ANDERSON: Certainly, yes.

COMMISSIONER ROMAN: Okay. Thank you.

CHAIRMAN STRAIN: Okay. With that, we'll close the public hearing. And let me start out with discussion.

There's only a couple notes on this one, and the first is that they're going to amend the PUD to not -- provide no access to Learning Lane, and that in doing so, they'll recalculate the preserves and then take a look at their preserve language and, if needed, add some language there that would allow them to use either elevated boardwalks or pervious pathways to access Learning Lane through the preserve, but at least the preserve calculation will be modified to include all of the area that currently is a driveway, or potentially a driveway to Learning Lane.

So with that -- those are the only notes I've made that change anything. Is there a motion on the part of --

COMMISSIONER HOMIAK: What about the potential interconnect to the north?

CHAIRMAN STRAIN: Well, that's -- that's something that isn't required. It's an encouragement, not a requirement. If it's a senior living facility to the north as a corner parcel, why would we want to have the potential of seniors having -- especially if it's dementia or anything like that -- access to a commercial facility or vice versa? If it's not and it's a residential, why would the residential need to be connected? I don't understand the need for the connection, especially if you want to have a privacy and gated either community or senior housing facility.

COMMISSIONER ROMAN: But, Mr. Chair, isn't it in accordance with our code? I mean, David was mentioning the potential interconnect be in there.

CHAIRMAN STRAIN: It's not required. It's an encouragement, not a requirement.

COMMISSIONER ROMAN: But what's the --

COMMISSIONER HOMIAK: It could be commercial.

COMMISSIONER ROMAN: What's the problem with just drawing it in as a potential interconnect and then evaluating it when the other petitions come through?

CHAIRMAN STRAIN: Wayne, do you want to respond?

MR. ARNOLD: I can. For the record, Wayne Arnold.

We had this debate when the project came through as the 28-acre, and it may have been owned by the Diocese of Venice at the time, but the unknown, that parcel has access to Veterans Memorial which does directly access a signal. I don't think they're going to be choosing to access Livingston Road.

So their need to interconnect through us, I don't know that there would be one. We've got the access that's directional left and a right-in, right-out. We think it's satisfactory. And connecting potentially a senior project to the unknown, we don't think necessarily makes sense.

COMMISSIONER EBERT: But can that be decided when another project comes up?

MR. ARNOLD: Well, I guess the question would be, who gets to decide?

COMMISSIONER ASSAAD: You're planning a gated community?

MR. ARNOLD: I suspect that it would be. I mean, consistent with almost everything else we've seen in North Naples, I would expect it to be --

COMMISSIONER ASSAAD: Then the interconnection to the properties to the north will be problematic because of the maintenance obligation, the trespassing. The gated community would lose its security function. So I don't see the benefit of the connection myself.

COMMISSIONER CHRZANOWSKI: Yeah. I'm looking at the aerial photograph. I don't see the benefit either because it seems -- if you have -- like Wayne said, they'll probably enter off Veterans Memorial, and who would want to go through that to get to the senior living? And on the way out, the seniors, I doubt if they're going to want to go to a -- through this project -- well, to Veterans Memorial. You know, looking at the aerial photo, it just doesn't make sense.

CHAIRMAN STRAIN: Yep.

COMMISSIONER ROMAN: Well, it just carries weight when a member of our staff, senior member of our staff, David, comes up and requests that, and so maybe he'd like to comment.

COMMISSIONER CHRZANOWSKI: Well, it's a county policy that we encourage interconnection.

MR. ARNOLD: And, Ms. Roman, I would only say that we had this discussion for the 28-acre project. I don't have an interconnection shown on that plan.

And could I raise one other point, Mr. Strain?

CHAIRMAN STRAIN: Sure.

MR. ARNOLD: You made a comment severing the connection and then changing the preserve acreage. I would prefer not to change the preserve acreage. We express on our master plan the minimum preserve acreage based on the 25 percent calculation. It remains the same whether I sever the connection or not.

CHAIRMAN STRAIN: Okay. Well, can you at least, on your master plan, show the preserve continuous in that area but provide language to provide the boardwalk or non-pervious surface to connect to Learning Lane?

MR. ARNOLD: I don't if I'm headed toward coming back on a consent or not.

CHAIRMAN STRAIN: I don't think so if we keep it simple, but that's --

MR. ARNOLD: Here's what I would suggest, then, on the master plan change. If I close the gap between the preserves and connect them and keep the language with an arrow that simply says "potential pedestrian interconnection."

CHAIRMAN STRAIN: That's fine.

COMMISSIONER ROMAN: That works.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: I think the idea of continuous preserves carries weight, so...

MR. ARNOLD: Thank you.

COMMISSIONER ROMAN: Just one gives him credit and one doesn't, so that's something that will have to be calculated by staff.

COMMISSIONER ASSAAD: Would the school board have to approve the pedestrian connection?

MR. EASTMAN: We would so far as how it connects to our land, and we can do an easement agreement, or we could even work with the developer to meet them there. But the school district has a real strong interest in seeing that if it is developed as residential single-family, that there is a pedestrian interconnection there as a requirement; not really a potential but a requirement, because that would save a lot of -- it would make it a really efficient way to get to school.

COMMISSIONER EBERT: And this still could be the single-family home. They have a choice of going either way. This could be, what, 164 homes on this?

CHAIRMAN STRAIN: Well --

COMMISSIONER EBERT: A hundred and sixty-seven.

CHAIRMAN STRAIN: I don't remember what -- 48 on the one piece that's being brought into the PUD. I can't remember right offhand what the current PUD's total is.

David, did you want to respond to something?

MR. WEEKS: I did. I felt like I had an invitation.

Commissioners, I'll be brief. The purpose for vehicular interconnections is to lessen trips on the adjacent roadways, and that could be accomplished in one of two ways or a combination.

One would be functioning as a roadway so that residents of one location, one project, can get through another project to get to another roadway. The other benefit is strictly internal, and I think that's the case that we would see here.

Because I agree with Wayne's comment and some of your comments from the dais as far as property to the north abuts Veterans Memorial Boulevard which connects to Livingston Road at a traffic-signalized intersection and, similarly, Learning Lane, I believe, has a traffic signal as well. Well, that's off the table.

The benefit of interconnections between two projects even if there are no additional connections to roadways is the lessening of trips on the adjacent roadway just because of that internal connection.

If I live in one project and I want to visit my neighboring project and there's not an interconnection, I have to go out. I have no option. I have to drive out onto the external roadway to get to my neighbor.

And, you know, we come across this situation that, in my view, is ludicrous where I literally may live across the wall or across a property line from my neighbor's house, but to visit them I have to get in my car and drive or if there's other means, bicycle, sidewalk, I have to do that.

But either way, to visit my neighbor I have to go outside of my project and inside to theirs. That's it.

It's just that simple.

And though -- Commissioner Strain is absolutely correct, the policy in the Future Land Use Element is not mandatory. It does use the word "encourage" which clearly to me says, case-by-case basis. In some cases it is not going to be appropriate. And, as you know, you do not always get a recommendation from comprehensive planning staff asking for an interconnection because, in our view, there are times when it's not appropriate or not feasible, at least.

But we generally start from the perspective that we should have an interconnection unless there's a reason not to as opposed to the opposite perspective, we shouldn't have an interconnection unless we specifically see that there's some absolute benefit here.

COMMISSIONER ASSAAD: So how do you address security and maintenance obligations? I mean, if I find -- if I live in the next development and I find a shortcut, I'll be constantly using it. That will violate their security, and then they will be paying maintenance for the road segment that I -- that I don't contribute to.

So I understand your point about not taking traffic to outside roads, but there are other considerations about communities being independently controlled and maintained. Every -- all the facilities are private, so...

MR. WEEKS: Right. I understand that, and absolutely there is some cost and there has to be -- it's an easement agreement or some other legal mechanism that allows that to occur. It's a -- my perspective, it's a policy decision because not providing that interconnection at some small or not-so-small increment has an impact on the public at large, because we are all paying for the roadways. We're all paying for the transportation network.

And if there's a way to lessen that -- so to me that's the policy decision that needs to be made on a case-by-case basis. Evaluating whether it's appropriate or not to have that interconnection, understanding that there'll be some cost to those developments but there is the potential for some public benefit.

COMMISSIONER ASSAAD: Thank you, David.

CHAIRMAN STRAIN: Okay. With that, we had discussion. We have a couple of changes that were suggested. Does anybody have anything they want to add to those? The two changes we previously talked about were clarifying the PUD, take out the references to access on Learning Lane, and then to show the preserve as continuous with an arrow allowing the interconnection by pedestrian traffic as an option for the future to Learning Lane.

Anybody have anything they want to add to that, or is there a motion?

COMMISSIONER CHRZANOWSKI: I'll move to approve PUDZ-PL20150001613 --

CHAIRMAN STRAIN: With those --

COMMISSIONER CHRZANOWSKI: -- RMC Enclave RPUD and Grace Romanian Baptist Church RPUD, CC -- CFPUD, with the stipulations you just listed.

CHAIRMAN STRAIN: Is there a second? Mr. Assaad?

COMMISSIONER ASSAAD: Second the motion.

CHAIRMAN STRAIN: Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: 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 7-0.

Thank you all for attending.

It's now about quarter of 12. Rather than start a new project -- and we have several other items to

discuss today -- let's take a lunch break from 11:40 -- till 12:45 and resume the meeting at 12:45. Does that work for everybody?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Okay. Meeting is adjourned till then.

(A luncheon recess was had.)

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

***The next item up is PUDZ-PL20140000890. It's the Onyx RPUD located on the east side of Santa Barbara Boulevard approximately one-half mile north of Rattlesnake Hammock Road.

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

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission. We'll start at the end with Tom again.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: None.

CHAIRMAN STRAIN: Andy?

COMMISSIONER SOLIS: None.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Bruce.

CHAIRMAN STRAIN: Are you asking him something or...

COMMISSIONER EBERT: No. Bruce, I spoke with Bruce.

CHAIRMAN STRAIN: Bruce Anderson.

Okay. I talked with staff. I also met with Bruce Anderson and Tim Hancock. Go ahead, Karen.

COMMISSIONER HOMIAK: I spoke to Mr. Anderson.

CHAIRMAN STRAIN: Okay. Wafaa?

COMMISSIONER ASSAAD: No contact.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: No contact.

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

COMMISSIONER SOLIS: You know what, I have to correct myself. I think Bruce told me that this items was going to be on the agenda today, but that was about it. So we didn't actually speak about anything, but I did talk to Mr. Anderson.

CHAIRMAN STRAIN: How do you get by with such short conversations with Mr. Anderson?

Okay. Tim?

MR. HANCOCK: I thought for sure you were going to say short conversations with me.

CHAIRMAN STRAIN: Well, he didn't mention you, so I would know better than that.

MR. HANCOCK: Good afternoon, Mr. Chairman and members of the Planning Commission. My name is Tim Hancock with Stantec and here representing Polly Avenue, LLC, the property owner and petitioner on this item. Also Mr. Anderson, legal counsel, is here as well.

If it's to the interest of the commission, there are, from what I can see, only three folks from the neighborhood that are here today to speak. What I propose is to really focus on some of the changes that we have tried to address in this, and then if it's your desire, Mr. Chair, to hear from the public and kind of avoid the whole, long laundry list introduction, where the project is located stuff until -- unless it's necessary.

CHAIRMAN STRAIN: Well, I don't need that part of it, but you need -- I mean, you can approach this anyway you want, Tim. You know I'm going to have questions based on our previous discussion. So all the issues have to be cleaned up that we talked about. And I'm assuming, then, you're going to walk through those as a cleanup process.

MR. HANCOCK: Absolutely.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: I didn't see any members of the public stand up to get sworn

in. Are you guys going to talk?

CHAIRMAN STRAIN: I didn't either, Stan. I was going to wait until this got done. If people want to speak, they can get sworn in at this point. So that's how I was going to handle it.

MR. HANCOCK: Before you is -- on your monitor is the project aerial. The site is 8.76 acres in total size. It's approximately one-half mile north of Rattlesnake Hammock located immediately -- I'm sorry. I'll slow down -- immediately east of Santa Barbara Boulevard.

The property is pretty much bordered on all four sides by either right-of-way or vacant right-of-way. As I mentioned, to the west is Santa Barbara Boulevard, a six-lane collector, to the south is Polly Avenue, to the east is Sunset Boulevard, and to the north is an undeveloped right-of-way called Adkins Avenue.

This is an element within your packet, but I just put it on the visualizer to show that there is zoning surrounding the project that has residential densities in anywhere from the three to five units per acre. Primarily those are to the south along Santa Barbara.

CHAIRMAN STRAIN: Three to five units per acre?

MR. HANCOCK: Some have three, some have five, and they range in between.

CHAIRMAN STRAIN: Three to five units per acre? You mean one unit per three to five acres, don't you?

MR. HANCOCK: No, sir. The purpose of the zoning map is the property immediately adjacent to the east and to the south is zoned agricultural.

CHAIRMAN STRAIN: Right.

MR. HANCOCK: One unit per five acres.

CHAIRMAN STRAIN: Right.

MR. HANCOCK: I'm saying a little further south of that as you continue along Santa --

CHAIRMAN STRAIN: Oh, none contiguous to it, though?

MR. HANCOCK: No, sir.

CHAIRMAN STRAIN: Okay. That's what I was -- I'm sorry. I was confused. I thought you were -- it's all ag zoning around there, and their homesites are larger than one unit per three to five -- I mean, three units per acre, so...

MR. HANCOCK: Many are five acres and more --

CHAIRMAN STRAIN: Right.

MR. HANCOCK: -- and a great neighborhood, avid use of golf carts. Good people to spend some time with.

But -- so immediately surrounding the property to the east and south, yes, sir, those are the conditions, agriculture zoning, one unit per five acres.

As you go a little further south on Santa Barbara, you get into projects that have a little higher density, and that's where I was saying the range is anywhere from three to five units per acre as you go down to Rattlesnake Hammock.

Quick background. In 2006, this property was rezoned to a configuration you see before you here today. And this configuration, which is the current zoning, was based on 27 single-family lots. To the left is Santa Barbara Boulevard, to the bottom is Polly Avenue, and to the right is Sunset.

One of the reasons this configuration came about is because at the time Santa Barbara Boulevard was not completed. As a matter of fact, this project donated, at no cost to the county, 67 feet of right-of-way along the western edge, did not receive impact fee credits for it, but did retain the ability to count that acreage towards the project density. So a donation of right-of-way occurred which was a part of the Santa Barbara widening. And so at that time the only opportunity for access was via Polly Avenue and Sunset.

For this project, one of the main concerns of the neighborhood was traffic, the number of vehicles that would now be using Sunset going north and south because at that time you would go north to Whitaker to come out to what would be a median opening on Santa Barbara.

So in addition to a physical fit and single-family being a -- what we thought was an appropriate use at the time, we also were constrained by how many trips were going to be put on these local roads, not all of which are public roadways.

So those were the factors that went into the approval in 2006. And, by the way, my client purchased

the property in 2005, the peak of, some would say, the real estate boom.

Rezoned in 2006, then the recession hit. Unlike most properties that may have had bank financing, this one did not. There was no one to give the keys to, so my client has held that property for the last 11 years waiting for the market to slowly, ever so slowly, return.

Now that it has come back, we -- they needed to do, really, a reassessment to determine if this was an appropriate use still at this time.

The other thing that has changed is because Santa Barbara is now built, we have the ability to access Santa Barbara instead of going through the neighborhood streets to the rear.

The third item that has changed for us is that the county has a floodplain compensation ordinance that, over the last 10 years, has affected the way in which we design water management. For most purposes, basically what you see here had as a very minimal amount of dry detention as a part of it. The new ordinance requires significantly more storage and treatment than what you see here.

So as all those factors came together, what we saw was we saw the available land for development shrinking, we saw the market moving more to a multifamily development in this area, but yet we also saw, with access to Santa Barbara, significant additional costs in the design permitting construction of a turn lane and a portion of the Adkins right-of-way.

I show this exhibit as something that we shared with the neighbors very early on. And, again, a little bit of background. Another firm brought this project forward at one point proposing 60 units and 50-foot-tall buildings, and I probably could have saved them a lot of time with my work I've done with the neighbors in the past and told them that would probably not go over well, and it didn't.

The property owner then contracted with Stantec, and we went into kind of a redesign/replanning mode. And I don't think it was so much the unit count, because one of the first things I did is I went out and met with three or four of the neighbors on site, and we just had a conversation.

And the real concern at that point was these large, massive 50-foot-tall buildings right across the street from single-family homes in an agriculturally zoned area. And I'd already somewhat anticipated that, and I created this layout to show basically what a 48-unit development could look like if we basically crunched it over to Santa Barbara as best we could, to the north as best we could, to create additional separation to allow for the preserve to be located to the east and south; therefore, buffering the neighboring community, and also to provide the largest setback possible versus what was previously proposed. Again, looking at the old plan.

We were going to have homes 20 feet off of the right-of-way on Sunset and on Polly. Here the setbacks are 150 feet from the Sunset right-of-way, which is the one to the east, and at least 70 feet from the Polly Avenue right-of-way to the south.

Obviously, with the additional cost of the turn lane and whatnot, we have determined that we can make the project work at a 48-unit number but, quite honestly, the economics of the project require that number of units, and it's pretty much the maximum you can fit in what would be a townhouse or a condominium project without going over two stories.

That was the other commitment: 50 feet, certainly not acceptable. What we've proposed here is two stories and 35 feet.

The master concept plan in your package looks like this, and black-and-white line drawings don't always do a project justice. But what we basically have here are three north/south development tracts. And one of those tracts actually has a roadway that borders both the front and the rear of the unit, and that's driving one of our deviations, what I'll get into in just a moment.

But the key elements of the rezone before you are this: Building heights are limited to 35 feet and two stories. That's the same height as the current RMF6 zoning district. Required setbacks, as discussed, 150 feet from Polly Avenue, 70 feet -- I'm sorry -- 150 from Sunset, 70 feet from Polly. That's a range of three to six times greater than what the RMF6 zoning requires.

As mentioned, the preserve has been located to help shield the project from the view of neighboring properties.

The water management area has been increased significantly, and we also located it between the development and the preserve, again, filling that setback space with the water management area.

All project access will be directly from Santa Barbara Boulevard; basically 100 percent reduction in traffic on these local roads. And to help ensure a higher value of development, all residential units will require an enclosed attached garage, no carports or at-grade parking lots with the exception of what may be required for the amenity center. Where you have a small pool and clubhouse, you're going to have to have a few parking spaces there.

The community was also concerned about noise associated with dumpsters which may be typical of multifamily development. We have been able to confirm that because you have an attached garage and a driveway, Collier County has indicated that we could go to a typical residential service where we would have the trash bins at each driveway instead of a dumpster. So we have actually included that in our PUD that it will be served by a residential waste pickup service as opposed to a dumpster.

And, lastly, the units are limited to a maximum of 48. That is a gross density of 5.5 units per acre.

The application before you also seeks two deviations, Mr. Assaad's favorite thing to talk about. I, you know, didn't want your afternoon to pass without some challenges, sir. But I think you'll see one of these as being extremely necessary and one as being a financial-based approach.

The first deviation is a request to provide sidewalks on both sides of the street where development fronts on both sides of the street, but in the case of the middle development tract where the units will front on either one side of the street or other but certainly not on both, we're asking that we not have to place a sidewalk in the rear yard of those units. And that same exhibit -- with a little highlighting on it, I think, clears that up just a little bit. It's hard to see -- is in this scenario where the units would front on the main entry road on both sides, you would have sidewalks on both sides. But as you round the corner, I think it's better for the project and better for the community, instead of having a sidewalk in the rear yard, that that money be spent on landscaping to create a buffer between the rear lanais and the homes across the street.

So our deviation is only for those areas where development fronts only on one side of the street, meaning your garage or front door, that we not have to put sidewalks in the rear yards.

The second deviation we are seeking is there is a requirement for this project, because it is using the residential infill bonus which allows you to request up to seven units an acre, one of those bonus units must be derived from a TDR or transfer of development right.

In this case, we have 35 units that could be assigned as of right and, therefore, the additional units -- I said 35. The additional TDRs required, which in this case are nine, have to be purchased.

Now, the code reads that if we filed an SDP for the entire project, we would have to produce all nine of those TDRs on the front end of the project, not an inexpensive option.

What we're suggesting is that we not be required to purchase those TDRs until we get to that -- the last nine units. It's just simply a deferred or delayed purchase of the TDRs. This is not critical to the project. It's really just trying to kind of spread the cost out. You have so much upfront cost with infrastructure, particularly for a small project like this. It's a matter of cash flow and convenience, and it's something that does have a history of being approved by the Board of Commissioners as recently -- I think it's in the last year and half on a large-large project. It's even more important on a small-scale project that we try and put those costs back a little bit if we can.

The last item I have for you is we have continued to take input from the neighbors, the East Naples Civic Association weighed in fairly late in the process, and we continue to get questions and things as we go along. And so what we have prepared, or I have prepared, is a list of additional commitments that we're asking this body to consider for inclusion in our PUD.

And there's seven of them. I'd like to go through them with you. And I think most of them are fairly straightforward.

MS. ASHTON-CICKO: Do you have a copy for me?

MR. HANCOCK: Yes, ma'am.

COMMISSIONER ROMAN: Could we focus that, please?

MR. HANCOCK: I'll ask one of the experts to come in on that a little bit.

CHAIRMAN STRAIN: Actually, if you just increase the magnification, it will probably be all we need.

COMMISSIONER ROMAN: Yeah, that's good.

MR. HANCOCK: So based on the input we've received as recently as our neighborhood information on May 12th -- and that was the second NIM for this project because it started back last year, so we had to do a second neighborhood information meeting. Number one, the first floor of each unit would utilize primarily concrete block construction. This is in response to one of the neighbor's requests about not wanting a completely stick-built community.

Usually hesitant to put construction methods in the zoning document, but since it is our intent to construct in that fashion anyway, we see no damage in doing so.

Number two, the minimum unit size shall be 1,400 square feet. Currently the RMF6 zoning is 750.

Three, asphalt shingles shall be prohibited as a roofing material. Again, not our intent, so we see no problem with that.

Number four, the community may be gated subject to changes to the MCP allowing for the movement of the amenity center as shown. I will get to that drawing as a last item, if you will. I just want to show you what that looks like on the plan. But in order to gate the community, we have to move the activity center for reasons I'll share with you in just a moment.

Number five, to ensure adequate visual screening, after clearing and removal of exotics from the preserve, the developer shall either, A, construct a six-foot privacy wall along the east and southern property lines adjacent to the preserve -- and I recognize there are accessory structure setbacks to deal with there -- or, B, supplemental planting of wax myrtle, buttonwood, green buttonwood, sabal palms, and/or live oaks will be utilized to achieve 80 percent opacity at eight-foot height within one year of planting.

And this language has been taken from a PUD that was approved in the -- not too far back as a -- and is actually created by the community that was adjacent to it. I think there was a landscape architect in the community of helped create that.

Number six, the developer shall include a disclosure in the sales materials that there are agricultural zoned properties with farm animals in proximity to the project which may make noise audible to homeowners in the project.

We are in a unique area. And I wanted to thank Commissioner Homiak. I believe she passed this item on to us from concerns she heard from the residents, and I believe there's even a property owner with a donkey. And their concern was that, you know, people move in, next thing you know they're getting calls and complaints about noise of animals that have been there for a long time.

And, Ms. Homiak, I wrote this up as "in sales materials," but the thought occurred to me as I was discussing it with Mr. Anderson that maybe the best way to do that is to put it in the covenant and restrictions for the product. That way it would carry from owner to owner in the future; whereas, sales materials could be a one-time deal.

COMMISSIONER HOMIAK: Oh, that would be -- yeah, that's --

MR. HANCOCK: And you read the covenant restrictions before you sign -- before you, you know, close on your unit.

COMMISSIONER HOMIAK: You're supposed to anyway.

MR. HANCOCK: Yeah, supposed to is a good -- but at least at that point there's something to fall back on five years from now if someone had a complaint.

COMMISSIONER HOMIAK: Yeah. That's a good idea.

MR. HANCOCK: Okay. So if you will accept that, I would propose that as a modification to that item.

COMMISSIONER HOMIAK: Yep.

MR. HANCOCK: And Item 7 is street lighting for the project will utilize flat panel or similar fixtures and cutoff shields where appropriate to avoid light spill onto adjacent properties and reduce light pollution.

This is a long way of kind of saying Dark Sky's without using the phrase "Dark Sky's" because Dark Sky's by itself is, in essence, a brand that carries with it a whole host of things that don't address just light fixtures.

The point is to have downward lights that do not cause light spill upward into the atmosphere because, again, a lot of folks who live there have lived there for a long time. I'm sure the streetlights on Santa

Barbara don't help. But we don't want to make that worse, so we're happy to agree with that as well. And those last two items came via Commissioner Homiak, and I hope I've captured them --

COMMISSIONER HOMIAK: Thank you.

MR. HANCOCK: -- in an acceptable format.

Now, going back to Item No. 4. This probably looks very, very similar to the site plan in your package. And I can tell you there's really only been one primary change. In order -- when we were at the neighborhood information meeting, the residents has asked if it's going to be gated or not, and I wasn't sure that -- because the county requires that a gate have at least 100 feet of stacking between any public right-of-way and the gate itself. Even though we only have 48 units, I thought, well, let's at least make sure we can meet the LDC requirement. We don't want another deviation on that gate, so -- but I was running into problems with making it all fit and still getting to the 48 units which, honestly, is just an absolute number to make this project work.

So what I've done here is the amenities center, which used to be located down here, has been moved up here. What that does is it allows us to have a pool and clubhouse in this area with a parking area to the rear inside the gate.

Previously these were units that had driveways accessing the roadway, so they would have been outside the gate. So I moved the amenities center up here, and that would put one building down here to the south where you see the developable envelope here.

So we're still honoring the 70-foot setback. We are no closer than 70 feet, but previously we had all the buildings oriented in a north/south orientation. What this also does is it gives it a little more of a circuitous feel and I think will let us break up the buildings a little bit better than the previous approach had.

And, again, these buildings haven't been designed by the architect yet, but we're using footprints that get us to a square footage we think is viable in the marketplace, which is probably going to be well in excess of 1,400 square feet.

But this puts a building to the south, so you might have two over here, one here, two smaller ones here, and two here. So, really, the water management area has remained the same in size. We've just reshaped it. We've shifted the buildings.

And the reason we did this was at the neighborhood information meeting, I asked for input from the residents about whether this community being gated was important to them or not. And the answer was really that the perception that it's tied to value. So if it's gated, maybe the home values will be a little bit higher. Whether that's real or perceived, I think we can understand that.

And since I've figured out how to physically make it work, I'm requesting your consideration of this master concept plan as well today. Those are the --

CHAIRMAN STRAIN: "As well," meaning in lieu of or in addition to?

MR. HANCOCK: In lieu of, sir.

CHAIRMAN STRAIN: Thank you.

MR. HANCOCK: This would be the master concept plan.

With those final points, I'll address any questions you may have. And, of course, we certainly respectfully request that we have the opportunity to address any comments made by the public if that should be the case.

CHAIRMAN STRAIN: Thank you. Questions of the applicant from the Planning Commission?
(No response.)

CHAIRMAN STRAIN: Oh, boy. Well, let's start at the beginning, and I've got quite a few questions. Let's go back to your presentation comments; two of them that you made I need clarification on.

You said that based on the multifamily projects now moving into the area, your applicant realizes that multi -- wanted to go multifamily for this one.

What multifamily units have moved into that area? Can you show me that aerial that you had -- or that have happened since the last approval of this PUD?

MR. HANCOCK: No, sir. I'm sorry. If that's what I said, I misspoke. There's a multi -- there are multifamily developments in the general area right across the street.

CHAIRMAN STRAIN: Right.

MR. HANCOCK: What I'm saying is, the market has changed to where we think multifamily is a more appropriate use in this location, not that it's being driven by the developments around us.

CHAIRMAN STRAIN: Okay. Because that's -- that's an anomaly, because right now single-family's dominating. Most everything we see is single-family because they want to avoid the state and federal rules regarding condominiums.

So you're doing the opposite of what the market's generally been going towards. But that's fine. I just wanted to understand. If you thought there were other multifamily in this area that occurred that would have spawned this change, I wanted to know it because I didn't -- I wasn't aware of. But you've answered that question.

MR. HANCOCK: The reduction in the buildable envelope also has made those same lot sizes you saw on the 27-lot plan no longer feasible. So we would see a sharp reduction in the number of single-family if we were to try and keep those lot sizes.

So when I talk about the economics of the project, it's a comparison of one versus the other.

CHAIRMAN STRAIN: Well, I just wanted clarification on the reasoning. I don't necessarily agree that it's the right product for today's market. But if your applicant thinks it is, great.

You said there was no -- there was direct access from Santa Barbara Boulevard, but you're coming in off Adkins, aren't you?

MR. HANCOCK: Yes, we are --

CHAIRMAN STRAIN: So you don't have direct access off Santa Barbara for this project. You're coming in off Adkins?

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay. Now, when we get down to Page 2 of the PUD, under accessory uses and structures, under C we have seven types of uses. Two, 4, and 5 are repeated under the amenity center, A, under principal uses down below, and I'm sure that you don't want the amenity center anywhere in the R category since you're specifically telling us on the MP you want them over in that new location. Is that -- so we can strike 2, 4, and 5?

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay. Number 3 on that same accessory uses for the residential are garages, but in the NIM you indicated the garages would -- in lieu of at-grade parking. So would you have any objection to saying -- and that's another thing -- enclosed garages. No at-grade parking except for rec center?

MR. HANCOCK: That's fine, sir.

CHAIRMAN STRAIN: Okay. And that gets you what you needed for the rec center, and it also prevents the parking lots that you, at the NIM, said you weren't going to have.

So -- and Bruce is looking kind of puzzled. Bruce, if you see anything wrong with what I'm suggesting, get up here and clean it up before I go too far, if you don't mind. So if you don't --

COMMISSIONER ASSAAD: Uh-oh.

COMMISSIONER HOMIAK: Here he comes.

MR. HANCOCK: Commissioner Strain, if I could clarify, a car in a driveway does not constitute at-grade parking.

CHAIRMAN STRAIN: Right. We talked about that.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: I have no problem with that.

MR. HANCOCK: And we're fine with that change as well, sir.

CHAIRMAN STRAIN: On your development standards table, it's laid out a little differently than what we're used to seeing, but I understand it, and you don't have any lakes, and you do have preserve. So I would assume that where -- the 20 feet for the setback for accessory structures and principal structures is from where in regards to the LBEs and/or -- if you're going to have lakes, LMEs, but I'm not sure how you're going to designate that floodway compensation area.

MR. HANCOCK: It's just going to be detention. So it will be a water management area. But your point is well taken, without a lake, having setbacks to lakes is probably not relevant.

CHAIRMAN STRAIN: Right.

MR. HANCOCK: However, do recognize, and also from our discussion, Commissioner Strain, that it has become more important that landscape buffer easements and lake easements be either platted or at least recorded and that measurements be taken from those instead of the property line. I recognize that we need to have an LME and LBE setback here.

CHAIRMAN STRAIN: Well, an LME is the lake maintenance easement. But in lieu of that you mean that water management detention area, right?

MR. HANCOCK: Well --

CHAIRMAN STRAIN: You're not going to sell that as part of the lot, are you?

MR. HANCOCK: No.

CHAIRMAN STRAIN: Okay. So it would be the rear lot line, then, in that case, right?

MR. HANCOCK: Yes. And if these are townhomes, they may not be lots for sale.

CHAIRMAN STRAIN: SDP -- yeah, the SDP or tract boundary, yeah. I keep forgetting. That's right, they are multifamily.

MR. HANCOCK: So -- yeah, I don't see a reason for LME requirement at that point.

CHAIRMAN STRAIN: Okay. So you're going to do LBEs. You're going to separately plat those. How are you handling the dry detention? Are you going to separately plat that? What do you plan to do with that?

MR. HANCOCK: Well, it's not our intent if we go with townhomes to actually go through a platting process. So, you know, if it's a simple process to plat landscape buffer easements, that's fine. Typically we would record the dry detention area just as a water management easement and record that.

CHAIRMAN STRAIN: I don't -- as long as it's separated out from the actual application of where the units are going to go in the SDP, I don't have a problem with that. That's -- as long as it's a separate tract.

MR. HANCOCK: Is it acceptable to --

CHAIRMAN STRAIN: Yeah. That's just like a road tract. It would be a common area that would be maintained by the COA or -- yeah.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay. So that development standard tables, you need to change the lake line on that to reflect LBEs, but then -- well, if you're not going to LBEs, but wherever your -- yeah, landscape buffer easements. They'll still be easements of some kind.

MR. HANCOCK: Yes, sir. And from the landscape buffer easements, we have a very tight site here. And I would -- due to the 2006 right-of-way donation for Santa Barbara and the fact that we're trying to create as much distance from Sunset and Polly as possible, I would like to see the setback from landscape buffer easements at -- for principal structures at 10 feet instead of 20 feet just to recognize how limited and tight the site is, granted it's by design to create more distance from the agriculturally zoned lands, but I would certainly ask that that be considered.

CHAIRMAN STRAIN: And we talked about that. And I noticed on this plan, and the other one, that you indicated the width of the right-of-way. I would suggest you not do that and also strike the asterisk reference to the LDC, which was already a given, so that you could justify and come in with a reduced right-of-way and hopefully gain some distance from the LBEs that are causing you the problem on that front tract.

MR. HANCOCK: Yes, sir, I agree, I don't think those two notations need to be on the master concept plan. We have not final designed the right-of-way width. We can get narrower, maybe a little bit narrower than even a 50-footer, but you start getting much below that, it can get difficult.

CHAIRMAN STRAIN: But you're showing 60 now.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: So if you go to 50, you've picked up 10 feet. So the 20 feet that you've got in this chart would work because the only place you need 10 feet is that buffer along Santa Barbara, is that correct, or is all these -- because that appears to be the narrowest.

MR. HANCOCK: The buffer along Santa Barbara and the buffer along Adkins as well. We have a landscape buffer easement.

CHAIRMAN STRAIN: Well, that's a side setback there, right?

MR. HANCOCK: Yes. I just want to -- and there we would have, in essence, 20 feet from the property line as a side yard setback, but I just want to be clear that 10 feet from those two landscape buffer easements would be an acceptable setback for principal structure.

CHAIRMAN STRAIN: Well, I think you've got side yard 10 feet. So when you rework this to write up for the LBE setback along Santa Barbara and you reduce the right-of-way width to 50 feet, which you have to do by 6.06.01.N or a deviation, which you're not here prepared to ask for today --

MR. HANCOCK: Correct.

CHAIRMAN STRAIN: -- I'm just wondering how to accomplish this.

MR. HANCOCK: I think we can simply craft in the table, where "lakes" is, we can put, you know, landscape buffer easement along Santa Barbara, a 10-foot setback, and then the balance of the setbacks, as you mentioned, the side yard setback for the buildings from the buffer along Adkins would be 10 feet already as well.

CHAIRMAN STRAIN: Well, then you wouldn't -- if you're going to go to 10 feet along Santa Barbara, you wouldn't need the reduction in right-of-way width, then would you?

MR. HANCOCK: I don't know yet, sir, because we haven't designed the units. Obviously, we want to get as -- you know, larger units, not smaller units, on the site. So I would rather just rely on the LDC for potential reduction in the right-of-way width "if necessary."

CHAIRMAN STRAIN: Well, you can't do that if you show 60 on the PUD. Well, you can with the asterisk. I see what you -- so you'd just leave that the way it is then.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay. It's an odd way to go, but that's fine.

The opacity of the preserve area, I see in your notes you -- because it's changed a little differently than what I saw this morning in your email to the residents. It's 80 percent at eight feet; is that right?

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: Mr. Chairman, can I go back to the right-of-way width?

CHAIRMAN STRAIN: Yeah.

MR. HANCOCK: I would suggest that we just remove "60 feet," remove the notation, and let the LDC govern, and we're okay with that.

CHAIRMAN STRAIN: Okay. But that was on the premise that you would -- you could keep -- see, right now the way it's shown at 60, you're saying you've got to -- you're going to be -- you need to be 10 feet off the LBE on Santa Barbara, okay.

Well, if you want to go to 50, which I was suggesting, so we could get the 20 feet off the LBE at Santa Barbara, it would be more effective. But now you're saying you don't want to do it that way and you still want the 10 feet because you want to make a bigger unit then. Is that --

MR. HANCOCK: Well, the reason I'm asking for the flexibility in -- and one's not flexibility because it would be in the PUD, but leaving that right-of-way width variable is after meeting with you, I went back and began reworking the site plan, because originally, we had counted setbacks from the property line, not from the landscape buffer easement.

So everywhere where there's a landscape buffer easement now when I thought I had 20 feet, you know, or was right up against -- particularly the one on Santa Barbara I was right up against it with a unit, and we discussed having separation there, effectively my developable tract got smaller for the purposes of measuring setbacks.

So I had already calculated in the ability to have 50-foot rights-of-way to leave approximately 100 feet of development tract depth so that we aren't pinching these units down because, since we have to have garages, which are going to be 20- to 22-foot deep, if I only have 60 feet of development depth, that first floor starts getting pretty tough. So that's why I'm asking for --

CHAIRMAN STRAIN: Well, I think you then need to drop that 60-foot notation and drop the note that's the asterisk attached. You drop them both, and then you're just subject to the LDC.

MR. HANCOCK: Yes, sir. We would be comfortable with that. Thank you.

CHAIRMAN STRAIN: I think I have to agree with you, Tim. That would work.

COMMISSIONER ROMAN: I have a question on the table.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: And, Mark, you might have covered this, and I might have missed it. But if you've already made the recommendation with this new Exhibit C to move the amenities center to the northwest corner of the property, is it necessary to have the amenity center set back from Polly Avenue in the table? Wouldn't that be, then, from Adkins?

MR. HANCOCK: Yes, ma'am, it would. And, thank you. I did not catch that.

CHAIRMAN STRAIN: Okay. If you go further down in the PUD, you've got a page that I can't understand why it's there. It follows the master plan. And it's called the utility and surroundings land uses. That isn't a needed plan for a PUD, so I think that should be removed unless -- do you have a reason to leave it there?

MR. HANCOCK: I agree entirely with you, sir.

CHAIRMAN STRAIN: Okay. Under your deviations, under Deviation 1, your justification for it was that in the back of those lots where there would have been a double-loaded sidewalk since it's the rear of the building and you want the ability to put landscaping in, you want to take the sidewalk out, so what kind of landscaping are you putting in?

MR. HANCOCK: It would be minimum Type B 10-foot buffer in that area.

CHAIRMAN STRAIN: Minimum Type B 10-foot buffer?

MR. HANCOCK: You know, I just caught myself, because if I put -- if I call it a buffer and have to record it as a buffer easement, it's now affecting my setback on that lot, which --

CHAIRMAN STRAIN: Well, I would just as soon as we don't do it as an easement but you just simply tell us what kind of landscaping you're putting there, and when you come in that -- it will be just noted on this plan, Type B landscaping and not call it a buffer, that would be fine. But your justification for the removal was you want to landscape it. So just landscape it is all I'm asking.

MR. HANCOCK: Ten-foot Type D, Delta.

CHAIRMAN STRAIN: Type D, okay. So it would be a 10-foot Type D landscaping?

MR. HANCOCK: Yes, sir.

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Yeah.

MR. JOHNSON: Question: Are we talking about Exhibit E deviations? And if so, is it Deviation No. 1 or Deviation No. 2 that we're talking about?

CHAIRMAN STRAIN: We're talking about Master Plan Exhibit C.

MR. JOHNSON: All right.

CHAIRMAN STRAIN: He said that the deviation he's asking for in the back of the units where he didn't want the sidewalk to go was based on the fact he wanted to have the room to put landscaping. So I'm just saying tell us what landscaping you're going to put there. And he's now saying he's going to put a 10-foot Type D landscaping element back there. Not an easement, but a landscaping pallet.

COMMISSIONER ROMAN: Where exactly is that? Can you point to where we're talking about on this plan to make sure I'm with everybody?

Thank you.

MR. HANCOCK: In this plan, that middle tract, front side flipped.

CHAIRMAN STRAIN: Right.

MR. HANCOCK: So that's where -- that's the area that will be subject to a 10-foot, Type D landscape treatment.

CHAIRMAN STRAIN: Correct. Good.

COMMISSIONER ROMAN: Okay. Thank you.

CHAIRMAN STRAIN: On Exhibit F, under attached garage, each dwelling shall have a garage attached to the principal structure. I'd suggest add the word, have an "enclosed" garage attached.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Under public utilities, that statement's not needed. It's a given. It's

required. So I would suggest that one be dropped.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Under -- the next page, which is Page 10 under landscaping, that's a part of the LDC currently. I'm not sure why we need it in here, unless you have a need for it. If you're not -- if this isn't part of the LDC, then I want to know why then it should be listed as a deviation. If it is, we don't need it.

MR. HANCOCK: I agree with you, sir.

CHAIRMAN STRAIN: Okay. And let me see if there's anything else, Tim.

Nope. That's -- the rest of the stuff is just items I picked up to match up that you said at the NIM, and they do, so we're good.

MR. HANCOCK: Okay.

CHAIRMAN STRAIN: Thank you.

MR. HANCOCK: Thank you.

CHAIRMAN STRAIN: Anybody else have any questions of staff -- or of the applicant, I'm sorry? We're still going to get to staff.

Okay. Oh, Wafaa?

COMMISSIONER ASSAAD: If you started your multifamily development and you're producing your TDRs as you go along, what happens midway if you cannot produce or don't want to produce any more TDRs? What happens?

CHAIRMAN STRAIN: You get the number of units you can have without TDRs, right?

MR. HANCOCK: Yes. The way it's structured is the base density of four units per acre times 8.72 gets us to 35 units. If for some reason the applicant chose not to purchase TDRs, they would be limited to those 35 units.

So, for example, if they switched to single-family and decided to do a 22-lot single-family development -- I'm sure we'd have to come back for a master concept plan change -- they wouldn't need to go buy the TDRs. So it really caps the development at 35. And if you want to go past that, you have to purchase the TDRs.

COMMISSIONER ASSAAD: I have no problems with your postponing the TDRs till the time they are needed. But my question is, if you start -- if you start your multifamily development and you're doing it in phases -- so let's say your Phase 1 is -- or you get to Phase 3 where you've constructed 30 of them and you cannot produce enough TDRs for the balance of the units, you will have a vacant piece of land at the end? You cannot go back and redo what you constructed already.

MR. HANCOCK: Correct. There --

COMMISSIONER ASSAAD: So what do you do then?

MR. HANCOCK: In that case, there would be a vacant piece of land. But as far as the availability of TDRs, I don't think finding nine TDRs is going to be a challenge, at least over the next five-plus years.

COMMISSIONER ASSAAD: You're willing to take that risk?

MR. HANCOCK: Yes, sir. As a matter of fact, we've already, you know, had conversations with folks who control TDRs, and we'll be looking, assuming we get an approval to go forward and get something under contract, but we may be able to push the final down the road.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have anything?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, Tim.

Staff report, Eric?

MR. JOHNSON: Yes, thank you. Eric Johnson, principal planner.

Staff reviewed the project and acknowledges that the intensity of the project is more oriented towards the northwest corner of the property. Staff evaluated the two requested deviations; recommends approval of those deviations.

Staff also, among other things, evaluated the proposed uses, the development standards and such, and is recommending approval of the project as submitted in your packet.

Heidi, the County Attorney's Office, does have something that she wants to read into the record. I'll

let her speak right now.

MS. ASHTON-CICKO: I have some changes that I'd like you to consider, and the first one is on the master plan on the left-hand side where it says "67-foot easement."

CHAIRMAN STRAIN: Can you tell us the page that you're on.

MS. ASHTON-CICKO: That's on the master plan.

CHAIRMAN STRAIN: Oh, the master plan. On the new one or the old one?

MS. ASHTON-CICKO: Either one, but whichever one you adopt.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: Instead of 67-foot easement, it should say "67-foot public road easement."

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: The second one is on Page 9. I'm on the wrong document. Page 9 of Exhibit F under Transportation Commitment No. 2, the second line that reads, "site's access point on Santa Barbara," I'm recommending inserted language that says, "at the future Adkins Road intersection."

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: If I may, I'm sorry. Ms. Ashton, could you repeat that again, please.

MS. ASHTON-CICKO: Sure. The second line of Commitment No. 2 after the word "Santa Barbara" would read, "at the future Adkins Road intersection."

MR. HANCOCK: Okay.

MS. ASHTON-CICKO: Then there's some -- the statutory language that's required is omitted, so I'm going to ask that that also be included, and I'll get with the applicant to make sure they have that language. And then I don't know if you want me to go over my changes on the -- sorry for hitting the microphone -- changes to the revised commitments that they're proposing today.

CHAIRMAN STRAIN: Well, we should get them all, certainly.

MS. ASHTON-CICKO: Okay. Under the first one that reads, "the first floor of each unit will utilize primarily concrete block construction," I don't know what "primarily" would mean, so I don't know how the county would enforce that, but --

CHAIRMAN STRAIN: Well, there will probably be some elements that they can't do in masonry that have to tie into the masonry system; I'm assuming that's what it means.

You're going to have lintels, you're going to have wall openings, you're going to have door frames that are going to be metal, possibly wood. You're going to have a whole series of construction elements that won't necessarily all be solid block. So I would think that's what you mean, Tim.

MR. HANCOCK: It is, exactly. For example, you know, you may have a door opening, and you may punch out with alternative materials to block in that section. I just didn't want to say first floor will all be concrete block and then someone sees a wood section attached to block and we somehow find ourselves in a zoning violation.

MS. ASHTON-CICKO: Okay.

MR. HANCOCK: So I'm open to suggestions.

CHAIRMAN STRAIN: Your interior walls will be framed, I would assume?

MR. HANCOCK: Yes.

COMMISSIONER ASSAAD: Why is that part of the commitments? I mean --

MR. HANCOCK: Because one of our neighbors was concerned about the quality of the construction, and it was of his opinion that block over stick built would have a higher value. Whether I agree or disagree with that is not as important as it is -- our commitment to work with the neighbors was if we were going to do it anyway, go ahead and put it in there.

COMMISSIONER ASSAAD: Why don't you say that it's -- it's taken for granted that you will comply with the building code at the time of construction, so...

MR. HANCOCK: That was my first answer, but the gentleman was insistent. And, again, we're going to do it anyway, so...

COMMISSIONER ASSAAD: You're going to do it to please --

MR. HANCOCK: Yes, sir.

COMMISSIONER ASSAAD: That's fine.

MR. HANCOCK: We can't always make everybody happy, but in this case we could.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: Okay. So then No. 2, I want to make sure I'm clear on what you're requesting. You're requesting that on Page 4 of 10, Exhibit B, that under the categories minimum floor area of building under multifamily townhouse and single-family zero lot line, that those be changed to 1,400 square feet?

MR. HANCOCK: Yes, ma'am.

MS. ASHTON-CICKO: Okay. Number 3 is fine.

Number 4, the language you're proposing is the community may be gated, and I'd like to add that no gate -- there will be no gates within Adkins Road easements.

MR. HANCOCK: Yes, ma'am.

MS. ASHTON-CICKO: And then for 5 and 6, to change "developer" to "owner," and under 5B, which is your landscaping, I wasn't clear if you were talking about the east and southern property lines adjacent to the preserve or if there was another location you were talking about for the second option.

MR. HANCOCK: No, ma'am. It's strictly within the preserve, which is only shown on the eastern and southern property lines.

MS. ASHTON-CICKO: Okay. So then we could add that language, then, to clarify the location of Option No. B.

MR. HANCOCK: Yes, ma'am. So it could say supplemental plantings within the preserve may consist of -- we'll figure that out, certainly.

MS. ASHTON-CICKO: Okay. I just need to know where that's going to be.

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Yes.

MR. JOHNSON: May I finish with the staff report or with my analysis?

CHAIRMAN STRAIN: Sure.

MR. JOHNSON: Okay. So the way I understand it, the project is going to be at most in two phases, because I know that we discussed the phasing of the project; is that correct?

MR. HANCOCK: I don't see a reason to commit to a limited number of phases here.

CHAIRMAN STRAIN: It's a small enough project. Does it matter?

MR. JOHNSON: Well, it was just a statement that Mr. Hancock made, I believe, at the NIM that said it was going to be a two-phased project.

CHAIRMAN STRAIN: Well, you get one building permit, you start one building, you start the second one, you've got two phases. But, I mean, it's almost automatic.

MR. HANCOCK: I'll be happy to review it, but I don't believe it was a commitment, Mr. Johnson. I believe I said it may be a two-phase project. I'll be happy to go back and pull that exact verbiage out, though, to make sure that I'm being consistent.

MR. JOHNSON: Okay. Either way, I mean, I don't think the phasing really has -- we don't have that much opinion about the phasing. I just wanted to have some sort of a discussion about that and make sure that the record was clear as to how many phases, if there were going to be multiple phases.

Now, we were looking at the proposed ordinance, and we were making -- there were some changes that were being proposed. Under Exhibit A of the PUD document, under C, Charlie, accessory uses and structures, the idea was that we were going to strike out No. 2, No. 4, and No. 5, and with respect to No. 5, I'm not sure if that should be struck out in its entirety, because if I interpret this correctly, that means that no swimming pools would be allowed for any of the residential units.

CHAIRMAN STRAIN: Ray, is a swimming pool a typical accessory use to a residential unit?

MR. BELLOWS: The Land Development Code allows for those types of accessory uses for single-family. Unless it's specifically prohibited in a PUD, then it would be deemed a common accessory.

CHAIRMAN STRAIN: Okay. So the answer is yes. Thank you.

MR. JOHNSON: So that means it would be allowed, then, a common accessory. Sorry. So never mind about that.

We talked about the deviation or, rather, in the -- or developer commitment, Exhibit F as in foxtrot, landscaping, and the question was asked, is this a deviation? And, you know, I had spoken with our landscape staff, Dan Smith, and he may have something to say if this is struck out of the PUD document. I would really want to just defer to him.

MR. SMITH: I'm right here.

MR. JOHNSON: Okay.

MR. SMITH: Daniel Smith, principal planner.

The reason that was put in is when we had some of the -- some of these lots, due to deviations for right-of-ways, size of the building, the footprint, that was put in because we were getting some of the typical back that there was no room for the required canopy tree.

So that was more -- earlier I asked that they put in so that the Planning Commission could see that those are issues that we have in front of us, and those issues may have to be resolved one way or the other.

Does it need to be put in there, no, but it was more or less a sticking point or talking point that these are issues we need to resolve one way or the other. So it really doesn't need to be in there, but it's just something that you have to be aware of, when they do these projects, to make sure that we have the appropriate size for the required canopy tree. That's on that issue.

There's another issue regarding the wall. I did read -- this new came in front of me regarding the construction of a privacy wall along the east and southernly property lines. When you build a wall, a shrub hedge is required toward the roadside, so between that and the setback that's going to be required for the preserve, you're going to need a minimum of a 10-foot area between the wall, the setback, and the shrubs that have to go in front of the wall.

So I just want to make the Planning Commission aware that that's going to have to be part of any approval today with that wall. And then there was an issue regarding the --

CHAIRMAN STRAIN: Before you get off --

MR. SMITH: Sure.

CHAIRMAN STRAIN: Before you get off that one --

MR. SMITH: Sure.

CHAIRMAN STRAIN: -- can I get some clarification?

MR. SMITH: Sure, yeah.

CHAIRMAN STRAIN: So if they decide to put a wall in, or anybody in the county puts a wall in, they've got to put a shrub row on the other side of it?

MR. SMITH: That's correct. That's part of a -- when it faces a right-of-way.

CHAIRMAN STRAIN: This is facing a preserve.

MR. SMITH: I believe the preserve, and then the road's on the other side, isn't it?

CHAIRMAN STRAIN: Well, no. What they're doing is the wall -- if I remember what Mr. Hancock said, the wall's going to go on the -- between the preserve and the dry detention, and so you've got a 40-foot preserve between the wall and the road; you don't need to have a shrub -- a hedge there.

MR. SMITH: I hadn't seen where -- I just saw this recently, so I just wanted to make sure that there's enough room for the -- I was thinking that -- like I said, I just saw this at the last minute. This is new. So I haven't reviewed it. So if it -- if a road abutted it, then there would be a shrub hedge that would be required.

CHAIRMAN STRAIN: That I understand, right. I didn't realize you hadn't understood the location. And maybe, Tim, when you come back for consent and you come back with the cleaned up master plan and everything, you kind of note that if a wall is to go in, this is where it will be, and that way we know it.

MR. SMITH: Okay.

CHAIRMAN STRAIN: Thanks.

MR. SMITH: Cleared that up, thank you.

And then regarding the buffer that we're looking at in lieu of the sidewalks, it was talked about, I think, a D buffer. You were talking about a D buffer has shrubs a maximum of 30 inches. I didn't know if that's what you had in mind, because usually in the backs of -- they kind of look more like a fence hedge, which is really the B buffer which is the 5-foot shrubs. So I didn't know what you -- what kind of --

CHAIRMAN STRAIN: Well, it doesn't -- all I wanted to make sure is the justification is that they

want to put landscape there, they put landscape there. If he says he wants to put two trees in that space per lot, I'd be fine with it. If he's going to say it, he has to do it.

MR. SMITH: Okay.

CHAIRMAN STRAIN: That's all I was getting at, and he said, fine, we'll just put the landscape -- we'll put a buffer material into the palette equal to a Type D and a 10-foot.

MR. SMITH: Okay.

CHAIRMAN STRAIN: And that gets us to where we need to go.

MR. SMITH: Very good.

MR. JOHNSON: And I think Mr. Hancock said it was a Type D landscape treatment, and he wasn't necessarily saying buffer; is that correct?

CHAIRMAN STRAIN: We know it's not going to be a LBE. I understand that, Tim.

MR. HANCOCK: The intent there was exactly as you surmised, sir.

CHAIRMAN STRAIN: I think when you detail out the stuff we've talked about, all that will be fleshed out new language in the completed master plan.

MR. SMITH: Okay. Thank you.

CHAIRMAN STRAIN: And, Dan --

MR. SMITH: Sure.

CHAIRMAN STRAIN: -- the issue about the landscaping, I would rather not see that paragraph after doing some thought on it. I understand your intent, but it's in the code. So when you review or the landscape reviewers review SDP, those trees have got to be where they've got to be or they're not going to pass.

So whether we say it here now or they're told at SDP they've got to have them, they've got to have them.

And the reason -- I would like to retain that flexibility for staff to have some flexibility as well as applicant if there's some problems that come up, and that language may be harder to deal with if it's in the PUD.

MR. SMITH: I understand. I understand.

CHAIRMAN STRAIN: Thank you, sir.

MR. JOHNSON: And then there was -- I have Summer here who can speak about the updated and revised commitments that Mr. Hancock is proposing with respect to, let's see, 5B, I think it is.

CHAIRMAN STRAIN: Okay. Summer?

MS. ARAQUE: Summer Araque, environmental planning, for the record.

I just wanted to point out in regards to the wall, which I didn't realize the location either, so -- but either way, there is a requirement for a 5-foot setback from the preserve if there is to be a wall.

CHAIRMAN STRAIN: Okay.

MS. ARAQUE: Any trenching would actually need to be 10 feet. And then plantings, I would request that the verbiage would say "as allowed by the LDC," because the plantings, we want to make sure, are consistent with that habitat type. We wouldn't want those plantings to actually become, like, a landscape buffer because that's not what a preserve is.

So they could do supplemental plantings. So I think if we just add "as allowed by the LDC," then that would go with --

CHAIRMAN STRAIN: Well, would any of these not be allowed by the LDC?

MS. ARAQUE: Where do you have that?

CHAIRMAN STRAIN: I think the reason Tim chose these is because this was the landscape palette used to enhance the opacity of a buffer that was on Immokalee Road between Autumn and Immokalee for a PUD that went there with two medical buildings on it.

And the neighborhood had a landscape person -- landscape professional involved in the neighborhood, and he came up with this list, and it met the criteria for them to have a quick and high-in-opacity capability. So it was approved for that project, if I'm not mistaken. That's where I suggested Tim grab the material from, is use what they used there because it went over so well.

But are you telling us that's now not used on -- can't be used on this project?

COMMISSIONER ROMAN: No. She's saying that she needs to evaluate. That's what I'm hearing, that she needs to make sure that it matches the habitat that's there.

MS. ARAQUE: Correct. First of all, I was not the reviewer on this project. In reading the report, this is a pine flatwood area. It looks like sabal palms, spelled incorrectly.

MR. HANCOCK: We're going to remove B. We'll do the wall.

CHAIRMAN STRAIN: Well, that takes care of it.

MR. JOHNSON: All right, so --

CHAIRMAN STRAIN: Thank you.

MS. ARAQUE: Did you want me to -- I'm happy to answer your question another --

CHAIRMAN STRAIN: I don't have any anymore.

COMMISSIONER ROMAN: Well, I think hers is on supplemental plantings.

CHAIRMAN STRAIN: They don't have to do any. Now they'll do them per whatever the code says because they're going to remove that language. So it's going to be a wall. Then if they clear the exotics out of preserves and there needs any supplement planting, they'll do them pursuant to the code because there will be no other language to contradict the code.

MS. ARAQUE: Did you want me to answer your question just for --

CHAIRMAN STRAIN: Nope. No sense wasting time. I'm fine.

MS. ARAQUE: Okay. I believe that that's all that I have on that. Did you-all have anything else or, Eric, any further clarification?

MR. JOHNSON: No. I have more discussion on the proposed master plan. Thank you, Summer.

And, really, this is -- I don't think staff has an issue with it being a gated community. County Attorney's Office has weighed in on where the gate would be. I just want to make sure that Mr. Sawyer could give us his opinion onto -- you know, any insight as to how he feels where the gate should be as it relates to this master plan.

Thank you, Mike.

CHAIRMAN STRAIN: And, Tim, before Mike gets here, just out of curiosity, it looks like coming in off Adkins those are two-way roads, or is that a one-way road?

MR. HANCOCK: No, sir, it's two-way. It's basically two entry lane widths to allow for a vehicle at a call box to stop and a vehicle to pass it.

CHAIRMAN STRAIN: So the second one in you're going to make either -- you're going to make a call box or something? You're not going to have two gate -- you're going to have a gate, but it's not going to be a gatehouse or something like that?

MR. HANCOCK: No, sir, no gatehouse.

CHAIRMAN STRAIN: Okay. I was just curious. Thank you.

MR. HANCOCK: And it's shown at 100 feet, which we anticipate to be what the code will require, but we have not dimensioned it because there may be some other factors in the LDC that come to bear.

CHAIRMAN STRAIN: Thank you.

MR. SAWYER: Good afternoon. For the record, again, Mike Sawyer, transportation planning.

As long as the gates are internal to the development, we're fine.

CHAIRMAN STRAIN: Okay. Thank you, Mike.

MR. JOHNSON: And the one thing I wanted to ask Mr. Hancock, with respect to the proposed master plan, the second -- I want to point to it on the visualizer. This area, the way I understand it, is that the rear yard of each unit that would be developed on that portion of the master plan, the rear yard would face west, and the front yard would face east so, therefore, there would be no sidewalk needed, according to the proposal, in this area.

MR. HANCOCK: That is correct.

MR. JOHNSON: Okay. And we're okay with that.

CHAIRMAN STRAIN: Okay.

MR. JOHNSON: Those are the questions that I had. You know, I just wanted some clarification. Many of these changes were not something that staff had fully evaluated, so I just wanted to make sure, you know, we have a grasp on what's going on.

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

(No response.)

CHAIRMAN STRAIN: If not, we'll -- Ray, is there any registered public speakers?

MR. BELLOWS: We have one registered speaker, and that's the one I called earlier today, William L. Jones.

CHAIRMAN STRAIN: Mr. Jones is here. If you want to speak, you're going to have to be sworn in by the court reporter, unless you were sworn in earlier. You can tell us when you come to the mike. Looks like he's got to be sworn in.

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

MR. JONES: Thank you, Commissioners. Unfortunately, I was out of town when they had the hearing on May the 12th.

CHAIRMAN STRAIN: Could you identify for the record, please, first.

MR. JONES: William L. Jones, 3000 County Barn Road, Naples, Florida.

CHAIRMAN STRAIN: Bill Jones?

MR. JONES: Bill Jones, yes, sir.

CHAIRMAN STRAIN: Bill, I didn't recognize you. It has been a long time.

MR. JONES: Well, I remember when you didn't have all that fuzz.

CHAIRMAN STRAIN: Yeah, and I remember when your hair wasn't that color. My goodness, it's been years. Good to see you again.

MR. JONES: It started changing when I sat on that board for 10 years, the licensing board.

CHAIRMAN STRAIN: Yeah. It's been -- I think you and I -- three decades since I think I saw you.

Wow.

MR. JONES: I believe they've answered most of our concerns, frankly, because one of my -- both of my nephews are involved. One works for the Sheriff's Department, and the other's in construction, and I have three parcels out there.

And the thing that I guess the land was developed by Dewey Paul, and it was called Sunset Estates, an unrecorded plat. And they sold it in 5-acre sites. And some of it was rezoned to one and a quarter acre, which is the minimum that you could -- or the maximum that you could do it on there.

And I guess the density was one of our concerns, but by lowering the height with -- that solved one of our concerns, and by making this entrance out on -- direct access out on Adkins to Santa Barbara would be another major concern about traffic.

So we're pretty much -- I've erased most of my things here, I guess. So one of the things that I found out as a builder/developer that when I built a building in a certain area and the water line was here, I put the water line or the sewer line down to that end of the street, and none of the other property owners joined in to help me.

So here's my wish list, if you would, Tim. We are pretty much a self-contained community out there. We put our own water in, we put our own sewer/septic tanks in, we paid for -- I paid for the streets to put in front of our house. So we do get electricity from Florida Power and Light, and they charge us, so we're pretty much independent.

So we'd like to see just what this development could give as far as stubbing out for future water. We'd love to have some water over there. We'd like to see a fire hydrant or something struck around the corner there, maybe close by, at least across the street so we could get within a 500-foot radius of some of the property owners there. And, of course, there's a force main sewer runs right in front of this property, and I think that probably would satisfy that.

But we're basically looking to piggyback onto anything that we can do from this developer that would help us improve our community. We're pretty much a single-family set community, and we are sort of isolated from the other development areas around us. So we would welcome this community with the things that they've done, I think.

And street lighting was another thing that you brought up, internally. I don't think we'd object to having a couple of post lights put there on the corner of Adkins and Sunset and Polly, maybe. If that was outside, that would certainly provide some safety. A lot of these roads out there, the only maintenance we get

is the county goes through and grades them every once in a while after -- not the paved areas, but the ones that are -- and that's pretty much fire hydrants would be -- these are some things that I think we'd like to just ask your help on in putting in there.

And hopefully -- I know you can't probably mandate those things. But at any rate, if -- we'd certainly welcome a developer a lot better with that, I think. And with that, thank you, gentlemen. Any questions?

CHAIRMAN STRAIN: No. Thank you, Bill.

Anybody else?

(No response.)

CHAIRMAN STRAIN: It's good to see you again.

MR. JONES: Thank you.

CHAIRMAN STRAIN: Way too many years.

MR. JONES: Yep.

CHAIRMAN STRAIN: Tim, when you come back on consent, would you take a look at those issues and let -- and just let us know what can or cannot be done inconsistent with your -- I mean, consistent with your project.

MR. HANCOCK: I will. And I'm not sure at this point we have finally located all of our water and sewer lines. We know that we're probably going to have to do a jack and bore for one or both under Santa Barbara, so there may be an opportunity for us, because we're probably going to have to do a hydrant interior to the community for radius purposes, but maybe the positioning of that can be such that the fire department has access to it in the event of a fire in the neighborhood so they aren't traveling even further to get to a source of water.

So assuming we're retained as the engineer on the project, and hopefully my client will be listening to this, you know, we can try and walk through those issues as we go forward. And there are some other drainage issues in the neighborhood that, as we go forward, we want to pay close attention to as well. Not that we can fix the county's component of that, but maybe if we made a connection from this swale to that swale and help somebody out -- and that's something during the course of construction we'll be looking for those ways to do what we can.

CHAIRMAN STRAIN: Well, when you come in off of Santa Barbara and you tap the water main, you're probably going to do that in alignment with Adkins.

MR. HANCOCK: Yes.

CHAIRMAN STRAIN: As you bring the water main up to tie into the parcel, just put a T fitting there so that they can continue it on. That would be the stub-out I think he's looking for. And that would get him part of the way down Adkins. And it wouldn't be anything additional for you guys; it would just be part of it, so...

MR. HANCOCK: And we will certainly look at -- that's the one area I was thinking about if that's where we're going to be coming from, but it just hasn't been determined exactly yet, so I'm --

CHAIRMAN STRAIN: Okay. Are there any other speakers, Ray or Eric?

MR. BELLOWS: No other speakers.

CHAIRMAN STRAIN: Is anybody here who has not spoke on this project wish to speak on it?
(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll move --

COMMISSIONER EBERT: I have a quick question. Is Adkins --

CHAIRMAN STRAIN: The north side. That's that one.

COMMISSIONER EBERT: I understand. But is that built or is that future?

MR. HANCOCK: Actually, it's neither. Adkins is a public right-of-way. The property was quit-claim deeded to the county, and that's a part of your package. So the county owns Adkins.

We are -- you know, we're using it as a right-of-way for entrance to our project. But as I talked to the folks in the community, I've not heard anybody say they want Adkins to go through because then that's going to create another traffic issue within -- on Sunset and for the folks who live on Adkins.

So, you know, it's a county right-of-way. We're going to construct that section of the roadway to county standards, but we have no intention of continuing Adkins. We'll let somebody else fight that fight.

COMMISSIONER EBERT: Okay. Just checking.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Do you have any rebuttal or any closing comments you want to make, Tim?

MR. HANCOCK: No, sir. I appreciate the detailed comments, and we'll work closely with the County Attorney's Office and staff to get those turned around right quick.

CHAIRMAN STRAIN: Okay. Now, I'm going to suggest something to the Planning Commission. Because there are so many changes here and we have a new master plan that staff needs to double-check -- I've got a list of 17 things plus all the things that I didn't write down that we commented on as we went through the PUD that need to be corrected. I'm suggesting to the Planning Commission we read these to make sure the list is complete in addition to everything else we discussed and that we do a vote for this project and not have -- and move it to the next meeting, continue it to next meeting for a final vote and consent all at one hearing, so your time frame still remains the same. Will that cause you guys any inconvenience?

MR. HANCOCK: No, sir, actually, as long as we stay on that July 12 BCC hearing before the Board goes on its vacation, I'll do whatever we need to do.

CHAIRMAN STRAIN: Okay. On the -- on that meeting, you'll be the second one up that morning. The one ahead of you will be Highview. They'll be shorter. They'll just have to come in for a consent, then you'll come up under the first item under probably 9A to finish this and do consent and this wrap-up all at one meeting.

Because we've gone through most of it here today, so it will just be acknowledging the cleanup's been done properly and to get anything from staff that they may have missed in processing today.

Does that seem to work for everybody?

COMMISSIONER SOLIS: Mr. Bosi, was he --

CHAIRMAN STRAIN: Mike, do you have a problem with that? If you do, come up and say something --

COMMISSIONER HOMIAK: He's waving his arms and everything out there.

CHAIRMAN STRAIN: He's waving? He's riled up about something, huh?

MR. BOSI: Mike Bosi, planning and zoning director.

No, I have no issue with that schedule. I'll talk with the applicants about their availability for the Board's July date. We have some issues related to that, but that's not a Planning Commission concern.

CHAIRMAN STRAIN: That wouldn't change regardless of what we just suggested?

MR. BOSI: No, sir.

CHAIRMAN STRAIN: Okay. So now you've given them something definitely to worry about.

MR. HANCOCK: And this day was going so well till you got up here, Mike.

CHAIRMAN STRAIN: Let me -- the list I made out, in addition to some of the -- I didn't write down everything, Tim, because we talked about it on the fly.

You're going to separately either plat or show as easements the LBE and LM -- not an LME in this case but the LBE. You're going to remove the right-of-way width on the note; you're going to remove the utility plan; you're going to remove the public utility sentence on the -- in the PUD and the landscape sentence in the PUD; you're going to add wording for enclosed garage, and there will be no parking lots except for the rec areas; you're going to block construction on the first floor, and minimum size units will be 1,400 square feet.

No asphalt shingles. It will be a gated community. There will be a wall along the inside of the preserve locations.

The covenant and restrictions will contain a statement about the existing neighborhood's zoos. The shielded street lighting where it's discussed, one thing that the shielded street lighting didn't talk about was the height of the streetlights, and you may want to put a height in there. I think that would be appropriate on the -- so take a look at that.

Use new master plan. The master plan we got at this meeting seems to be the one we'll be using.

You're going to put some landscaping in comparable to the palette of a Type D in the backyards of

those lots where the sidewalks are being removed.

We're going to incorporate County Attorney's changes, and you're going to look into a possible stub-out and/or fire hydrant's locations.

Those are the notes on the bigger items. There's a lot of other smaller items that I'm sure that between you and staff they got picked up, and we'll see if -- it should be pretty clean by the time it comes back.

Anybody have any other comments? Yes.

MR. HANCOCK: If I just can seek a clarification. On streetlight heights, our buildings are at 35 feet. Are you suggesting a 25 or a 20? I mean, the streetlights -- because we have buildings along that entire back and now on the south side, I don't think the streetlights are going to be visible if they're behind the building, so would --

CHAIRMAN STRAIN: No. I was just --

MR. HANCOCK: Okay, okay. Typically 25 --

CHAIRMAN STRAIN: I just can't see arterial size lighting on the interior of a project. And so if we're concerned about shielding and things like that, it doesn't hurt to have a height restriction on it, too; 12, 15, 18 feet. But you've got to be careful how high you want to get. I mean, the higher you get, the more shielding you're going to have to deal with, so...

MR. HANCOCK: Understood. We'll look at that, and we will propose a compatible height.

CHAIRMAN STRAIN: Now, most of your residential communities don't have high street lighting. It's real short, so...

MR. HANCOCK: No, sir. I just -- to be honest with you, I don't know what that number is off the top of my head, so...

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: I thought Mr. Jones wanted -- something at Adkins would be a taller one so the people --

CHAIRMAN STRAIN: No, that was something else. He's talking about streetlights on the corners. Those would be roadway lighting comparable to the county standards. It's not the kind of lighting that would go on interior to a project.

COMMISSIONER EBERT: No, I know interior and exterior.

MR. HANCOCK: I could very well make Mr. Jones happy and make 37 other people unhappy by agreeing to that, so I'm --

COMMISSIONER HOMIAK: Yeah. I don't think the people --

CHAIRMAN STRAIN: I had --

MR. HANCOCK: I'm going to stick to what's inside my property boundaries.

CHAIRMAN STRAIN: We fight that in the Estates a lot, too.

MR. HANCOCK: But I will work on what potential stub-out locations for water and whatnot may be available. We'll take a closer look at that, and I'll have some information for you when we come back.

CHAIRMAN STRAIN: Okay. And I think, then, Eric, have you got something you wanted to say?

MR. JOHNSON: Should the master plan actually show the cross-hatch like it's displayed right now?

CHAIRMAN STRAIN: Whatever way he shows it on there. He'll have to call it out somehow. It doesn't matter.

MR. HANCOCK: Due to the size of the font, I'll probably do it graphically and then have a note that indicates that that is an area for 10-foot Type B plant material.

CHAIRMAN STRAIN: Yeah. I'm sure -- as long as you address it and you show the location of the wall and a couple indications like that. I would suggest where your drop gate's going to be or your access card gate on the secondary entrance, you just note that's there. Things like that will help it, so when it comes in for SDP, Matt doesn't throw it out instantly.

MR. HANCOCK: Oh, Matt wouldn't do that to me.

CHAIRMAN STRAIN: Well, he's back there. I had to give him -- I had to say something about Matt while he's here today.

And other than that, I don't think there's anything else. Anybody else have anything?

(No response.)

CHAIRMAN STRAIN: Is there a motion to continue this to the June 15th meeting?

COMMISSIONER ASSAAD: So moved.

Made by Wafaa. Seconded by?

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Second by Diane. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: 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 carried.

We'll see you first up under regular hearings on the 15th, Tim. Thank you.

MR. HANCOCK: Yes, sir. Thank you.

CHAIRMAN STRAIN: Okay. We've got three items yet to go. I think we can finish those up rather quickly, but we're probably better off taking a short break now and then come back and just knocking out the next three items, and then call it a day; otherwise, we could be here for another hour before Terri got a break.

So why don't we take a break until 10 minutes after 2:00, and we'll resume the meeting at that time.

(A brief recess was had.)

CHAIRMAN STRAIN: ***Okay. We'll resume the meeting, and the next item up, as soon as I re-open it up, is 9D, which is the final review of the accumulated comments that the Planning Commission made for the Land Development Code amendments for the architectural and site design standards. And I'm sure Jeremy will remind us that we've been through this one multiple times. They've collected all of our comments, put them into final form for final sign-off.

Jeremy, it's all yours.

MR. FRANTZ: Yes. Jeremy Frantz, for the record.

As you stated, this is essentially the accumulation of all of the changes and recommendations that have been made by the Planning Commission and the committee since it's been reviewed over five meetings now.

It is essentially the format that will go to the Board. It is a little bit different than what you traditionally see with an LDC amendment, but it is the final language that represents all of your changes.

There are several areas where there's some highlighted language in the LDC text, and those are staff-recommended changes really just for clarifications of the language; no substantive changes there.

That's really all that I have. I can answer any questions that you might have. We're just looking for a final recommendation from you-all. And don't forget that this includes not only the committee's -- or the proposed LDC amendment but all the cross-references amendment that is at the end of this packet.

And we'd also ask that -- in your recommendation that you allow us to make any additional changes for errors or clarifications that we happen to find.

CHAIRMAN STRAIN: And, Jamie (sic), I mean, after five meetings on this, I think we've done a good job on getting you a package. I think you and Caroline and Rich, whoever's worked on it, have done an excellent job. Your department or your division or your piece of this growth management division is repeatedly doing extremely good work, and I sure do appreciate it, because the clarity of this particular product, as well as the others you've produced, make it easier for all the boards to better understand what's being voted on, and that's crucial today. So thank you.

MR. FRANTZ: Thank you.

CHAIRMAN STRAIN: That's a good job.

I don't have anything to add to it. I've seen the highlighted parts. From my perspective, they're fine. I don't know if the rest of my Planning Commission members want to make any changes or have any suggestions?

(No response.)

CHAIRMAN STRAIN: We've gone over this many times, and I think you've done a really good job of summarizing it.

So if there's no other changes, I've noticed your yellow corrections. They were consistent. I think that your request to be allowed to make any small changes like that as you further read this, as you prep it for the Board, is consistent with the way we've done things in the past.

So with that in mind, if there's a motion to recommend approval of -- and let me read it out so if anybody wants to use it -- the architectural and site design standards, No. 9D of our agenda. Without reading each section of the LDC, because there's quite a few of them, I think that would be sufficient.

COMMISSIONER ROMAN: I move to approve -- recommend approval of architectural and site design standards.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Karen. Discussion?

(No response.)

CHAIRMAN STRAIN: Do you need anything else from us, Jeremy? You're all set with this motion?

MR. FRANTZ: I think we're good.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: 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 7-0.

Thank you. That was probably the simplest presentation you've made on this item in all these times.

MR. FRANTZ: Just for your information, it's scheduled to go to the BCC on the 28th, June 28th.

COMMISSIONER ROMAN: June 28th? Thank you.

CHAIRMAN STRAIN: Thank you, sir.

***We have two items remaining for old business. One is a discussion concerning -- I'm not -- this next word's hard for me to get out. How's it said? Deviations. It's Wafaa's request. So, Wafaa, it's all yours.

COMMISSIONER ASSAAD: First of all, thank you for allowing me this opportunity and definitely, as a newcomer to this board, I realize now more than ever the tremendous job and the amount of details that go through to get something approved. So I'm very appreciative and very happy to be part of this group.

And I never intended to be the lone dissenter or the lone opposition to the item of deviations, but --

COMMISSIONER CHRZANOWSKI: Deviant. The lone deviant.

COMMISSIONER ASSAAD: So -- but, candidly, I'm overwhelmed by several things that relate to deviation. Number one is the amount of deviation, and number two is the casual attitude by the applicants about asking for things that are not really essential or germane to their developments. And I can tell you out of experience as a past planner and architect and recently a developer, during my career as a developer, by the time you get to the Planning Commission or the time you get to the permitting stage of your real estate project, regardless of how small it is, you have expended a tremendous amount of money, tremendous

amount of time. You hire consultants. You do market studies.

So it's a very risky business, and the effort to be accurate in projecting a development is extensive to minimize the risk later on.

So by the time you come to the Planning Commission and you ask for several deviations and we're sitting here thinking that we'd like to be helpful to the developers, we'd like to promote business because that enhances the county and, of course, we like the attitude of being helpful to people.

So -- but if we were to deny some of those deviation which are not essential to the development, I don't think any developer will back out of development, will scrap their projects, will go away and terminate his ventures.

So sometimes we feel, oh, I don't want to cause any headaches for anybody, or I feel obligated to go along, but believe me, if we -- if we share the opinion and we promote the understanding that deviations are only for the items that are essential or don't make sense for that particular development or have (sic) more meaningful to the productive -- of a production of a -- of a good project, we shouldn't worry about that.

Those are not -- my observation is that -- and I'm not going to tell you anything you didn't know or knew -- that the consultants oftentimes make some remarks that I consider insulting to our intelligence. I try not to be offended, and I understand that this is part of the program.

I also understand that they are advocates. They are here to speak on behalf of their petition, not necessarily because they truly believe in it, but they are here to put it forward, support it, and that's their job.

Similarly, I think staff and us have the obligation to defend and protect the county ordinances, stop further deterioration of the county codes -- and I'd like to put a couple of items as an example on the visualizer -- not in any specific order -- so that I can further make my point.

So I would like to see, hopefully at the end of this discussion, maybe a policy or an attitude that although we cannot prevent anybody from petitioning -- this is the right of the individuals -- but we should be more considerate of the county codes -- no matter what I say it's not going to come out right, but I don't mean any offense to anybody -- and that we should take those things more seriously in my view, for a lack of a better term.

Examples are anything that has to do with signage. Signage, in my view, is essential when it's directing traffic, when it's guiding people to their destination, when it's a safety item, but abundance of it is pollution. And to have too many signs, bigger signs, closer signs, those are not items that are germane to a successful development or any particular approach.

I recall Fort Myers, the City of Fort Myers or Lee County, hired a consultant years ago to look into the tourism business for Lee County and tell them how come Lee County is not getting enough tourism like Collier County does.

And the consultant, one of the items that they talked about is -- put a slide on the projector, and he showed them a picture of Cleveland Avenue. Cleveland Avenue is the equivalent of U.S. 41, our Trail or 9th Street.

And he said, with this amount of billboards and signs, all colors, all locations, all heights, do you think anybody would like to come and visit and look at that?

And he drove the point home that signage as a tool to guide traffic and safety and all of that is essential, but the abuse of that is detrimental to the health and well-being and the appeal of any community.

I can't think of any instances where anybody can convince me that violation of the county code, particularly to signs, is essential to a development. As an example, any Publix or any big shopping center or any big gas station that sits so far away from the road, everybody knows that this gas station is there, Publix is here, and you don't need to double the size of the sign to make people aware that you exist and are doing business in that location. Once you're here, people know that you're there, and you guide them.

The exhibit that I have before you is one that causes me a great concern, because you oftentimes see that and you oftentimes see the exemption about putting the sign closer to the road to five feet instead of 10.

According to my calculation, that 5-foot setback from the outside valley gutter would fall smack in the middle of the sidewalk. And I don't see anybody who would like to do that.

So the point is, some of those deviations are not well thought out. They ask for them because they have been previously granted, they are easy to get, and they might as well get as many while we're here. We

have our day in court; we might as well get all that we can, but none of them really make sense.

Another example is -- Mike, would you put the other sheet, please. That came during the Buckley PUD, as an example, and they were talking about the 10-foot trees and the easements to maintain them and the location of the tree, and they were requesting a deviation from that.

And my point is that you're locating that big tree very close to the property line. Why don't you move it a little bit to the left? This way you can have the big tree, you don't need to create the easement or trespass on somebody else's property and you can still -- you can still have your 10-foot crown tree.

And the landscape consultant or architect who was representing, he made a statement that shocked me. He was telling us, and I almost caught him. You know, that trees don't grow evenly? They don't grow in exact circles. And I found statements like that a little bit annoying, a little bit condescending, a little bit unneeded, but that conveys the mentality or some of the attitude on the part of the presenters to our board.

The other thing is that I suggested to move it a little bit to the left and avoid the deviation, and the presenter for that particular development, his answer was, I hate trees in front of the front door. That's what he said. Well, first of all, candidly, I don't care what he hates or likes. His preference regarding the locations in the front yard is not that significant in reviewing the developments, and it's not the county code.

The last thing I want to say, instead of going through all of that every time we get a big list of deviations, maybe staff can accumulate a list of frequently requested deviations and we can see which one of them makes sense, which one of them don't make sense, and we can lump them all into one amendment or one correction to the code and save a lot of time and effort and, in my view, unnecessary attention to something that is not germane to the development or the zoning process.

Many, many times, for me personally, I feel like there's nothing wrong with the development. I can, you know, change the language, like Mark does. He reviews everything. He comes up with language that cures the ills of that particular item, but I find myself -- I really don't want to be the dissenting vote. I don't want to be negative. But because of sometimes attitude or sometimes the silly rationale or justification of those deviations, I'm very much tempted to say, no thank you. I don't want to vote for that. And when I do that, sometimes I get calls from the commissioners.

Wafaa, why did you vote against that? So I had to explain why did I vote against that, although I have no problem with the general development.

But the fact that -- the claim of flexibility or creativity is not true. There's no substance in that. You could be very creative within limits of the code. You could be flexible within the code limitations. The codes usually requires minimum standards.

If we take the opposite side of all of what I'm saying and say, we shall not put standards in our codes, we can say, thou shall have one free-standing sign, and we let them decide where they put it, how tall it is, how big it is, then the county would look like a zoo.

But it is essential from a legal point of view, it gives a backbone to the ordinance that after all the time that we take for considering, deliberating, adopting ordinances, that we put standards. So when we say not to exceed 10 feet or not to be wider than X or something like that, we mean it. We shouldn't say, okay, you don't want 10 feet, we'll make it five.

You don't want to put an example of the gas station, they swapped -- they swapped a buffer for a driveway. Remember, there was a requirement that if you have two or three lots in a row, that you put buffers in between? So they opted to make a circular driveway within the gas station site in lieu of providing a buffer between the two lots.

Well, the code requires a buffer on the property line. The code doesn't tell anybody that you have the freedom to swap it for a driveway. They didn't say, you can have either a buffer or a driveway or a buffer or a smaller sign. They didn't give us that flexibility. Codes are the codes. And I guess because of my nature, I like to go by the law. I'd like to go as much as I can by the codes.

So hopefully at the end of this brief discussion we agree or I, hopefully, will see, you know, a clear signal being sent to petitioners that the idea of applying for 15 deviations because you would like to is not recommended. And I even think that it may be a good idea that we forward that line of thinking to the commissioners because, as an outsider to the Planning Commission for many, many years, I grew up professionally to see how valuable your recommendation is. Everybody's scared of the Planning

Commission. Boy, do I ever get a denial, then I have an uphill battle. If I get conditions that I cannot meet, I might lose my development.

So a lot of people among consultants and developers put a lot of value on what we recommend. The commissioners rely on us to screen it and go through it and nit-pick it. And then when we give them a recommendation, they feel that those are very-well-paid-attention-to items that we bring forward to them.

So this is my goal for the presentation. I hope I didn't take too much time. I hope I was able to convince you, and thank you for listening.

COMMISSIONER EBERT: Wafaa, could I --

CHAIRMAN STRAIN: Diane, would you like to say something?

COMMISSIONER EBERT: Yes.

I understand your deviations more than you think. I had a big thing with sidewalks on both sides of the street. It came so many times. And you're right, because the developers expected it.

And I said, so you've been doing this for 20 years, you are not expecting it, and it's supposed to be individual.

We now have changed that code. I shouldn't say changed. We have enforced the code that was there.

And you are also right about the signage. We just had the one on Immokalee Road where everybody else was the same distance away.

And so I agree with you, because it's -- after a while they just -- they expect it. You will give us this deviation, and that's -- you're right. It's the attitude that I -- each project is different to a certain degree, but when we have codes, we ought to follow the codes that we have.

And so I have to agree with you there.

CHAIRMAN STRAIN: Anybody else have anything to say on this subject? Stan?

COMMISSIONER CHRZANOWSKI: How long would it take for you to get up, Ray, a list of all the deviations that were approved in the last year?

MR. BELLOWS: For the record, Ray Bellows.

We have a list of all the petitions that are approved. We can pull those PUD documents and count up the deviations. Shouldn't take long.

COMMISSIONER CHRZANOWSKI: I'm curious which ones are the most common, you know, why they're asked for and how often they're approved. Two meetings?

MR. BELLOWS: I think that would be reasonable.

COMMISSIONER CHRZANOWSKI: We meet when the board's on vacation, right?

MR. BELLOWS: Yes.

COMMISSIONER CHRZANOWSKI: Oh, we need something to do.

MR. BELLOWS: Unless you decide to take a vacation, too.

COMMISSIONER CHRZANOWSKI: Good. We have something to do then.

COMMISSIONER ASSAAD: I think that would be a good idea.

I also want to say that some of them are understandable or acceptable, because when the county -- county years ago, all of the streets were public streets, like Naples Park, as an example. So they expected all the roads to be 60-foot wide if you have a closed drainage, or they have to be 74- or 84-foot wide if you have an open drainage; swales on both sides. That was the code. The idea of private roads did not come about until a little later.

So now with developers doing gated communities and developers are -- owners within the communities are responsible for the maintenance, the county doesn't have to go and maintain the roads for the private developments, then maybe 50-foot is very acceptable. I have no problems with that.

To have a small development like the one we looked at today with one sidewalk on one side instead of two, I mean, this is a very quaint, little development, 48 units. Not -- no through traffic, gated. So to have one sidewalk instead of two makes a lot of sense to me.

But those are all code requirements that we need to go through and identify -- identify which ones are okay and which one is not. But, generally speaking, the signage is the one that I cannot justify.

I had a sign man come in before the city planning board one time during my tenure there, and he

said, I hate it -- I hated sign ordinances because they limit my design ability. Well, hello. That's exactly why the sign ordinance is there, to limit your design ability, because when you have all the freedom, look at the mess that you created.

So it took 20 years or 30 years to clean up the mess, and now if we get too flexible or too accommodating, it will get back there.

That's all I want to say. Thank you.

COMMISSIONER SOLIS: I've got a --

CHAIRMAN STRAIN: Anybody else? Andy.

COMMISSIONER SOLIS: -- quick question, yeah. And maybe -- maybe this is a question for Heidi, but just for educational purposes maybe for me. There's a standard, is there not, for how we consider deviations? And the reason I'm asking that is I think there's the practicality of it, but there's also -- there's a standard that we -- I'm assuming we have to apply in determining whether or not to grant the deviation.

MS. ASHTON-CICKO: Yeah. We've been through this before, and my screen has locked because I was going to read a section to you.

CHAIRMAN STRAIN: Mike has it on the overhead. Mike has it on the overhead, Heidi.

MS. ASHTON-CICKO: Well, there are a couple of them, because there's also, under 2.03.07, where there are a number of areas where it talks about deviations and the whole point of deviations, but I can't pull that up because my screen has frozen up, but -- yeah.

There's something about relating to deviations for master plans that it not being adverse to the health, safety, and welfare. So that's one standard that you're looking at, and then the other comes out of the statute, which I can't pull that language up for you.

But they are allowed to have flexibility but, you know, the intent is that it's a give and a take, you know, that they get alternative design but the county would get something else in return. That's how it initially came into play. I can't say that that's how it's working now.

COMMISSIONER SOLIS: Okay.

MS. ASHTON-CICKO: Oh, that's why I can't move it, because he's got it -- just a second.

COMMISSIONER EBERT: He's overriding your computer.

MS. ASHTON-CICKO: Yeah. I was trying to get on -- I was on that screen, and I was trying to move it and wondering why it was locked.

So there are a couple sections on the planned unit developments and the deviations. And as I said, from the master plan elements, the standard is that the element may be waived and will not -- when -- which demonstrate that the element may be waived and will not have a detrimental effect on the health, safety, and welfare of the community. And then the other section --

COMMISSIONER SOLIS: So -- but if it doesn't affect the health, safety, and welfare of the community, are they entitled to it, or is it -- do we have the discretion, or does the Board have the discretion?

MS. ASHTON-CICKO: No, it's not an entitlement.

COMMISSIONER SOLIS: Okay.

MS. ASHTON-CICKO: And compatibility is always a factor in your review. You're still looking at your list of, whatever, 26 factors that you're looking at.

COMMISSIONER SOLIS: Right. Okay.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. We could move on to -- Stan, I think you had an item that you want to talk about, exotics.

COMMISSIONER CHRZANOWSKI: Yeah, I want to talk about invasive exotics.

We -- a friend of mine and I have been going around to different areas, and we noticed that there are just exotics growing everywhere. I remember when I came down here. I've been down here since '81. There was a big push about four exotics: The downy rose myrtle, Melaleuca, the Brazilian pepper, and then the list started to grow, and everybody was very conscious about taking out the exotics.

But as I drive around and as I walk around -- I bicycle a lot; I canoe a lot, I kayak through areas, and I see just exotics everywhere. And we are spending a lot of money. This project this morning, Enclave, if

you looked at the preserve they kept on their south property line, it's -- the vegetation description said it was 25 to 49 percent exotics. When you take out those exotics, it's going to open that up, and people are going to see through that preserve.

Now, to plant -- and these folks are going to be annoyed. And I've seen projects come through here where they take out -- they clear an area of all the exotics, and the first thing you see is whatever's on the other side. I see no reason to take the exotics out of a place like that because the logic behind removing the exotics was you didn't want the exotics spreading into the Everglades. Well, that horse has left the barn, and you're not going to put it back in.

There are more exotics out in the Everglades that I see than we have in Golden Gate City, and we're making people spend a lot of money. Now, I know this is going to sound like heresy. We're making people spend a lot of money to pull exotics out. And they're the exotics that everybody knows but, yet, I see torpedo grass that's on the list. We have bauhinia that they're planting in the median of Livingston Road that's on the exotic list. Nobody keeps track of what's allowed and what's not.

Most of the fish around here -- I'm pulling Mayan cichlids out of everywhere. They're an exotic. I can send you pictures of peacock baths and plecostomus and tilapia that were caught in the Golden Gate canal system which ties to every canal system in Collier County. But the reason that is is because the lakes are all exotics. There were no lakes and canals in Collier County before people came down here.

Okay. We have changed the entire ecosystem. We've cleared land. And when you clear land -- Picayune Strand, they're clearing the land. Great. The first thing that comes in when you clear land is what? Exotics, because they out-compete the natives.

Why are we forcing people to spend all this money? And Golden Gate Estates was where I started out with this, because there's people complaining to me that, yeah, I want to put a \$20,000 pool in my backyard; it's going to cost me 20,000 to pull all the exotics off my property so, you know, I'm not going to put the pool in.

Well, you know, so you clear the exotics off your property; the people around you still have their exotics, and they're going to reseed your property.

I would love to know, does anybody have a real handle on how bad the exotic problem is? I mean, I bicycle around my block where I live. I see brown basilisks, you know, the Jesus lizards that run on the water. Brown basilisks running around there. I see the green anolis, the big green anolis in the trees. The Cuban anolis, they're everywhere. I have marine toads. You can hear them at night in the Airport Road canal.

I have marine toads on my property going into the lake. These are all exotics. Nobody's doing anything about them.

The environment is not just a few trees. The environment is everything that's out there. It's the reptiles, it's the birds, it's the lizards, whatever.

And we're concentrating on five or six trees that we make people take out. The earleaf acacia are growing everywhere. They're spreading faster than we can keep up with them.

I don't know what it takes to get us -- this project this morning, Enclave, I would love to tell those people, you don't have to take the exotics out of there, because when you look at the aerial photograph, that whole area's kind of built up. You're not going to infest anything by leaving those exotics there. It's going to make a nice buffer.

We had -- we had a project -- and it might still come back -- Livingston and Vanderbilt, that golf cart overpass. There's a project in there. I forgot what it's called. I bicycle through there. They have this massive Brazilian pepper hedge on their north property line. When somebody goes to develop that and cuts that down, the neighbors are going to complain because that -- right now that's a beautiful hedge. When you take that out, nothing's going to replace that for 10 years.

So I -- I think it's a waste of money. I think some areas we should just look at it and say, leave it alone. That's my opinion. And that's -- I don't know who to talk to about it. I suppose I could go and make up in front of the Board or something.

Summer says all this predates her, you know. I just hate to see everybody spending all this money on something that's just -- it's here to stay. That's it.

COMMISSIONER SOLIS: That's a good point. Is there -- are there any studies, or is there any information on what impact requiring all these exotics to be removed as the condition of any kind of permit? I mean, is that -- in the grand scheme of things, is there any data on what -- has that done anything at all?

I think, Stan, you've got a good point. Is it helping us win the battle against the invasives or not? That would be an interesting thing to know. Does anybody know that?

CHAIRMAN STRAIN: I can tell you the project that I had to clear those on, and they were large projects. One of them alone was a half million dollars, I think we had to budget, for exotic clearing.

And when we got it cleared, the result to the ecology was much better. In fact, you could walk through the mangroves and prairies and everything else that was there that was previously infested with exotics. I shouldn't say mangrove; cypress, whatever else was there.

I don't know to this day if it's still the same way after we cleared it, but we did cut them, clear them, squirt them. And when we got done, it was a much better-looking natural area.

COMMISSIONER EBERT: Healthier.

CHAIRMAN STRAIN: You know, how that --

COMMISSIONER CHRZANOWSKI: How long is that good for?

COMMISSIONER SOLIS: Yeah. That was your --

CHAIRMAN STRAIN: Well, I don't know. I mean, that's part of the maintenance process that's also required by most of your Corps permitting when you go into these areas. So we would -- we had to take videos, panoramic photos of it and submit them on a certain -- I think it's every three years or something to the Corps to acknowledge it wasn't coming back and showing that we're maintaining it.

I guess the argument is, okay, well, that's just one little speck out of the entire Collier County/Everglades area. But the flip side is, if we didn't do that, how are we helping at all? Maybe that one little speck was a grain of sand that was better than if we hadn't taken it out to begin with, so -- and I don't necessarily agree we ought to be putting that kind of burden on people doing a room addition in Golden Gate Estates. I think that's silly, because when your exotic removal in the Estates supersedes the cost of the addition, it doesn't even make any sense.

But in some cases, when it can be effective on large areas, it seems that it is. And I --

COMMISSIONER CHRZANOWSKI: To me it would matter where it is. Like, where you're talking about, if it's in among the mangroves -- but, yet, I canoe down the Turner River, and I see Brazilian pepper two, three miles south of 41 growing where there's no right for it to be, and the only thing I can figure is the birds are, you know, spreading it somehow.

CHAIRMAN STRAIN: Well, I mean, I think, Stan, for any policy changes, that's more of a Board action than it would be ours in involving exotics. I mean, I don't have a dog in the fight. I just know that in the Estates it's not really fair to burden the Estates residents like they are. I don't think the code said we're allowed to do that, but I know we're doing it. But that's a whole 'nother problem I don't really want to get in to.

Summer, did you have something you wanted to say? You're there for a reason, I take it?

MS. ARAQUE: Well, in regards to your -- to Stan's question about any studies, I mean, we can look to see if IFAS -- that's the University of Florida extension office or the CISMA group, which is a group that looks at exotics, we can look to see if there's been any studies done.

I mean, we don't really have a natural resources department that looks at that type of thing, but we can reach out to those groups and look to see what they do have.

COMMISSIONER CHRZANOWSKI: Ask them if it's doing any good.

COMMISSIONER EBERT: I have a question for you. Does not -- the South Florida Water Management and the Army Corps, don't they require that you take out the exotics?

MS. ARAQUE: Yes. And that was another discussion that I had with Stan recently as well was that it's not just our requirement. I mean, you've got state regulations as well, and this is done statewide, so it's not like Collier County is just the only one requiring removal of exotics.

COMMISSIONER CHRZANOWSKI: So if I see an area of two or three square miles of Brazilian pepper in the Big Cypress, I just tell them, and they come take it out?

COMMISSIONER EBERT: They better.

COMMISSIONER ASSAAD: Well, they tell you that they don't have money to enforce it. That's the point.

MS. ARNOLD: Well --

CHAIRMAN STRAIN: Well, I mean, you guys, this is great, but do you want your tax dollars spent on taking out Brazilian pepper, or do you want it spent on infrastructure and other needs that the community has? Security? Police force? Fire? I would much rather see my tax dollars spent on that than worrying about cypress -- Brazilian pepper out in the Big Cypress, so...

COMMISSIONER CHRZANOWSKI: I will give you a location map showing where it is, and you tell me in a year how much luck you've had getting it removed.

MS. ARAQUE: To answer your question or your comment, my understanding is that a lot of the areas are activity managed, but you're talking about thousands and -- hundreds of thousands of acres, and so they're not going to remove them all at once. But I do know that there is an exotic removal that goes on.

Anything else I can help you with?

COMMISSIONER CHRZANOWSKI: Nope.

CHAIRMAN STRAIN: Thank you, Summer.

Okay. Does anybody have any other issues?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: That are on the agenda?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Good.

COMMISSIONER EBERT: Okay. This is for future --

CHAIRMAN STRAIN: Oh, Diane.

COMMISSIONER EBERT: -- to bring up. Well, we're starting to have a problem, Mark, with roots getting into water lines. They're starting to create problems. There's not enough room. The people are complaining about the widths of the streets a little bit.

You know, you're not supposed to plant in the 10-foot easement, and I can go along almost all of these places where the 10-foot utility easement is, and there are trees and everything there.

So if we could kind of look into this and bring this back at a future date.

CHAIRMAN STRAIN: Okay. So be it. We'll add it to one of the old business discussions or new business discussions for one of the future meetings after staff has time to look into it.

Okay. That takes us to 10, new business. Is there anything else besides Diane's item?

(No response.)

CHAIRMAN STRAIN: Public comment? Nobody's left. Wafaa?

COMMISSIONER ASSAAD: One time we talked about maybe a policy regarding how much time is allowed when you postpone a public hearing and when a development gets pulled out of the schedule, and we dropped that, so...

COMMISSIONER EBERT: That's because --

CHAIRMAN STRAIN: Well, what do we care if they continue? What do we care if they continue something? As long as it's legally advertised, what difference does it make? I don't care if we hear something this week or six months from now. It doesn't -- I mean, what difference does it make if we're going to hear it eventually?

COMMISSIONER ASSAAD: Well, it makes a difference sometimes when you have to spend hours -- and you spend more time than I venture any of us reviewing those applications -- and only to come here and say they postponed it. It's pulled out of the agenda. And you have spent tremendous amount of time, more than I do -- I know that for a fact -- but I do spend a lot of time going through them. Then it's just -- if it's not ready, if it doesn't meet a certain standard, it shouldn't even get on the -- get on the agenda. I know staff tries to be accommodating and helpful.

MR. BOSI: From the comments of the Planning Commission, I think it was two or three months ago, we have reminded the -- our planners, and our planners are trying to convey that message to the applicants, you know, that if we set a date, we have to make sure that, you know, we're confident that we can

move forward with it because of, you know, the expressed concern the Planning Commission does not want to spend time on items that aren't going to be heard but are on the agenda.

So we've tried to be conscious of your time.

COMMISSIONER ASSAAD: Sure.

MR. BOSI: And the amount of effort and time consideration that you do give and have conveyed that message to the applicant community as to potential issues associated with that.

COMMISSIONER ASSAAD: We have one that's been suspended or withheld from December last year. Remember that one? Pelican Marsh.

CHAIRMAN STRAIN: Pelican Marsh, yeah. It's coming up June or July, I think.

COMMISSIONER ASSAAD: Six month.

MR. BOSI: July 7th, tentatively.

COMMISSIONER ASSAAD: Tentatively.

MS. ASHTON-CICKO: Yeah. And I've been directed by both this board and the County Attorney that if I have outstanding legal issues, I'm not to approve the advertisement; whereas, before I was allowing them to go forward because the applicant was willing to take the risk of a continuance.

So we've changed policy, so -- but that doesn't mean there aren't going to be times when issues are addressed subsequent to the advertisement that come up that might --

CHAIRMAN STRAIN: Well, I think that's different -- I think that's different than the continuance that we're talking about. The continuance -- I mean, not that you're wrong, but it's not something that gets continued because we find out it hasn't had full advertisement, something like that. So I thought it's more of the issues like we had today where we continued the item today to rehear it on the 15th with the corrected changes.

COMMISSIONER ASSAAD: That is fine.

MS. ASHTON-CICKO: No. He's talking about when he has to read hundreds of pages and then it gets continued. He doesn't want to do that anymore.

COMMISSIONER SOLIS: Well, right, where the applicant is taking the -- they're hoping they're going to have it ready by the time the hearing comes around.

MS. ASHTON-CICKO: Correct.

COMMISSIONER SOLIS: And they're gambling, but they're really gambling with, kind of, our prep time, and if -- but if that policy's changed, then I think that's a great change.

CHAIRMAN STRAIN: That's already -- yeah, that's already changed.

MS. ASHTON-CICKO: That's already been implemented.

CHAIRMAN STRAIN: Yeah. She's already -- that's what I was getting confused on. That one we already asked, and that's been done.

MR. BELLOWS: That's correct. And we also -- as Mike mentioned earlier, staff is also reminding the applicants that we're not scheduling till we're sure that we can get the bugs worked out. Not in hopes of getting it worked out, but we're sure we can get it worked out.

MR. BOSI: And that all deviations need to be adequately justified.

CHAIRMAN STRAIN: Okay. That takes us to the last item on the agenda. Is there a motion to adjourn?

COMMISSIONER ASSAAD: So moved.

CHAIRMAN STRAIN: Made by Wafaa. Seconded by Diane?

COMMISSIONER EBERT: I second.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

June 2, 2016

CHAIRMAN STRAIN: Motion carries 7-0. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:54 p.m

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 7-7-16, as presented or as corrected .

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