

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, June 16, 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 Conference Rooms 609/610, Growth Management Department, 2800 North Horseshoe Drive, 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
Heidi Ashton-Cicko, Managing Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Everybody, we're late, but we finally got the recording devices working, thanks to John and backup from Ray. I appreciate your efforts.

Ladies, if you don't mind breaking it off while we start the meeting.

Welcome to the June 16th meeting of the Collier County Planning Commission. Please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Secretary, please do the role call.

COMMISSIONER EBERT: Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Roman?

COMMISSIONER ROMAN: Here.

MR. EASTMAN: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Solis?

COMMISSIONER SOLIS: Present.

COMMISSIONER EBERT: Mr. Assad?

COMMISSIONER ASAAD: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: And Mr. Strain?

CHAIRMAN STRAIN: Here.

Addenda to the agenda. We have two items scheduled, one for continuance. The item that was being requested to be continued is under PL -- 9A, PL20130002637/CPSP-2013-11. This is for some changes recommended by staff through amendments to the GMP and master plan.

All those -- is there anybody that has a problem if I make a motion to continue that to the July 7th meeting discussion?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made by the chairman, seconded by Karen.

All those in favor?

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER ASAAD: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Planning Commission absences.

Our next meeting is July 7th. Does anybody know if they're not going to be here? Okay. So we'll have quorum.

There are no minutes to approve at this meeting. BCC report and recaps, right?

MR. BELLOWS: Yes. On June 14th, the Board of County Commissioners heard the Pine Ridge Center PUD amendment that was approved under their summary judgment, subject to the Planning Commission recommendations.

CHAIRMAN STRAIN: Thank you. That takes us to the chairman's report.

I just want to talk to you about today's meeting. For those that didn't know, the Board of County Commissioners had a budget hearing scheduled for today, so they needed the room, so we got moved over here. The meeting is being recorded and transcribed. The meeting is not on video.

The reason for that is, both cases we're hearing today, one is a consent and the other is a rehearing of one that was continued that we've heard most of the issues on at the last meeting. The cost to do video offsite is expensive. They have to drag over the video equipment as well as personnel and then move it back over.

I didn't see that to be a necessity for our decision-making process today, thus the applicants from the previous cases didn't have a lot of public concern, showing up at the meeting, and didn't think we needed to take it. So if you go to look for it, it won't be there.

The microphones are a little sensitive. They react to voice activation, so bring them close to you to talk into them in this room. With that, we'll move right into our first item up.

For the benefit of the Planning Commission, especially those in the audience, I went ahead and put both of our items today, in their totality that I have received in the packet, on the overheads that you'll see on the screen on your left.

There is no Elmo, so the applicants can't put things on a viewer for us to see, so we'll be talking on and off the slides for each of the projects that we're talking about from the overhead.

And the first one up is Consent Item 8A, PUDZ-PL20140002809. It's for the Highview Roost Road PUD.

All those who wish to testify on behalf of this item, please rise and be sworn.

(All speakers were duly sworn.)

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

MR. EASTMAN: None.

COMMISSIONER CHRZANOWSKI: None.

COMMISSIONER SOLIS: None.

COMMISSIONER ADELSTEIN: No contact.

COMMISSIONER EBERT: No contact.

CHAIRMAN STRAIN: Karen?

COMMISSIONER HOMIAK: None. I thought this was consent.

CHAIRMAN STRAIN: It is, but there is no discussion with this one. We have a couple of changes. You need to pull that mic a little closer, if you don't mind.

And I've talked to the applicant, and I've talked to the staff and the county attorney's office. In my discussions with the applicant, they brought up some issues that weren't discussed at the last Planning Commission meeting, so they didn't get to be part of the changes made by the applicant.

So, in discussing how to handle this, because the consent is strictly to acknowledge that our direction to the board has been followed and is appropriately stated in the -- in what the applicant submitted as corrections, the applicant had a couple of changes beyond what was submitted that they might be discussing.

If I am not mistaken, Heidi, in our discussion, you said we could still go through the consent like we normally do but we could address these two as a separate discussion, and then make a notation to the board whether we necessarily agree or disagree with it; is that right?

MS. ASHTON-CICKO: My recommendation is, first you're going to vote on the item as to whether it complies with what your direction was. So you'll vote on whether the item is what you voted on. That's what the purpose of the consent agenda is. And then after that, the applicant has requested to come up and present changes that they are going to make to the -- per request be made when they go before the Board of County Commissioners.

So I've indicated to Mr. Strain that they can present that, and if you want to take a motion -- make a motion on it, no objection or anything else, then you can go ahead and do that to supplement the record.

CHAIRMAN STRAIN: Thank you.

And, Patrick, I think what we'll do first is consider the consent item, the changes that we had discussed last time, and then we'll take it under consideration and discuss -- I think there are two items that you had wanted to try to clarify further that were previously discussed.

We all received in our packet a listing of the changes that were supplied to us through staff and the

applicant. Those are the two slides that I started with, 1 through 6 and 1 through 9. As you move through the document these are the pages that were changed. And in this particular one I've read everything. I'm assuming the rest of us have.

The consent hearing that we're having today is consistent with what we had directed at the last meeting, although I think some of it needs some clarification. And I'll certainly go forward in any manner the Planning Commission wants to see.

Right now we're just flashing it through the various pages we received from the staff in the staff report, and I didn't know if anybody had any specific questions from those.

(No response.)

CHAIRMAN STRAIN: If not, I'm -- like I said, I had one or two items that need to be discussed.

Does anybody have anything they would like to discuss on the consent agenda item first before we go into changes the applicant would like us to consider?

(No response.)

CHAIRMAN STRAIN: Patrick, I have a couple. On this page right here in front of us, which is the Exhibit B notes, Item Number 4 says, If the dwelling is a single-family development pursuant to the County's plat process, LBEs and LMEs will be platted as separate tracts. Actually, they should be platted as separate tracts no matter what process you were thinking.

Was there a reason you couldn't do it otherwise?

MR. VANASSE: No. I think it's -- we had some verbiage in there, and we were just really looking at the LMEs and LBEs, not focused on the individual tracts.

CHAIRMAN STRAIN: Do you have any problem with this language: All LBEs shall be platted as separate tracts and shown as separate tracts -- in your case, it would be all LBEs and LMEs. This came from the second item up today, Onyx. Onyx actually had the footnote correctly.

So it would be the platted or STP, would be separate.

MR. VANASSE: I think we'll be platting.

CHAIRMAN STRAIN: I know you're going to be platting, but for some reason, the way you wrote that, it only applies if you're platting. I'm not sure why you limited it to that. But any LBE or LME will be noted as a separate tract.

MR. VANASSE: Yes.

THE REPORTER: Sir, could you identify yourself, please?

MR. VANASSE: For the record, Patrick Vanasse, Certified Planner with RWA.

CHAIRMAN STRAIN: The next item up is on the master plan. If you notice on this master plan you have this designation right here. That's the setback along the lake right here. Well, that happens to match this pattern down here and this pattern over here. I don't think that necessarily makes it real clear. It also matches this one up here, too.

Do you understand what I'm saying, Patrick?

MR. VANASSE: Yes, I think see that.

CHAIRMAN STRAIN: So we need a different designation for one or the other on this plan.

Now, who is the planner?

Nancy, it's you, right?

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Well, this is a consent hearing, so these cleanup items, we'll just have to note for the record. And if the Planning Commission doesn't object to it, then I'm looking to you to make sure they are cleaned up in a manner that -- whatever is discussed here.

MS. ASHTON-CICKO: I'm not clear on the point you just made, what you want changed.

CHAIRMAN STRAIN: See that little crosshatching?

MS. ASHTON-CICKO: Uh-huh.

CHAIRMAN STRAIN: Proposed off-site lake improvement, see this line right here.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: That's what that is supposed to represent, but that's the same crosshatching that we have here, here, here.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: And I know these other three are not off-site -- are off-site lake improvements.

MR. VANASSE: We'll use a different hatch and send that back to staff to have that more of a county commission.

CHAIRMAN STRAIN: On Page 12 -- it's my Page 12, I'm not sure what page yours is. In this particular exhibit, if you look at the exhibit included in your packet, it says Exhibit E, List of Deviations. This isn't the List of Deviations. The List of Deviations are another exhibit.

Were you -- where is your list of deviations that's Exhibit E? That's your typical road cross-section, I guess. It's hardly a list of deviations, but it's not the list. So I would suggest it's a typical road cross-section.

MR. VANASSE: We'll make that change. It was inserted in the old document with that added.

CHAIRMAN STRAIN: If you go to this particular exhibit right here, it says the same thing on the top of this one, List of Deviations.

You ought to name it, what it is. I think that would be more accurate.

MS. ASHTON-CICKO: Well, on that one, he did label on the bottom Off-street Parking Deviation, but you want that moved as a different exhibit?

CHAIRMAN STRAIN: Well, why don't we just say after where it says -- it's not a listing of deviations. Why don't we just put that in the title up here. That's all I'm suggesting.

MS. ASHTON-CICKO: Okay.

MR. VANASSE: Those were exhibits attached to Exhibit E, which are the deviations as illustrations, but we'll remove that from the heading.

CHAIRMAN STRAIN: That's -- this is a listing so that's the only thing I was trying to say.

And then under Exhibit F, if I can find it, this is listed as Development Commitments. It should be your development lake setback exhibit. Another title correction in that column.

MR. VANASSE: We'll make that change.

CHAIRMAN STRAIN: And then, lastly, on this page here, this bottom section, is this the section that you are going to be talking to us about?

MR. VANASSE: Yes, it is.

CHAIRMAN STRAIN: That's what I thought. Okay.

Other than just those cleanup items for the consent information that was supplied in the packet, based on the last meeting, I think it works fine.

Anybody else on the Planning Commission have any other questions or comments?

(No response.)

CHAIRMAN STRAIN: Okay. Then from the Planning Commission's perspective, is there A motion --

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: -- the consent with the notated corrections?

COMMISSIONER HOMIAK: With the corrections you just made.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Motion by Karen, second by Diane.

Discussion?

All in favor?

(Unanimous say of ayes.)

CHAIRMAN STRAIN: Any opposed?

(No response.)

CHAIRMAN STRAIN: The motion carries seven to zero. The consent is finished.

MR. VANASSE: The question is -- with regards to your clarification of the LBEs and LMEs platted separately, I think the question was, what's the proposed language that you displayed on there? Just to make sure that --

CHAIRMAN STRAIN: I'll pull it up for you.

All LBEs -- in this case, the LBEs and LMEs shall be platted as separate tracts or shown as separate

tracts on the ACB.

MR. VANASSE: We are just going to add the same language, only in this case the only clarification was that those would be for our on-site lakes. The off-site lake that's been an issue, this would not apply for that off-site lake.

CHAIRMAN STRAIN: I agree. We have already agreed. That's something we've already discussed at previous meetings.

MR. LEWIS: Commissioner Strain, Doug Lewis, for the record, with the Thompson Lewis Law Firm.

The term "platted," what was your intent there? On the STP we're not going to show those. That's not a plat. So I think they what they want us to do is fine. We can show those as separate tracts, but they are not platted in the STP.

CHAIRMAN STRAIN: No. It says they will be platted as separate tracts or shown as separate tracts on the STP. Which means, yeah, they're not platted on the STP. That's the basis of showing them on the STP is that they've got to be shown as separate tracts.

MR. LEWIS: Perfect. Just want to clarify that.

CHAIRMAN STRAIN: That clarification is consistent with what we just talked about.

Okay. Now, Patrick, you had two issues you wanted to bring up. This was one of them, I believe.

MR. VANASSE: Yes. Well, thank you for the opportunity to bring up those issues and clarify or correct things.

We had a pretty extensive discussion with regards to the off-site lake that kind of consumed the discussion the last time and a recommendation was made to -- to forward the project with staff's recommendations included within that, and we -- I don't think staff presented what those recommendations were, and we didn't think of bringing up the issue yet. But there are the recommendations.

MS. GUNDLACH: I would like to offer a clarification. Recommended approval subject to staff's condition of approval.

CHAIRMAN STRAIN: Right. The Planning Commission included your recommendations in our discussion with the applicant at the hearing. At the hearing they did not oppose those recommendations and then, after going back and looking at them, I think they realized they wanted to talk about them but the meeting got more wrapped up in the lake issue than anything else.

MR. VANASSE: Yes. So the intent was to address those. There are two recommendations, and Recommendations A and B under Planning. We do not support those and would like those removed. Recommendation A is for a vehicular interconnection to the west.

CHAIRMAN STRAIN: Why don't we show those on this one?

So if you look, A would be this one here or this one here?

MR. VANASSE: It would be the other one.

CHAIRMAN STRAIN: Right here? This is a vehicular interconnection and a bike/pedestrian interconnection. There are two different ones there, right?

MR. VANASSE: Yes. Our application did not include those. It was recommended by staff, and we would like to remove that from the PUD. We don't think a vehicular interconnection is desired by our client nor the adjacent property owners and we do not believe that putting additional traffic on local residential roads would benefit the health and safety.

CHAIRMAN STRAIN: Okay. Why don't we talk about all of them at the same time?

MR. VANASSE: The other one was for a bike path interconnection to the west again but on the southern end. As you saw, the one on the southern end, we're already providing. So that one we're okay with. There was one associated with the vehicular one also, so there would have been a sidewalk along the roadway.

And again we ask to strike that through. No vehicular interconnect and no bike path interconnect to the north. We have one to the south, so we think the one to the south is sufficient.

CHAIRMAN STRAIN: So this one, you're saying you have no objection to the vehicular or the bicycle/pedestrian interconnection?

MR. VANASSE: To the south it's only a bike path interconnection. We have no objection.

CHAIRMAN STRAIN: What's represented there?

MR. VANASSE: That is a water main easement, potential water main easement.

CHAIRMAN STRAIN: Okay. So the vehicular interconnection up here is what you object to. You don't have a problem with the bike path?

MR. VANASSE: To the north, we would like to remove all of it.

CHAIRMAN STRAIN: Okay. But up here you're okay with the bike connection if there's no vehicle connection?

MR. VANASSE: Correct.

CHAIRMAN STRAIN: So then item C would be -- this is addressed by C?

MR. VANASSE: Correct.

CHAIRMAN STRAIN: This is addressed by A?

MR. VANASSE: A and B.

CHAIRMAN STRAIN: Where is this one here? Under Planning, Items A, B, and C, I see you call this out on the master plan, but did staff take that into consideration?

MS. GUNDLACH: Could you repeat your question?

CHAIRMAN STRAIN: Under the Planning Elements, which is right here, A is, An vehicle interconnection will be provided to the northerly parcel lying to the west at plat approval. My assumption is, then, that is the one up here. Correct?

MS. GUNDLACH: Correct. We have comprehensive planning here that can answer your questions. It is a requirement.

CHAIRMAN STRAIN: Okay. This is a staff recommendation, correct?

MR. BELLOWS: For the record, Ray Bellows. It was part of the plan that staff reviewed, and we are supportive of that connection.

CHAIRMAN STRAIN: I'm not debating that. I'm just trying to find out what A, B, and C refer to.

MS. ASHTON-CICKO: The easterly connection was offered by the applicant in the prior agenda package. The other connections are staff's recommendation.

CHAIRMAN STRAIN: Okay. Item A, Vehicular Connections, though, is what this is? It's referring to this one up here. Item B is, a bike or pedestrian is also referring to this one, but it's that part of this one. And Item C is just this bike connection down here?

MR. VANASSE: Correct.

CHAIRMAN STRAIN: You have no problem with the bike connection down here. You also have voluntarily added a bike connection up here that staff accepted, apparently, but they didn't -- it's not listed under the Planning but apparently because it's on the master plan it was accepted by staff.

MR. VANASSE: Correct.

CHAIRMAN STRAIN: So the only item in contention are these two interconnections up here. That's A and G?

MR. VANASSE: Correct. Correct.

CHAIRMAN STRAIN: So do you have anything more you want to discuss on that before --

MR. VANASSE: We had one other issue we wanted to discuss but it's not related to the planning discussions with staff. It's associated with the adjacent lake and when the improvements would be completed.

CHAIRMAN STRAIN: Okay. Let's finish with the planning first and do that one second.

MR. VANASSE: Okay.

CHAIRMAN STRAIN: Planning commissioners, any questions or concerns from the Planning Commission on modifying or recommending to the Board of County Commissioners why we oppose or don't oppose Planning Items A, B, and C? The applicant has no problem providing C. He is suggesting that A and B aren't compatible in this project.

Charlotte?

COMMISSIONER ROMAN: Yes. I have a question for the applicant.

If you could express a little more, give me a little bit better understanding on why you object to A and B.

MR. VANASSE: The project is a small project. This would be all residential with ancillary residential uses. We envision that any project that's going to be built to the west of us is -- probably would be a residential project.

The staff -- my understanding is that comp. planning approves this recommendation on pretty much every PUD to try to obtain as many interconnections as possible. We do provide one connection already to the west. We just don't see why two interconnections would be needed.

Also, from the standpoint of a vehicular interconnection, what you would essentially be creating is a cut-through for people from 951 through this road and I don't think it would benefit our project. It would be more traffic from people cutting through, probably at a higher speed, not being as prudent as residents would be. So I think it's a safety issue.

And vice versa, when that project develops to the west of us, if it's a residential project, I don't think they will want to see people off of Roost's Row do the -- cut through their project also.

COMMISSIONER ROMAN: So we've got basically one way in and one way out to your project?

MR. VANASSE: Yes.

CHAIRMAN STRAIN: Any other questions of the Planning Commission?

COMMISSIONER ASAAD: I agree with the applicant and those two requests because they don't know what's going to happen next door. They have a private subdivision and the size is too small to have -- for the interconnection to be meaningful. So I think, for the sake of privacy of the development and the obligations to maintain the roads, not knowing what is going to happen next door, how could they agree to something they are not aware of? This makes sense to me.

COMMISSIONER HOMIAK: Are you going to be gated?

MR. VANASSE: We have the option of being gated --

COMMISSIONER HOMIAK: You don't know this. That's correct? You don't know what is going to be involved in this development, but it could be a potential for these people to be able to get out to a commercial area easier, not having any cut-through, just -- just something that will benefit people in this community.

MR. VANASSE: That's why this --

COMMISSIONER HOMIAK: Just because it's potential doesn't mean it's ever going to happen.

MR. VANASSE: Understood. But then there are the nuance as to what that potential means. So if the adjacent property wants to exercise that potential, what does that mean for us? I think that is what is unclear. And for the benefit of just, let's say, the rural commercial, the benefits of our residents, we did provide the bike path interconnect, which allows them to just easily connect through and walk there, if that's the case.

MS. ASHTON-CICKO: Mr. Chair?

COMMISSIONER HOMIAK: I don't think if they go shopping they're going to carry their groceries back or anything.

MS. ASHTON-CICKO: I have to say that I'm a little bit confused because both southerly bicycle connections -- the stuff on the south is what was in your prior package as proposed. The only thing that's new is the one in the northwest corner, so --

CHAIRMAN STRAIN: That's what we're talking about.

MS. ASHTON-CICKO: Oh. I thought you were talking about all of them on the west.

CHAIRMAN STRAIN: No. We're talking about the one on the northwest corner.

MS. ASHTON-CICKO: Okay. Sorry.

CHAIRMAN STRAIN: That's the one that the applicant has objections to because of its location.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: Mike Sawyer is here from transportation. I have a quick question about the roads in this project.

MR. SAWYER: For the record, Mike Sawyer, transportation client.

CHAIRMAN STRAIN: Are these going to be county maintained roads?

MR. SAWYER: No. They're going to be private roads.

CHAIRMAN STRAIN: Could they be county maintained or publicly-owned roads, and would we

want them to be?

MR. SAWYER: We would not want them to be. Could they possibly at some point? Never say never, but, no, we are not in the habit of taking over these types of roadways.

CHAIRMAN STRAIN: So if we have an interconnection on this project or any such project in Collier County that has an interconnection to private roads, then the responsibility of those limited homeowners in this development, which I think was 62 or something like that, for any additional traffic and liability for people off-site driving to their project, because of the requirement connection of the County, I'm just wondering where the reasonableness is of that, because, if I lived in there, that's the last thing I would want to see. I wouldn't want to be responsible for the roads that my HOA owns and the cost of the insurance and other items that have to be -- the road already has a deviation for a 50-foot right-of-way, so it's not County standards. I don't even know why this interconnection is a good idea. I know why it's there, so I don't want to beat that horse again. But I just don't see the need for it in a project such as this. It makes no sense from my perspective. I agree with Mr. Asaad, especially if we are not going to ever own it.

MR. SAWYER: The only thing I would offer for consideration would be that if we continue to not gain interconnection between developments, we are going to continue to experience more and more traffic on your public roadways and thereby requiring our additional improvements on those roadways. So I'm just pointing that out.

There isn't anything wrong with that. It just gets to be more and more costly for us to do that, quite honestly. The swimming pool and the bathtub are only going to get so full at some point and we are already experiencing some failing road segments.

CHAIRMAN STRAIN: Weren't these scheduled to have an impact of growth as paid for by their impact? For example, impact fees are updated yearly to address the cost of the roadway system, and you are now saying we are not addressing it. We don't have the ability to address it?

MR. SAWYER: That's not what I'm saying. I'm saying, the more options we've got as far as interconnecting developments, the more options that we've got as far as getting people around the county to different roadway options, it does tend to help the overall transportation.

CHAIRMAN STRAIN: But how are we helping the people that reside in these communities if we're demanding something without knowing how it's going to entail being able to be put into place? These roads are acknowledged to be below county standard, which is 50 feet. That's 60. They are not public roads. The community itself has to maintain them to some degree. They have -- the scheme of this will be set by however the roads are laid out in the community, and that's in the handbook.

And the liability for people traveling on these roads and hitting children or people, whoever they may be, how would we work that out as far as, if we're going to require communities to interconnect, how are we likewise showing them that it can be professionally done with documents that can protect them from these interconnections from off-site personnel?

MR. SAWYER: We have not.

CHAIRMAN STRAIN: Okay. And that's what I thought. I just don't see how this is a reasonable request to make, demand of a project without filling in all of the gaps, and it's obvious that we haven't.

I don't have any other questions about it.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: I'm fairly familiar with the area photographed and developed in Collier County. And as far as interconnections I think that horse has left the barn. I don't see any need in this at all.

COMMISSIONER ROMAN: Just speaking to Mike's point, the reason that the people who are traveling to services, doctor's appointments, shopping, whatever services that they partake of, the reason everybody is out on the main arterial roads is because they have to be. There is no alternative way around that. They are all in gated communities with one way in, one way out, and they have to spill out to the main arterial roadways.

I can see the purpose of the interconnect, however, going one development at a time and the uncertainty with that adjacent parcel, you don't know if it's going to be something that a community is going

to want to have access to. And that's what I hear your point. I might be misunderstanding it, but if that's your concern --

MR. SAWYER: I think you stated it well. Thank you.

COMMISSIONER CHRZANOWSKI: When the transportation department connects Orange Blossom and Goodlette intersection into the Pine Ridge subdivision, I will agree that you have a point.

CHAIRMAN STRAIN: That's a good example, Stan.
Go ahead, Patrick.

MR. VANASSE: If I could add something, just to address the comment. We certainly understand the intent behind that policy. I think the policy says -- encourages interconnection. If we were a section of land, really large community with potential regional impacts, we would certainly understand creating a spine road through the project. But this is a very small project.

I think the residents have a right to their privacy in being able to gate their project and to have that sense of security, whatever that might be.

And I think all of the other points that were brought up by Mr. Strain and Mr. Asaad are points that are very well taken, and we fully agree with those.

So the intent, we certainly support. We just don't think that the application in this case makes sense. And, even on a smaller project, if you're adjacent to a commercial development, for example, we can certainly understand that, too. But in our case that doesn't apply.

COMMISSIONER ROMAN: And does the same apply to the pedestrian? Why not the pedestrian? Why would you not want to keep that open?

MR. VANASSE: Because, from a pedestrian standpoint, we could put a simple gate, and if we get to the point where the adjacent property develops as residential and there is an unusual agreement between both communities, where they see a benefit that they share a code and they can go from one community to the next, we certainly are fine with that, but we do want to provide that sense of privacy and security to the residents.

COMMISSIONER ROMAN: So would you be willing to eliminate the vehicular interconnection, as you are requesting, but to keep the potential for a bike and pedestrian?

MR. VANASSE: We already have one to the south so we really don't see the need for two.

COMMISSIONER ROMAN: Well, I was asking you about the one to the north, the one that we're discussing.

MR. VANASSE: Yes. And our position is we already provide one for the south, which provides access to the west. So there is no need for two.

COMMISSIONER ROMAN: That's a long walk for the folks that would live in the northern part of your property. That's the only reason I ask that question.

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

With that, let's take this one first. This is really going to be a vote to tell the Board of County Commissioners, outside our consent, that we either agree or disagree with the applicant's request to remove A and B in regards to that northern access road.

Does the Planning Commission wish to make a motion?

MS. ASHTON-CICKO: Mr. Chair, I think we have one more change.

CHAIRMAN STRAIN: I want to take them -- each one separately.

COMMISSIONER SOLIS: Can I ask one question?

CHAIRMAN STRAIN: Sure.

COMMISSIONER SOLIS: These changes that we're discussing are changes that staff is requesting be made. Were they part of the agenda package when we considered that the last time?

CHAIRMAN STRAIN: Yes, they were.

COMMISSIONER SOLIS: Okay.

CHAIRMAN STRAIN: The applicant did not bring them up as an issue. When we read our list of stipulations it included staff recommendations, as it always does. One of the recommendations was the interconnection, that, after going back to their offices, I think they realized they should have objected to that or at least brought it up for discussion. They failed to and it got passed for consent. And now we're back

trying to deal with it after consent.

MR. VANASSE: And that's correct. We kind of got caught up on this discussion, pretty detailed discussion about this off-site lake, the adjacent lake. And I think, once that was resolved, everybody was happy to get that out of the way, and the recommendation was made and we just omitted to bring this up.

MS. ASHTON-CICKO: And the reason that it's being discussed today -- and you can choose to offer "no comment" -- is because, when they go the Board of County Commissioners, they will be asking that this change be made and this is to give, you know, the Board any insights you would like to provide.

COMMISSIONER ASAAD: Wouldn't it be easier if we amended our required approval to exclude those two items?

COMMISSIONER SOLIS: My only question is, this was a consent item. Doesn't it need to be removed from the consent agenda if -- we're -- I think we're setting a precedent that the consent agenda is really just a rehearing, if we're doing it this way.

CHAIRMAN STRAIN: Well, that's the problem. It's not supposed to be.

COMMISSIONER SOLIS: Right.

CHAIRMAN STRAIN: You hit that nail directly on the head. That's a discussion that I had with the county attorney's office when the applicant notified me they had missed discussing this issue. And there was one other issue at the same time.

We have set a steadfast rule that, on Consent we don't change. It's not a rehearing of the action and we've not allowed that to happen.

I asked Heidi to present a solution to the applicant's request and she suggested we could separately review it and send it outside the consent as another comment to the Board when the applicant goes forward.

That was an option that she offered to us. We don't have to take that option now. We can leave the consent as it is. They can come back for a rehearing or they can continue to go on to the Board and make their argument to the Board without our comments.

The problem is, the Board -- I shouldn't say "likes." That's not the right word.

The Board needs input and if we are the planning body, I was trying to figure out a way -- and I think the county attorney's office was too -- to give the Board the benefit of any input we might want to provide, if we had an opportunity to do it.

COMMISSIONER SOLIS: No. And I understand that, and that's what we're supposed to do. But this was advertised as a consent item and we're rehearing it, essentially. And I think that's an issue, I mean, from my standpoint.

CHAIRMAN STRAIN: That's fine. I don't disagree with you. But if the county attorney's office feels it's a rehearing, then I need them to say that so that we will end this discussion, and hopefully come back for a rehearing or go straight to the Board.

MS. ASHTON-CICKO: Well, that's why initially I was saying my recommendation was an objection or no objection to the changes, rather than going into a lengthy discussion, because certainly, you know, that could be raised as an issue, now that you are rehearing it.

CHAIRMAN STRAIN: By the way, these mics are absolutely terrible. Most of the time they are not picking everything up. What you just said didn't get picked up, and I don't know what it will take. So, anyway --

MR. VANASSE: Mr. Strain, if I could make one remark.

Our understanding, it's not an official recommendation. It's a comment that will be added to the record.

CHAIRMAN STRAIN: So we don't need a motion on it, is what you're saying?

MR. VANASSE: That's our understanding of the distinction.

MS. ASHTON-CICKO: No. You would need a motion on it --

COMMISSIONER EBERT: Heidi, we can't hear you.

MS. ASHTON-CICKO: I mean, if you're not going to take a motion then each one of you would have to make a comment because --

CHAIRMAN STRAIN: I think Andy brought up a really good point. I don't have an objection. As a matter of fact, I don't particularly like interconnections at all. I think private communities in the United

States of America have a right to be private. So this whole idea, to me, as an issue, is silly. But at this point I don't know how to amend this and not set a precedent.

I think Andy is a hundred percent right. You are going to end up opening up a can of worms that we are going to have every applicant coming in here for, saying, Well, you did it for this guy. We want to have your support and make changes going to the Board.

And, looking back, Andy, your argument is well made. I mean, I'm more thinking that's the right way to consider this than even getting into further discussion.

COMMISSIONER ASAAD: I think it encourages bringing this to our attention now instead of going to the Board of County Commissioners and bypassing the Planning Commission, and I think we're in agreement with them to the validity of the change. So we just want to find the proper way to facilitate and acknowledge that we have discussed it and we are in favor of it, if that's the decision, or against it.

CHAIRMAN STRAIN: Well, I think we would be better off just having the discussion.

COMMISSIONER ASAAD: It could be a commentary. I don't know. It seems like a good idea.

CHAIRMAN STRAIN: I think we would be better off having the discussion like we had. You heard what the record stated. You heard our discussion, and we'll just go on to the next item, and maybe we better not take a formal action on this.

I'm very concerned about what Andy had brought up, and I know the community attorney's office has been too. Consent is supposed to be consent, and there's not supposed to be a rehearing, and I appreciate you pointing that out.

MR. LEWIS: Commissioner Strain, Doug Lewis, for the record, Thompson Lewis Law Firm.

Just to echo the concern about the precedent that we're setting, what was unique about this particular experience, on June 2nd there was discussion by the applicant -- applicant presentation. There was an intention -- and I went back and reviewed the June 2nd tape, and there was discussion on your part that you would hear from the applicant and you would hear from the public and then we would come back to staff.

We did hear from the applicant. There was a sort of a large discussion. We discussed the lake issue. We came back and we had one public comment from a member of the public, and then we came back and addressed some of those questions that came up in the Public Comment section, and then the public meeting was closed. So -- and then you went into the recommendations, which were fine.

To your point, the staff report was included in the packet. It just wasn't discussed publicly. So, as a recommending body to your -- these issues that we're discussing today were not really properly vetted on the June 2nd hearing. And your ordinance does say that the staff recommendations, staff report, are presented.

Now, they were in the packet. I agree they were in the agenda. We just didn't have -- we didn't hear the commentary we're hearing today, which, I think, would be helpful to your deciding body.

So I understand your concern about a precedence, but this is a little unique.

COMMISSIONER SOLIS: Well, we're sitting as a quasi-judicial body and so this is a hearing. And if you are in a hearing and you don't raise an issue, the Court is not going to rule on it, if this was a judicial hearing. So what I understand is that, while it might have been something that the applicant wanted to raise, it wasn't raised in the hearing when the vote was taken.

I mean, that's -- you have either waived it or you have to bring it back. I believe --

MR. LEWIS: What we're trying to do is obviously provide a solid recommendation to your deciding body and --

COMMISSIONER SOLIS: Then I think it should have been brought off of consent, and then we can reconsider it again.

MR. LEWIS: Right.

COMMISSIONER SOLIS: But to use the consent agenda, which is just to make sure that the revisions that were agreed to at the prior hearing are actually in the document, as a rehearing, I just think it is improper. And if it's improper, it should have been brought up. It should have been brought up.

MR. LEWIS: The county attorney has made a recommendation. You'll have to make that decision as a Planning Board. The ordinance does require staff to make a presentation of report, and I guess in this form it was in -- it was attached as an exhibit, it wasn't discussed at the hearing. So that's kind of where the --

COMMISSIONER SOLIS: The staff --

MS. GUNDLACH: I can qualify that.

COMMISSIONER SOLIS: Yeah. The staff's report recommended these three revisions. And that's what we approved because it was never brought up to us that the applicant objected to that. So this is -- I mean, for me, this is not the right place to now be rehearing issues that were part of the application, were part of the packet and was part of what we approved.

MR. LEWIS: And, to be clear, we're not asking for a rehearing. I hear your point.

COMMISSIONER SOLIS: Well, that's what we're doing.

MR. LEWIS: We're asking for some guidance to make those recommendations to the body that will decide.

But I hear your point. I'll defer to your county attorney.

COMMISSIONER HOMIAK: I'm sure Nancy was just going to say that. At that meeting she gave her staff report and asked if you wanted her to read the stipulations -- I mean the recommendations, and you said no.

CHAIRMAN STRAIN: We all know how to read. The purpose of the staff report is not to have it reread at a public hearing, as I think you're insinuating, because, if it's not reread, it's not being presented. Well, that's not the way we accepted it or accepted it.

MR. LEWIS: And I'm not making light of it. I think that was part of why we didn't have a discussion, and, as we said, we did not raise that.

CHAIRMAN STRAIN: Well --

MR. LEWIS: And I understand that. Maybe one solution that we could proffer -- I think what I'm hearing from Mr. Solis is, you know, that this was noticed as a consent item. One possible option we could look at, if we wanted to do a rehearing -- again, we're trying to look at, is this information, is this discussion that would be helpful to the deciding body? And that's the threshold question. So --

COMMISSIONER SOLIS: Right.

MR. LEWIS: -- we would be open to having a rehearing on these two questions that we raised, to explore that so you can make a proper recommendation to the body.

So if you're amenable to that, we would be open to that as well.

CHAIRMAN STRAIN: Okay. Now, you do realize you will not be on the Board of County Commissioners' agenda until they get back from vacation?

MR. LEWIS: Sure.

CHAIRMAN STRAIN: That will put everything off until sometime in the fall.

So if you are asking for a rehearing to clear this up, we've already voted on consent, so we have a complicated --

MS. ASHTON-CICKO: We will have an advertised public hearing.

MR. LEWIS: From a time line, just so we can confirm, I think that, from a time perspective, we are on the September Board agenda. Is that accurate, from a time perspective?

CHAIRMAN STRAIN: I have no idea.

MR. LEWIS: So we've already made a request -- no. We are not on the July meeting.

So we would be requesting the Planning Board discuss these two items at their July meeting. We could readvertise, and then we would be on the Board in September, which is where we are now. So I think we're fine for the timing.

I guess the question is, do we want to provide that help to your deciding body on these questions?

COMMISSIONER ASAAD: I think we're offering you two choices. Either we forward it as a consent agenda item without any further action, other than the cleanup that the gentleman presented for the language, or you can readvertise the public hearing and bring it back to the Planning Commission at a full hearing and let us follow the regular schedule.

So in my view, Mr. Solis brought up a very good point. Needless to say, there is no proper way of dealing with it other than those two options, in my mind. And the choice is yours, so you take A or B.

CHAIRMAN STRAIN: Well, before we go that far, I would like to ask the county attorney's office how we can undo what we've already done this morning.

We're at a consent hearing. We vote on the consent hearing. Does that have to have an action to

undo in order to consider a rehearing as well?

MS. ASHTON-CICKO: Yes. You need to undo that, so I would --

COMMISSIONER EBERT: You need to talk to the mic.

MS. ASHTON-CICKO: Is it picking up now?

CHAIRMAN STRAIN: No. It's off and on. These mics -- hold it. Could I see -- could I see? Hold it back closer to your mouth.

MS. ASHTON-CICKO: The whole box?

CHAIRMAN STRAIN: The whole box.

MS. ASHTON-CICKO: All right. I got the green light.

CHAIRMAN STRAIN: Okay. And, if we're going to consider redoing it, the methodology to redo it would be to first undo the consent.

MS. ASHTON-CICKO: Yeah. We consider and then withdraw the consent.

CHAIRMAN STRAIN: Okay. That would be the first step.

The second step would be to acknowledge the applicant's request for a rehearing of the matter, and then we would have to decide if that rehearing is going to be limited to the two items that they are requesting, which we haven't heard the second one yet, or would it just be a rehearing in general, and then we would re-stipulate and revote and it would go forward after that.

Is that accurate?

MS. ASHTON-CICKO: Yeah. The question of setting it for a rehearing --

CHAIRMAN STRAIN: The mic is not working still.

MS. ASHTON-CICKO: The issue of setting it for a rehearing just on those issues is a little bit of a concern because it's either a rehearing or not a rehearing.

CHAIRMAN STRAIN: And that's why I'm bringing it up.

MS. ASHTON-CICKO: So you can say that your intent is that it would be limited to those, but if somebody brought an issue, it's technically a preliminary hearing.

CHAIRMAN STRAIN: But I don't like to advertise to the public and ask everybody to be limited in their discussion. I think if we're going to have a rehearing, we'll have a straight-up rehearing, clean everything up. The stipulations would be different because you've already benefited from the previous hearings' cleanup remarks. Theoretically the only issues that would be addressed are the two. But I don't think it's fair to limit that if it's going to go to a rehearing.

MS. ASHTON-CICKO: Correct. You can't limit it. You can say your intent is to discuss those three, but they can be totally reopened during the hearing.

COMMISSIONER EBERT: I have a question, Heidi.

On here, it says "potentially." It doesn't say "must." If it just went through potentially, and we -- they do the southern portion, I mean, if it's not a must -- I mean, it just says "potentially."

CHAIRMAN STRAIN: You're back on to the issue of what the applicant wanted us to address.

We're trying to figure out the process and the formality of the process first.

COMMISSIONER EBERT: But when it says, "potentially," which it did on all of these, can't we just leave it the way it is and --

CHAIRMAN STRAIN: That's up to the applicant.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Andy?

COMMISSIONER SOLIS: I agree with Mr. Asaad. I think the way our ordinances are set up is you can either choose to -- we've already voted on it. I just don't understand why, if you object to these provisions that staff recommended that were approved, you bring those up to the County Commission, unless you want us to bring this back, readvertise it, rehear the whole thing again. And I think this would be -- how many times have we heard this matter?

CHAIRMAN STRAIN: It's been continued a couple of times before this, so it's been quite a few.

COMMISSIONER SOLIS: Yes. It is certainly up to you. I just don't know why you would want to do that. But I think we have two options. We either rehear it at a later date, after -- and we rehear the whole application, not just these provisions, or it goes forward to the County Commission, and you can raise these

objections to the County Commission. I think it's pretty simple.

MS. ASHTON-CICKO: That's correct. Because there is an objection on the record, this will go to a regular public hearing. This will not be a summary agenda item.

MR. LEWIS: So I guess the question with this second option, is your intent to give any guidance on these issues to your deciding body, as your recommendation?

COMMISSIONER SOLIS: I'm not going to.

CHAIRMAN STRAIN: You know, listening to Andy's argument, I would have to agree with him. I would rather not open this up. We've never done that in the past.

COMMISSIONER ASAAD: They can read the minutes.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Well, that's exactly what I was going to say. There is going to be a copy of the minutes. We all talked about what we thought. All they have to do is take that portion of the minutes and include it in the packet and the Board will know exactly how we felt about it.

MR. LEWIS: Okay. Great.

On that note, can we move on to Item C then?

CHAIRMAN STRAIN: You can bring it up for our discussion and comment but we won't take any formal position on it.

COMMISSIONER SOLIS: But again, I don't think we ought to be doing that because it's the same thing without a vote.

MS. ASHTON-CICKO: I agree. I would just move on to the next agenda item, unless you want to schedule it for a rehearing.

CHAIRMAN STRAIN: It kind of defeats the comments made, that we just told the applicant he can use the benefit of our discussion of this item that's on the record to bring it to show the Board what we had discussed, but this is probably a bad habit to get into. I originally thought, if we could find a way to do it to accommodate, because the issues you were talking about would have been addressed and would have probably been handled in a manner that would have been beneficial. But at this point I think, without a rehearing, I would have to defer.

I think the rest of the Planning Commission is accurate in their statements and we should just stop at the time and move forward with the next hearing.

MR. VANASSE: Understood. We spoke to our client and the client is not inclined to a rehearing. So we will go to the Board of County Commissioners and address those issues with them, and we believe that they will be supportive of it, and we'll move forward that way.

CHAIRMAN STRAIN: Okay. Thank you.

With that let's move on to Item 9B because 9A was previously continued.

9B is Petition Number PUDZ-PL20140000890. This is an item continued from the June 2nd CCPC meeting. It's for the Onyx RPUD on Santa Barbara Road.

All those wishing to testify on behalf of this item, please rise and be sworn in.

(All speakers were duly sworn.)

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

Start with Tom.

COMMISSIONER EASTMAN: None.

COMMISSIONER CHRZANOWSKI: None.

COMMISSIONER SOLIS: None.

COMMISSIONER EBERT: None.

COMMISSIONER ROMAN: None.

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: And I have had a couple of discussions with Mr. Anderson, I believe, one of the gentlemen who is representing the applicant.

So, Bruce, I've got the entire submittal you've made up on the overhead. This is a little different than the last one. It's not a consent so it's not necessarily an open and close. So I'll move to any pages you would like and proceed to help you with it. Since we don't have access to the media elements for you, hopefully this

will work for you.

MR. ANDERSON: Thank you, Commissioners. My name is Bruce Anderson, Cheffy Passidomo law firm. And my cohort, Mr. Hancock, had a previous family obligation and couldn't be with us today, but in his place I'm very ably assisted by Josh Philpott. He's a certified planner with Stantec, and his background is years of service with Lee County and the Lee County Port Authority.

You all can read as well as I do. I won't insult your intelligence. All of the changes are in here. You have both a clean version and a strike-through and underlined version, and I'll be happy to answer any questions that you have.

CHAIRMAN STRAIN: Okay. For the Planning Commission's benefit, the pages in your strike-through version I've put on this overhead. It basically shows what you've got in your packet. I didn't know if you have any questions. I can turn to any page if the Planning Commission has any issues.

(No response.)

CHAIRMAN STRAIN: Bruce, this particular footnote page, I'm assuming, when you go to the clean version, two becomes one and the numbers correspondingly correct themselves?

MR. ANDERSON: Yes.

CHAIRMAN STRAIN: Anybody from the Planning Commission have any questions or comments on this? This is a re -- this is a continuation of a hearing, so we've not voted on this one yet.

There is one issue that has come up, and it involved a conversation that I had had with the applicant from a while back, in the development standards table, and it's this issue under Accessory.

Structures set back from landscape buffer easements is zero. So that means accessory structures can go up to most of the buffer regions, which are 150, or whatever feet wide they are required to be. That's not unusual, but in this particular case we have one buffer that is up against Santa Barbara. It's a 20-foot Type E buffer right here. And I had spoken to Mr. Hancock a while back about two things.

If you recall, on a previous master plan they had asked -- they had it called out 60-foot right-of-way width here, with a note down here that they could come in and ask for a reduction from staff.

I suggested to them, Why don't you ask for the typical deviation -- Mr. Assad would probably love this -- to go from the 60 feet to 50 feet for an internal right-of-way, since it is on a public road, and that will give you ten extra feet to be a little bit farther back from the Santa Barbara buffer. Santa Barbara is a new six-lane highway in the community, and they have buildings close to Santa Barbara. Probably isn't as esthetically as -- better for the either the applicants or the traveling public. In that one buffer I found the justification to reduce the right-of-way by 50 feet and pick up the 10 feet and maintain -- on that standards table, maintain this 10 feet all the way across, would be helpful.

I don't see how it necessarily hurts the applicant. I'm sure they're going to come in and ask for a right-of-way reduction anyway, based on the intent of the last master plan. Had they done that, we wouldn't have gotten the benefit of having that 10 feet on the Santa Barbara side of the project, which I think would be beneficial esthetically.

So I would like to throw that on the table for discussion and see if anybody has any comments about it or if the applicant has any concerns over the issue. I just don't know.

MS. ROMAN: I think this is the first time we're seeing the site plan conceptually, the amenities that are up in the northern portion. When it first came before us, it wasn't in either the south or the north, and they hadn't decided.

CHAIRMAN STRAIN: That's correct.

MS. ROMAN: So that looks like a pretty large structure for that corner.

CHAIRMAN STRAIN: I think that it just indicates more of a reason to ask for THAT additional 10 feet for reduction of right-of-way.

MS. ROMAN: Certainly, or to reconsider putting it back into the southern portion, where it was presented to us before.

CHAIRMAN STRAIN: Actually, the location they picked, though, for the neighborhood's benefit is probably better for the neighborhood. So they could put it there. Probably going to see a better compatibility issue with the neighborhood itself.

MS. ROMAN: That's a good point.

CHAIRMAN STRAIN: Now, if the Planning Commission were to consider this, and if the applicant didn't object, I happen to have the language and the deviation number in the cross-section on the plan, to give you an idea of what could happen. This deviation is a typical one that has been used in others. I just took it and put it here. And the -- that would involve adding language to Deviation No. 3 similar to what's here, adding a cross-section similar to what's here, because they've got sidewalks on both sides of this one, and they have the option already stated elsewhere to have a sidewalk only on one side, where there is no double cross.

You would have to make a notation to the development standards table. That should have had an asterisk, but I couldn't make one big enough. And the asterisk would be above the footnotes, and it would simply say: Accessory structures shall maintain a principal structure setback along Santa Barbara Boulevard.

That means they get the zero setback to any other portions of the project, where it's applicable, except Santa Barbara would have the additional 10 feet. And that would come about because of the reduction of the internal roadway from 60 to 50 feet, which would probably be a good justification for such a request. So I don't know how that sits with the Planning Commission.

I certainly would like input from the applicant to know how that sits with you.

MR. ANDERSON: That's acceptable to us. Yes, sir.

CHAIRMAN STRAIN: Then I'll get with staff in a minute.

Planning Commission members, do you have any comment?

COMMISSIONER ASAAD: I think that's a good idea.

CHAIRMAN STRAIN: Thank you.

CHAIRMAN SOLIS: I agree. I'm in favor of that as well.

COMMISSIONER ROMAN]: And that would be a 30-foot distance, Mark, when you look at it?

CHAIRMAN STRAIN: Well, you would have a 20-foot buffer, but your 10-foot setback in that location would provide to all structures along Santa Barbara. Thank you.

Okay. Anything from the -- Josh, do you have anything you want to add? You have to identify yourself for the record.

MR. PHILPOTT: For the record, I'm Joshua Philpott with Stantec representing the applicant.

Just one notation to account -- and I think you captured the intent with your asterisk -- is that along Santa Barbara, the rear setback for principal and accessory structures are 10 feet from the landscape buffer.

CHAIRMAN STRAIN: Right.

MR. PHILPOTT: And just making sure that that notation is inclusive of the -- if you bring up the table, the line just above the star where it says rear yard, minimum internal setbacks, the rear yard, and have that asterisk also apply to those, the rear yard setbacks.

CHAIRMAN STRAIN: I'm not following you. I'm sorry.

MR. PHILPOTT: So the -- having the -- because of that property line along the lake landscape buffer area, that's the rear property line.

CHAIRMAN STRAIN: The rear property line abuts the inside property line of the 20-foot LDE.

MR. PHILPOTT: Correct. And, just making sure that we understand that that's 10 foot from that landscape buffer easement, and there's no issue in the future.

MR. BELLOWS: And that's for accessory structures, not for principal structures. The principal structure requires a 20-foot setback.

MR. PHILPOTT: I don't believe that's the intent.

CHAIRMAN STRAIN: No. That's the -- thank you for pointing it out.

MR. PHILPOTT: Right.

CHAIRMAN STRAIN: He's saying it right, but there's some tweaking needed to the language to get there, because the accessory structure setbacks are all 10 feet, and what the intent was that they would be kept at 10 feet, through that asterisk that is right there.

And so it's not principal structure. We just simply need to say: All accessory structures maintain a 10-foot setback along Santa Barbara Boulevard from the LDE.

MR. PHILPOTT: Right.

CHAIRMAN STRAIN: That will get us in.

MR. PHILPOTT: And I believe that applies to the principal as well.

CHAIRMAN STRAIN: Well, the principal -- no. The principal is 20 feet.

MR. PHILPOTT: Correct.

CHAIRMAN STRAIN: The principal stays the same. The error in my language, which I did this morning before we walked in -- so I'm glad you caught that -- instead of maintaining the principal structure, it's not -- 20 feet isn't the intent, 10 feet is the intent. Regardless of what your other accessory structures are, it's 10 feet. This one will be 10 feet as well, from that LDE in that location.

MR. PHILPOTT: Then, with the inclusion of the deviation, it works. We're good.

CHAIRMAN STRAIN: Okay. So the deviation works for the 50 feet. This asterisk needs some cleanup.

Eric, you would be the one to be responsible to make sure the cleanup comes in effectively, because we're trying to make this particular hearing both a consent and final.

Is there anything you need further clarification on?

MR. JOHNSON: Yes, there is.

Mr. Chair, would you kindly put the master plan back on the screen?

All right. So it's my understanding that if Santa Barbara is over here, there's a 20-foot wide buffer; is that correct?

CHAIRMAN STRAIN: That's correct.

MR. JOHNSON: And that 20-foot wide buffer would be platted as a separate tract; is that correct?

CHAIRMAN STRAIN: Yes.

MR. JOHNSON: Okay. This also is a landscape buffer that has to be acknowledged, and this would only be 10 feet wide; is that correct?

CHAIRMAN STRAIN: I don't know what the width of that one is offhand. Planning staff would probably ask you that question. Is that going to be -- what is the length of that buffer?

MR. JOHNSON: I believe it's 10 feet. I could look at it, but it's at least 10 feet. The reason I'm bringing it up is, I want to make sure that, number one, I understand everything, and, number two, everyone else understands everything.

So we're talking about two different landscape buffers?

CHAIRMAN STRAIN: No, only one landscape buffer. We're only talking about this one right here, the Santa Barbara landscape buffer. That's the only one that's part of the suggested change to the development standards table and the asterisk noted.

So the question I have is, how far back would the accessory structure be from the platted portion of the landscape buffer?

MR. BELLOWS: Along Atkins?

CHAIRMAN STRAIN: No, not on Atkins. We're only talking about Santa Barbara.

MR. BELLOWS: I think we're clear on Santa Barbara. I'm mean, does the same 10 foot apply to Atkins or can they go zero on Atkins?

CHAIRMAN STRAIN: I don't know. If the buffer is there, it's there. I don't -- I didn't see that as an issue. Atkins is not even being developed, is it?

MR. BELLOWS: It could be in the future. I was just wondering --

CHAIRMAN STRAIN: It was -- the street --

COMMISSIONER ASAAD: I think they should be set back 10 feet from both.

COMMISSIONER ROMAN: I think it should be consistent.

MR. BELLOWS: That's the reason I'm asking. We just want to be clear, as staff.

CHAIRMAN STRAIN: Okay. So the suggestion from Charlotte and Mr. Asaad is that --

COMMISSIONER ASAAD: The accessory structures be set back at least 10 feet from the buffer easement.

MS. ASHTON-CICKO: So it would be along Atkins and Santa Barbara?

COMMISSIONER ASAAD: Yes.

CHAIRMAN STRAIN: Now, looking at this buffer here, it's portrayed as the same width as this here. This is called out at 20 feet. That's just not called out.

Is there any reason why we think that's 10'?

COMMISSIONER ROMAN: It's listed on my diagram at the top. "10-foot Type-E buffers."

CHAIRMAN STRAIN: Oh, there it is. Sorry. It's kind of muttered out, but that's odd. Your 10-foot Type-E buffer is that dotted line, but that line right there is your building line.

MR. JOHNSON: That represents the building setback. Right. The concern is, if the accessory structures have a zero setback, then it actually would be closer to that line than to that line. Sorry, I'm shaking.

So this is a 10-foot-wide buffer. The accessory structure setback is zero feet, according to the land development table. And so what I wanted to do is get some clarification as to where the accessory structures would be in relation to Atkins Avenue, as well Santa Barbara.

So we've already figured out with Santa Barbara that there's going to be a 20-foot wide landscape buffer. The principal structure would be set back 20 feet from the interior line of that landscape buffer, but -- well, actually, yes, because you have this road here called Minimum Internal Setbacks.

CHAIRMAN STRAIN: Eric, if we're working just on the accessory structure from the LDE, which is right here, and it's all 10 feet but the principal structure can go closer, what's the advantage to that? Because the principal structure is a side yard, which there can be a side yard in Atkins, IS going down to zero even in that location. So you have a problem with the accessory but you didn't have a problem with the principal going down to zero there?

MR. JOHNSON: I just wanted to get clarification.

CHAIRMAN STRAIN: Well, so do I. I'm trying to find out why the accessory is more problematic than this particular element here, for example. I mean, it would be -- are you going to have your rear -- the way you've laid this out, that looks like the rear. That looks like it's going to have to be a side yard there.

MR. JOHNSON: That would probably have to be a side yard, because I believe that all the frontage would be along this internal right-of-way.

CHAIRMAN STRAIN: Right. That's how the sidewalk deviation applies. So if you do that, then you end up with -- if that's a side yard and if it's normally 20 feet but it goes down to 6 or 0 feet on one side, so you're 6 feet off, that's why the 10 feet for the accessory structure didn't look bad. And if you put zero here it's going to be the same as a zero here.

MR. JOHNSON: Well, it may be zero there but on the graphic it has that 20-foot setback line.

COMMISSIONER ASAAD: If you put Exhibit B -- what happens if you remove that zero and you replace it with a 10'? Wouldn't that solve all the questions?

MR. JOHNSON: Yes, it would.

CHAIRMAN STRAIN: 6 feet or 0 on one side and 12 feet on the other. So now we say 6 feet or 10 on one side.

How does that work?

Josh, I think what happened is your plan -- and this is a good point. This plan is -- you have a 10-foot buffer but you've already accepted a 20-foot setback. So all we need to simply add is an annotation that along here the setback will be 20 feet as shown on the master plan, along the future Atkins extension.

MR. PHILPOTT: I think we're okay with that.

CHAIRMAN STRAIN: That's what you put forth.

MR. PHILPOTT: Correct.

CHAIRMAN STRAIN: It does not say that anywhere.

MR. PHILPOTT: Correct. So I think the -- as shown on the -- I think the issue with the 0-foot setback on Exhibit B is for zero lot line units. Those are typically done with a larger setback or all of the setbacks on one side and --

CHAIRMAN STRAIN: Right.

MR. PHILPOTT: -- located on the other property line. With the 20-foot setback, if we go back to the master plan, I think it actually complies with the intent already, in that the structure will be 10 feet from the landscape buffer easement along Atkins. So we have a 10-foot buffer along with a 10-foot setback. That's 20 feet.

CHAIRMAN STRAIN: And I think the problem is that this 20-foot -- this 10-foot setback on top of the 10-foot buffer or a 20-foot setback from Atkins needs to be memorialized in language, and it's not. It just

shows up on this plan.

MR. PHILPOTT: And I think that's an easy clarification.

CHAIRMAN STRAIN: I don't disagree, but I think that's the clarification, Eric, that you have been trying to look for.

MR. JOHNSON: In essence, partly, yes. I just wanted to get clarification from the overall scheme. Staff's biggest fear was that the accessory structures would have been too close to Santa Barbara. But then, after the discussion about reducing the width of the right-of-way, obviously we haven't seen -- or staff hasn't been able to review everything, and then you were kind enough to show the 50-foot-wide right-of-way. I think Ray is in favor of that.

MR. BELLOWS: Yes. The revised cross-section, I think, will work for us, and we would like to see something like that added to this application, plus the clarification that the accessory structure setback is 10-foot from any landscape buffer easement. I'm fine with that.

CHAIRMAN STRAIN: Okay. 10 feet from any landscape buffer. That would fit the Santa Barbara issue we have that you are getting the deviation from the right-of-way for, and we'll also match that up with this master plan, so we wouldn't have to worry about annotating that 20 foot anywhere. It's automatic. It would be 10 feet past the LDE. So anyway, it fits.

MR. PHILPOTT: Correct.

CHAIRMAN STRAIN: So, from your perspective, it doesn't cause you any concerns from your master plan issue and planning issue, from what I can see; is that true?

MR. PHILPOTT: Correct.

CHAIRMAN STRAIN: I know you're hesitating. I didn't state that as clearly as I wanted to.

MR. JOHNSON: May I interrupt for a moment? On the land development table --

CHAIRMAN STRAIN: I'm getting to it.

MR. JOHNSON: Thank you. This used to say "lakes" and then we had a change from "lakes" to "setback" to "landscape operation." I'm wondering if this is even needed, this row.

CHAIRMAN STRAIN: Well, I'm not sure, on the fly, that whole row is a good idea to take out. If it isn't needed and it's there because of the changes we're making, I'm not sure that hurts.

MR. JOHNSON: Well, actually, I may have answered my own question.

Along Santa Barbara we've got a 20-foot-wide landscape buffer, and then what this road does is it says anything, whether it be a multi-family, single-family, or amenity center or any principal building would have to be another 10 feet away from that interior landscape buffer. So, in essence, you're creating a 30-foot setback, and I think that's what Ray and I agree to.

CHAIRMAN STRAIN: Right. By making this -- by this asterisk on the end, and now with the Atkins issue, I think accessory structures will be 10 feet across the board because there is -- the only two buffers are Atkins and Santa Barbara. So that whole table, the asterisk goes away. It goes 10 feet there, and there isn't a need then for any additional language because it's automatically met.

MR. PHILPOTT: Correct.

For the record, Joshua Butt.

Just one thing -- and this is a discussion that staff and I had prior to the hearing, is just making sure that that rear setback along is Santa Barbara is the setback measured from the landscape buffer easement, not the rear. Again, we just discussed that.

MS. ASHTON-CICKO: I think you have some internal conflict here with your development standards table now because this landscape buffer easement setback of 10 creates a conflict with your setbacks from Sunset, Santa Barbara, and Atkins. If the whole perimeter is having a separately platted landscape buffer easement, now you've got internal conflict in your document.

CHAIRMAN STRAIN: What buffers do we have around those other two? We have a preserve area, we have a wall and we've got water management.

Are there landscape buffers around the east and south?

MR. JOHNSON: No, there are not. The landscape buffers are along Atkins and along Santa Barbara. If I may butt in again.

I think after the discussion of acknowledging there is going to be a separately platted landscape

buffer easement -- or landscape buffer, the internal lots that would occur in here, the rear of the internal lot would occur on the inside of the landscape buffer.

So, in essence, from Santa Barbara Road -- not the pavement, but the right-of-way, you have 20 feet plus another 10 feet.

CHAIRMAN STRAIN: That's what we already -- that's what we were saying.

MR. JOHNSON: And I think that works.

CHAIRMAN STRAIN: And, Heidi, your concern was with this, again, I mean, this table --

MS. ASHTON-CICKO: If it's only two roads that are affected, then that's fine.

CHAIRMAN STRAIN: Okay. Yes. This -- staff, please, jump in if it's wrong, but it looks like it's only Atkins and Santa Barbara.

MR. BELLOWS: I just also want to make sure that we're not having a conflict between a rear-yard setback of 20 feet, and then, where a rear-yard is abutting one of these landscape buffer easements, the applicant would contend that, Hey, we should only be abutting 10-foot instead of a 20-foot.

MR. PHILPOTT: And I believe that's exactly the point I was trying to make. I believe that's the intent of the discussion here, is to allow a 10-foot setback along the rear property line adjacent to Santa Barbara.

MR. BELLOWS: For principal structures?

MR. PHILPOTT: And accessory structures.

Actually, I'm sorry.

MS. ASHTON-CICKO: No.

MR. PHILPOTT: You're right. 20 foot. So --

MR. BELLOWS: That's where I see a conflict in the language that they have up there.

MR. PHILPOTT: I apologize. Because of these internal setbacks, you have a rear yard 20 feet, 20 feet, 20 feet. So what that means is, you have a 20-foot-wide landscape buffer along Santa Barbara, and then you have the 20-foot setback for each of these types of uses. So you are actually going to be creating a 40-foot setback.

MR. BELLOWS: Or reverse.

CHAIRMAN STRAIN: No. The way this reads is you have a 20-foot setback as a standard right here. But if it's against an existing LBE that's plotted, and the LBEs are 20 feet along and 10 feet along the other side, you have only 10 feet, not 20, because the LBE itself is 20 feet. That's the way, I believe, it's --

MR. PHILPOTT: Correct. That's the clarification I was attempting to make.

COMMISSIONER EBERT: We're not hearing you.

MR. PHILPOTT: Oh, I apologize.

That was the clarification I was attempting to make, and I agree. It's the 20 feet of landscape buffer plus 10 feet.

CHAIRMAN STRAIN: It's about 10:30, so, for the court reporter, let's take a 15-minute break.

Why don't you get together with Ray and Eric and try to figure this out so that the Planning Commission can be told a story that everybody is on the same page?

Okay. Let's take a break and we'll come back at 10:40.

(A recess was taken.)

CHAIRMAN STRAIN: We've resumed the meeting after the break, and hopefully during the break, the great minds of our planning department and Bruce Anderson got together and came up with a solution.

So who wants to talk first?

MR. PHILPOTT: I will. I will try and resolve this. And I think -- during the discussions, I think we all kind of agreed on the concept. I think the issue was trying to make the clarification or communicating what we were intending. And the intent -- and Mr. Strain, can I ask you to go to the master plan, please?

The intent is to have an effective setback from Santa Barbara for principal and accessory structures of 30 feet. As it shifts to Atkins that will go to 20 feet. Staff and the applicant have agreed to that.

To make that -- to make those changes into the land development -- or, excuse me -- into the PUD ordinance, there are a couple of changes that we would like to include.

CHAIRMAN STRAIN: Okay.

MR. PHILPOTT: And can we go to the Exhibit B, the development standards table now?

There are a couple of changes. I'm going to try and use the laser. There we go.

To do so we are agreeable to changing the amenity center setbacks for Atkins to 20 feet; again, 20 feet for the accessory structures. And the row for landscape buffer easements, the final column would be 10 feet. And so that would effectively give all structures along Santa Barbara a 30-foot setback. That would be inclusive of a 20-foot buffer, as well as a 10-foot setback from the perimeter. And then from Santa Barbara, a 10-foot buffer with a 10-foot setback from that -- or excuse me -- yes. Correct. Atkins 10-foot buffer and a 10-foot setback in addition to that buffer.

One thing to note is that Atkins is currently only an easement. It's not constructed at all. The only portion that is going to be constructed currently is the portion proposed to access this property. And so, as far as compatibility issues, there really isn't a compatibility concern there.

But those are the changes that we discussed, and if there are any questions, I'm here to answer those, or if staff has any corrections.

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Go ahead, Eric.

MR. JOHNSON: I just wanted to reaffirm that along Santa Barbara the effective setback will be 30 feet and along Atkins Avenue it would be 20 feet. Correct?

MR. PHILPOTT: Correct.

MR. JOHNSON: Mr. Chair, if I may also make a statement about trees. With -- if each lot is plotted as a single lot, there is a requirement that there be at least one tree per lot. And I have discussed this with the applicant, and he understands the situation, and I just would like to get him to state on the record that, yes, at a time when it's appropriate, either at planning or STP, that there will be at least one tree per lot.

CHAIRMAN STRAIN: Isn't that a requirement of the LDC?

MR. JOHNSON: That is correct.

CHAIRMAN STRAIN: Isn't it the staff's job to enforce the LDC in the reviews, with the exception of the deviation language in this PUD?

MR. PHILPOTT: Correct.

CHAIRMAN STRAIN: So do we have to separately ask each applicant to restate their affirmation for every element of the LDC?

MR. JOHNSON: No, Mr. Chairman. The reason I was asking was because, during the review process, the applicant was kind enough to provide a tree exhibit. For one-car garages, the trees would have been in the front yard and for two-car garage lots, the trees would have been in the backyard. So I wanted to make sure there was enough room in the backyard for one tree.

And, obviously, these kinds of things would be addressed, certainly, at the time of planning or STP. But I wanted to have that on the record. That's all.

CHAIRMAN STRAIN: I think you made it on the record. I don't think it's needed to have the applicant reaffirm each element of the LDC that comes into question. They have to submit a document that is consistent with the LDC. It's your job to make sure it is -- or the reviewers in the STP section to make sure it is.

So, with that, we basically boiled the two issues down to be, we're going to correct the table here, and any subsequent language necessary to have an effective setback on Santa Barbara of 30 feet and an effective setback on Atkins of 20 feet. That will be a combination of either landscape buffers or setbacks. Either way, that's the keynote, 30 and 20, and everybody is on the same page on that.

So the needed changes of this table and any footnotes would have been made to that effect.

Are we all in agreement with that?

MR. PHILPOTT: Yes, sir.

CHAIRMAN STRAIN: Okay. And is there anything else that needs to be discussed?

Oh, first of all, the addition of this particular deviation in that Section AA, are there any concerns from anybody with adding that to the PUD so that we effectively work out the situation where we increase the setback from Santa Barbara?

MR. PHILPOTT: None from the applicant.

MR. JOHNSON: It's good with staff.

CHAIRMAN STRAIN: Okay. So those are the changes so far. We're going to be adding this particular language and this cross-section. We're going to indicate the effective setback from the two roads.

Is there anything from the Planning Commission's perspective, after reading this revised document? I have just one item, and that is, under Public Utilities, Number 1, why is that language there? I mean, it's a redundant element. It's required by code, so why -- we don't really need it. I would rather just have that eliminated as redundancy and just make Number 2 one, and make that additional correction while we're at it.

Do you have any problem with that, from the applicant's side?

MR. PHILPOTT: No. Again, its an LDC requirement, as you stated. We will comply.

CHAIRMAN STRAIN: How about Ray? Do you see any reason why this needs to be here?

MR. BELLOWS: No reason.

CHAIRMAN STRAIN: Okay. So then we basically have -- that's the last item I saw based on the corrections you all submitted.

Anybody from the Planning Commission have anything else they would like to add or discuss?

Staff, I think you've complied with the staff report. Is there anything you wanted to add?

MR. JOHNSON: Yes, Mr. Chairman. There's a few items I would like to bring up.

Because the -- there's going to be gates on -- along Atkins Avenue, the thought process is that Atkins Avenue will have to have adequate turnaround at the easternmost gate. That could be addressed at the time of planning or permitting -- planning or STP. I just wanted to make sure everyone was aware of that.

Also, my colleague in the fire discipline wanted to make sure that the roadways, the pavement is at least 20 feet wide, which I think it will be, according to that cross-section that you had. The cross-section showed 12 feet.

CHAIRMAN STRAIN: Is there something in the Code that would allows it to go less than 20 feet wide?

MR. JOHNSON: I'm not sure.

CHAIRMAN STRAIN: Well, then, okay. You might want to pass along to the fellow in the fire department that it's already part of Code, and they're going to meet the Code. It would be more helpful to know what issues they may be asking for that wouldn't be part of Code that we might have missed. Okay?

MR. JOHNSON: Okay. What I also wanted to bring up was the landscape material that would be behind some of the units in the interior units. There was some discussion about it being Type D landscape -- D, as in delta -- and I just wanted to make sure that everyone understood that a Type D landscaping -- and I'll point to it right here. There's a requirement that it be installed at 24 inches but maintained at 36 inches.

So the way I interpret that is, if it's going to be maintained at 36 inches, that's the maximum height that that landscape material can be. I don't think that was the intent of anybody here.

CHAIRMAN STRAIN: And I believe -- I thought the intent of this Board, because the applicant needed to allow sidewalks to be removed in those areas, to justify that request, they said they wanted to put landscape material in. I didn't really care how they maintained it in that regard, as long as it was installed with the number of trees and the shrubs that are required, so if the homeowner wanted to go and let the hedge grow a little higher, to me, it would have been a good thing for them.

So if there is need of correction, that the maintenance of that landscape material wasn't the issue but it was the planting of that material that was the issue, I'm fine with making this correction, if that helps staff.

MR. JOHNSON: Yeah. That would help.

So, yes, that's what I wanted to address, this landscape material. We didn't want to -- we wanted to make sure that the eventual homeowner wasn't restricted to just 36 inches in height. So I'm glad that will be addressed.

And then the wall that will be here along the preserve, everyone knows, and it's per the Code, that it has to be at least 5 feet away from the preserve. So I just wanted to state that.

That's all I have.

CHAIRMAN STRAIN: Okay. Thank you for the clarifications.

Is there anything that the applicant has in deference to those comments?

MR. PHILPOTT: I don't believe so.

CHAIRMAN STRAIN: Any members of the public here to speak to this matter?

(No response.)

CHAIRMAN STRAIN: Okay. What I would like to do is, first of all, does the Planning Commission have anything else?

(No response.)

CHAIRMAN STRAIN: Hearing none, we'll close the public hearing.

I want to read five corrections that need to be made -- or clarifications, make sure everybody understands them. And it is consistent with what happened at the last hearing, the one just before you. I want to make sure you heard everything or if there is anything you want to add on this presentation today.

Additional comments reflective of what you submitted are the following:

There will be a 30-foot effective setback from Santa Barbara, and the changes needed to be made to the Exhibit B will be made accordingly.

There will be a 20-foot effective setback on Atkins. Same application, changes made to Exhibit B accordingly.

We're going to remove Item No. 1 from the public utility paragraphs. We're going to add a deviation number in the cross-section that was talked about here, and you're going to clarify the maintenance on the non -- on the non-buffer material being used in the back of the lots for the sidewalk deviations, and maintenance meeting regulated for height and things like that.

Anybody have any need for further clarification of those items or any questions?

(No response.)

CHAIRMAN STRAIN: So the applicant, those are along the lines that you understood; is that right?

MR. PHILPOTT: Yes, sir.

CHAIRMAN STRAIN: Okay.

Planning Commission, any further discussion on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a motion? And the motion is either approval with the stipulation -- approval or none.

COMMISSIONER HOMIAK: I make a motion to approve.

CHAIRMAN STRAIN: Motion made to approve the stipulations just listed.

Is there a second?

COMMISSIONER SOLIS: Second.

CHAIRMAN STRAIN: Second made by Andy.

Discussion?

All those in favor say "aye."

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER ASAAD: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Aye.

Opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Unless there is a motion made to come back and consent, this one is -- was hopefully going to be accomplished today.

And there being no consent, I don't see a need for consent. I think staff has got a clear understanding of what's going on. So does the applicant.

So, without any Planning Commission member requesting consent, we'll just move on. Okay?

Thank you very much, gentlemen --

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: -- for your assistance today, which takes us to Old Business.

Is there any old business to bring up?

COMMISSIONER CHRZANOWSKI: I have a question. Bruce may want to hang around for this.

That senior housing project we had last week -- two weeks ago --

CHAIRMAN STRAIN: Yes. That's off of Learning Lane.

COMMISSIONER CHRZANOWSKI: I took a look at Learning Lane, and the amount of exotics along Learning Lane is incredible to the parcel to the north. When they clear that, I told those people I don't think you're going to see your project. It's not going to look that bad, but when they clear the other side there is something called "edge effect."

When you clear around a preserve, it opens up the edge to different humidity and moisture and vapor pressure and all that, and the vegetation is different. Well, you look along that whole edge, and you can't see through there too well because it's -- when they pull all of that out -- and there's a lot of it, a lot more than I realized the first time -- when they pull all that out, you're going to be able to see through there.

And, Heidi, would it violate anything if I went to somebody like staff or the Board or something and recommended that they don't take out all the exotics the first time until they see what the area looks like? Because I've been down this road before, where they clear an area and all of the neighbors come in and say, It's not -- you know, We can see right through there. There is nothing left. It's all exotics.

MS. ASHTON-CICKO: So your question is whether --

COMMISSIONER CHRZANOWSKI: My question is, does it violate anything for me to go to staff or the Board at the hearing and say, I don't think the exotics should all be removed as one shot, like we would normally require? Let the area grow in from the other side so it blocks the view.

MS. ASHTON-CICKO: I think what you're suggesting is a Land Development Code amendment to change the clearing of the exotics.

COMMISSIONER CHRZANOWSKI: No, no. Just on this one parcel. Just put off the clearing of the exotics until a sufficient buffer has grown in to where you can clear the exotics without decimating the entire area.

CHAIRMAN STRAIN: I think the request gets into a couple of different issues.

First of all, the Land Development Code requires the exotics to be cleared, so you're looking at a deviation that wasn't asked for in the planning. Stan was on the Planning Commission and voiced his concerns and questions over the project. I think what he's asking for, he wants to go outside of this forum and go directly to the Board, or whoever, with a position that he believes is a better position in regards to the neighborhood for those exotic issues.

Is that --

COMMISSIONER CHRZANOWSKI: That's right.

CHAIRMAN STRAIN: -- a fair statement?

COMMISSIONER CHRZANOWSKI: Right.

CHAIRMAN STRAIN: In effect, he would be -- he wouldn't be as a Planning Commission member, because he's not endorsed by us to do such things, and I don't think it's a habit we would even want to get into. It's more like a lobbyist position for what he believes he wants to do in his approach to this project.

It's something that the Planning Commission had asked about long before you came on Board, which was quite a while ago, and the Board of County Commissioners each gave us our position. It more or less became our ability to express ourselves to the Board.

Personally, I could go before the Board and talk about every single item, but I don't think it's appropriate for me to do that, inconsistent with the way the rest of the Board members vote. So whether I agree with the Board or not, I stick with the Board members and I refrain from making any public attendance in front of those Board members.

And I would suggest that the rest of us do that, because it could get kind of dicey if each one of us wanted to go forward with our own things because we disagree with the rest or because we felt something was amiss. We have our forum here, and I would discourage it, although I don't know that legally it's an

issue.

COMMISSIONER CHRZANOWSKI: I won't do it, then. I don't disagree with what the Board said. I just -- I can see when those exotics get pulled out, those people from that project are going to scream holy hell in front of the Board.

And that's -- you know, I guess that's none of my business, so -- and you might not even want me to do that, so I won't.

CHAIRMAN STRAIN: I just --

COMMISSIONER HOMIAK: Thank you for your comments, Bruce.

MS. ASHTON-CICKO: I think it's more appropriate to make -- I think it's more appropriate, as a planning commissioner, that you make a countywide recommendation and not so much site specific. So I agree with Mr. Strain.

COMMISSIONER CHRZANOWSKI: Well, this is very site specific. I wouldn't do this on another project, because I have a -- okay. That's over.

CHAIRMAN STRAIN: Anybody else have any other business at this time?

COMMISSIONER CHRZANOWSKI: Yeah. One thing.

I saw an article in the newspaper on sea-level rise. Are we ever going to discuss that?

CHAIRMAN STRAIN: Mr. Bozie is the actual person in charge of sea-level rise from Collier County, from what I understand. And, since he's sitting in the audience dying to talk to us about something --

COMMISSIONER EBERT: He's been quiet all morning.

MR. BOZIE: Mike Bozie, planning and zoning director.

It's been incorrectly labeled to me that I'm somewhat the person in charge of sea-level rise in this county. I'm the planning and zoning director. Of course that could be a component or an element for growth management goals, policies, objectives, but certainly could be development regulations that are adopted within our LDC. But as of now we've been -- at least attended an initial meeting from a project for University of Harvard to engage Collier County in the activity of setting sea-level rise and its potential effect on the County and the contemplation of some measures to be able to address, or at least try to effectuate some positive change into that issue of sea-level rise.

Right now it's only a proposal. Eventually it will be brought to the Board of County Commissioners, once there is more formality towards it, and the Board will provide direction.

Other than that there are no initiatives that are undergoing related to sea-level rise, in terms of the comprehensive planning staff, looking out.

We do have our policies that limit density with coastal high-hazard area and policies within that future land use element that dictates that we want to minimize our infrastructure allocation within the coastal high-hazard area because of the potential for flooding and sea-level rise. But, other than that, there is nothing in terms of specifically directed by the Board of County Commissioners for our planning department to undertake, other than to engage with the Harvard projects, so to speak, in terms of what -- the specifics of what they're asking for and bringing a report back to the Board of County Commissioners and see if they want to move forward.

CHAIRMAN STRAIN: I knew you would have the answer, so thank you.

COMMISSIONER HOMIAK: I just would like to add that I attended that initial working session at the botanical garden on the sea-level rise with the Harvard project presenters, and my understanding is that the decision makers are weighing whether there are funds available to participate in the study.

CHAIRMAN STRAIN: Thank you.

Stan, does that answer your question?

COMMISSIONER CHRZANOWSKI: It does, thanks.

CHAIRMAN STRAIN: Anybody else have any new business? Public Comment. There is nobody. So before we adjourn I do want to thank the Planning Commission for helping. This is a little bit awkward place to hold our meetings, but I found it to be a very productive day.

And, Andy, especially thank you for your comments on the first and second. That reinforces the position that we need to maintain all along. So I certainly appreciate it.

With that, is there a motion to adjourn?

COMMISSIONER EBERT: Motion to adjourn.
COMMISSIONER HOMIAK: Second.
CHAIRMAN STRAIN: Seconded by Karen.
All in favor, say aye.
COMMISSIONER CHRZANOWSKI: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER SOLIS: Aye.
COMMISSIONER ASAAD: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER ROMAN: Aye.
CHAIRMAN STRAIN: Aye.
Thank you.
(Proceedings adjourned at 11:00.)

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:00 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 7-21-16 as presented _____ or as corrected .

TRANSCRIPT PREPARED ON BEHALF OF
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BY ELIZABETH M. BROOKS,
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