

July 21, 2016

TRANSCRIPT OF THE MEETING OF
THE COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, July 21, 2016

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark Strain
Wafaa F. Assaad
Stan Chrzanowski
Diane Ebert
Karen Homiak

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Nancy Gundlach, Principal Planner
Scott Stone, Assistant County Attorney

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, July 21st meeting of the Collier County Planning Commission.

If everybody will please rise to be sworn in -- oh, for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Before we do roll call, you'll see a smaller number of people up here.

Previously Andy Solis resigned to run for County Commission, and just last week Charlette Roman's -- and I said "Charlette Roman" and "Charlette," which I'm sure if she was here, she would tell me I said that wrong.

She resigned to run for City Council in Marco Island. We will certainly miss Charlette, and our loss is the city's gain. So hopefully she's successful. She did an excellent job here, and always had good comments for what she was here for. I do appreciate her time on this commission.

And with that, we'll move to roll call by our secretary of those remaining.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman is absent.

Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Is present.

COMMISSIONER EBERT: Good.

Ms. Ebert here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Assaad?

COMMISSIONER ASSAAD: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. Addenda to the agenda. We have two scheduled items. No old business. No new business.

I do want to suggest under new business, have a discussion about the timing of our CCPC packets for some future work, and we'll do that after the public hearings.

Planning Commission absences. Does anybody know if they're not going to make it on August 4th?

(No response.)

CHAIRMAN STRAIN: Because we are down to the fine line for numbers of people, so I'm glad you're all going to be here. August 4th is our next meeting.

Approval of the minutes. The June 16th minutes were distributed electrically. If there's no changes, is there a motion to recommend --

COMMISSIONER CHRZANOWSKI: I have a little correction.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Page 9, it says, I'm fairly familiar with the area photographed and developed at Collier County. What I said -- and I tend to run my words together -- I apologize. I'm fairly familiar with the aerial photograph of developed Collier County. Minor point.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Thank you.

CHAIRMAN STRAIN: Karen?

COMMISSIONER HOMIAK: And on Page 26 where it has -- mentions the workshop attended by a commissioner, it says Commissioner Homiak, and it should be Commissioner Roman.

CHAIRMAN STRAIN: Commissioner Roman, okay.

COMMISSIONER HOMIAK: Yep.

CHAIRMAN STRAIN: Anything else?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a motion to approve subject to those corrections?

COMMISSIONER ASSAAD: So moved.

CHAIRMAN STRAIN: Made by Wafaa.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Ray, do we have any final BCC report? I believe they met for their last meeting before they went on vacation, right?

MR. BELLOWS: That was correct, the last meeting, but there were no land use petitions on that agenda.

CHAIRMAN STRAIN: Okay. Chairman's report: I have nothing to offer for that.

Consent agenda: We have nothing.

So we'll move directly into our two advertised public hearings. They're both for the same development. I'll read them both. We will discuss them both at the same time and vote on them separately.

***First one is DOA-PL20140002309. That's Pelican Marsh Development Regional Impact. That's for the development order.

The second one, as a companion to that one, is PUDR-PL20140002211. That, again, is the Pelican Marsh, but that's the PUD portion of it.

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

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

CHAIRMAN STRAIN: Okay. Let's start with disclosures on -- from Stan's side.

COMMISSIONER CHRZANOWSKI: I'm not sure I know where to start. It's been so long.

I'm pretty sure I talked to Patrick White a couple of times; maybe not in the recent past. I talked to Rich Yovanovich a few times in distant past and the recent past. I read all the newspaper articles. I brought them with me to make sure I got that right. I've gotten emails and visited the site, took pictures. I don't think I talked to staff. I think that's about it.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: Yes. I'm kind of like Stan this morning. I talked with Nicole Johnson, Brad Cornell, Rick Barber, Karen Ullman, Laura Leymen, Melissa Roberts, Steve Nagle. I spoke with Muriel Blaisdell of the Army Corps; Wilshire Lakes residents; Dan Trescott, regional planning; Mike Delate; Desmond Duke; and yesterday for the first time I called Rich Yovanovich, which is the first time here, and never got a return call back after the first call.

Thank you.

CHAIRMAN STRAIN: Well, this has been going on a long time. I believe that for the most part, I received a lot of the information that probably Stan was referring to when this came around the last time. Right after the last hearing, I talked to Ms. Joyce. Since then I've spoke to the applicant, and staff, of course. I think Patrick White may have talked to me since the last time.

But since this has been scheduled for today's hearing, I have not received anything relative to today other than those older references that happened before this new package came out. So unlike the rest of you, most of -- no emails. Oh, I had one email from a guy name David Robson in a discussion with the CDD for Pelican Marsh concerning the fact that they have not reviewed their water management issues in relationship to the permit this piece of property is adding. The email said they didn't have an objection; they just will look at it. And if they have a concern, they'll express it when it goes before the Board of County Commissioners.

So other than that, I've not had anything relevant to today.

Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich and nothing else but emails, but I think they're all included in our packet. They were from last time.

CHAIRMAN STRAIN: Okay. Wafaa?

COMMISSIONER ASSAAD: No communications with anyone, I received some emails, and that's about the size of it.

CHAIRMAN STRAIN: Okay. With that we'll go right to application presentation.

MR. ARNOLD: Good morning, Mr. Chairman and Planning Commissioners. I'm Wayne Arnold with Grady Minor, and I'll be presenting both projects today. With me, of course, Barry Ernst from WCI Communities; and Rich Yovanovich, the land use counsel; Mike Delate, professional engineer from our office who's handling the environmental and water management permitting; we have Jim Banks who's completed our traffic analysis; and Marco Espinar who's conducted the environmental analyses for the project and also the environmental permitting that's taking place concurrently with the zoning process.

So the application before you, we never, I don't think, got to hearing last time. We postponed this hearing, and we modified the application to actually add a little over 11 acres.

So what we're proposing to do is to amend the Pelican Marsh DRI and PUD to add about 43 acres located east of Livingston Road. It's adjacent to the west side of Wilshire Lakes and just north of the Marsala community which is part of the Pelican Marsh DRI and PUD.

Is this on?

MS. GUNDLACH: Yes, it is.

MR. ARNOLD: That sort of shows you the perspective of where the 43 acres is. I've highlighted in orange two areas that were brought in from the last -- since the last application, and those were brought in as preservation areas as part of our proposal.

This is a copy of the proposed master concept plan for zoning. On the extreme right side of that you can see we added an R1 designated area as well as more reserve, which is more commonly called preserve. But for Pelican Marsh the reserve area is the preserve designation.

So we've added those 43 acres. And WCI is proposing to build a maximum of 66 single-family homes on these 43 acres. We originally had 75 in our application. After meeting with some of the neighbor groups, WCI amended their request for 66 single-family homes only on this part of the community. And those are not new units to the DRI or PUD. Those are being shifted from the allocation that WCI controls for the Pelican Marsh community.

We've updated all of the acreages on the master plan to reflect the change in preservation areas. And it's not a straight add of the 11 acres. We're impacting a little over two acres for an access road to the site. Some of you who's been around long enough have probably heard of the landlocked properties, and this was the parcel that was.

This has been our conceptual master plan, and this reflects the single-family configuration, but you can see the access road that goes out to Livingston Road from the project. And its location was coordinated with both your transportation department and the environmental review agencies because it does cut through what's already recorded as a conservation easement to get access to the property.

This put it in a location that met your access spacing criteria to the best it could as well as then not creating a bifurcated preserve area, so there's only a few acres south of the access road that are in preserve, and you see one of staff's recommendations is for us to ask for a deviation because of the noncontiguous preserve that's being created. And I'll talk about that shortly.

We did meet with a group that was called the Save the Preserve group, and Mr. White stood and presumably will speak to it. But we discussed with them and made revisions, as I said, not only to the number of units but also some configurations that are in an exhibit that's in your packet that was called the buffer exhibit.

And I'll just point out that a couple of changes have been made that Mr. White's probably not aware of. But the draft ordinance that was prepared by the County Attorney's Office included an older version of that buffer plan. There was some clarifying language that was added at the request of the Save Our Preserve group that dealt with an issue of our westernmost buffer area and was simply adding language to clarify that we were adding a 6-foot-high hedge in lieu of a fence or wall, because the code under a Type B buffer allows

there to be any combination of such. Their request was that we specifically put in a hedge in that location.

But I'll point out a couple things on this exhibit, because I think it tells the story quite well. You can see the access road, and we've called out buffers. This exhibit morphed a little bit from where we originally started, because as we met with the Save Our Preserve group, we made a couple of what I think are pretty significant concessions.

In addition from reducing the unit count from 75 to 66 single-family homes, you'll note on the southwest portion of that exhibit we've limited the buildings to single story only in that location that's specified, and we also agree to a minimum 80-foot-wide buffer area to the south, and then we made the buffer verbiage that was added to reflect the hedge in lieu of a fence or wall.

But I think that tells the story of how we're related to our neighbors. This is consistent with the amended documents that have been submitted to the South Florida Water Management District and the Army Corps of Engineers with regard to those permits.

The DRI portion of this was reviewed by the Regional Planning Council, and it was recommended for approval. There were several recommendations that really resulted in only one new condition for the development order, and that was with reference to us trying to preserve more wetlands on site through the environmental resource permit and application that's pending.

We believe that this plan that shows the greater buffer area to the south and a small preserve strip across the north are going to meet their requirements for us having done that but, nonetheless, the Regional Planning Council did approve that.

I pointed out the one cleanup item on this exhibit that's here to reference the hedge reference.

Mr. Strain, when you and I spoke, you pointed out that on this exhibit and in reference to the language that's in the PUD document itself, that there really is no Marsala at Tiburon Golf Club. There's a Marsala residential community that's part of Pelican Marsh, and then there's a Tiburon Golf Club. So on this exhibit, the one you have calls out, where it says Tiburon Golf Club, it says Marsala Tiburon Golf Club. I moved the reference to Marsala separately to call it Marsala community further south where it is actually located.

And that change is a reference, and Section 2.16, Paragraph F, that also referenced the Marsala Tiburon Golf Course, and I would recommend we just drop the word "Marsala" from that reference, and it would just say the Type B buffer along the western property line abutting the Tiburon Golf Course rather than Marsala Tiburon Golf Course. So those are sort of the highlights.

We've held a couple different neighborhood information meetings because of the changes. I would say that the second -- second neighborhood information meeting was certainly a much more favorable meeting. And I just want to show an exhibit that we had there.

This is a side-by-side reference of exhibits where we started when we had the 75 units on the left, and then the revised development plan when you look at what happens when we've added the additional acreage to it as well as shorten the cul-de-sac to the southern leg of that to show additional preserve adjacent to the Marsala community and the Tiburon Golf Club.

So I think that just kind of puts it in perspective how it relates to Wilshire Lakes community and how it now relates to Tiburon Golf Club.

I don't really have a lot more. It's, to me, a fairly straightforward request to add this acreage. I know that there's been some discussion. There were two recommendations from staff, and I discussed the first one with regard to the deviation. We disagree with staff's recommendation that we need a deviation from our preservation requirements, because the language that they're asking us to deviate from says that preserves shall be contiguous. Well, if you look at the master plan I put up, all of the black areas are what are preservation areas within the existing Pelican Marsh PUD, and I think it's pretty obvious that they're not contiguous. They're bisected by other roadways and other parts of the community, and I think that it's unrealistic to think that all preserves inside a large-scale product are going to be contiguous, especially where you might have upland preserves and wetland preserves, et cetera.

So the practical side of that is that we were told by staff that if we labeled this a development tract, we don't need a deviation. We could call it an open-space tract, and we wouldn't need a deviation.

So the practical effect of asking for a deviation doesn't seem to accomplish really anything, and we

really were trying hard not to ask for any deviations as part of this project.

And I had a very brief conversation with Mr. Bosi regarding the other recommendation which was that we have dual sidewalks within this portion of the community. That would be treating this portion of the Pelican Marsh PUDs differently than all other parts of the Pelican Marsh PUD have been treated.

There are -- there are already sidewalks standards that are in the Pelican Marsh PUD that prescribe when you have no sidewalks, when you have single-side sidewalks, and when you have to have dual sidewalks. We want to live with the same standards that everybody else has been held to for the Pelican Marsh community.

And I think Mr. Bosi -- I won't speak for him. He'll probably speak for himself, but he's indicated that that recommendation is being withdrawn.

And with that, I don't really have any other comments to make, Mr. Strain.

CHAIRMAN STRAIN: Okay. Well, we'll start with questions to the applicant from the Planning Commissioners. Anybody?

Stan?

MR. ARNOLD: Mr. Stain?

CHAIRMAN STRAIN: Oh.

MR. ARNOLD: I did forgot one point. Scott Stone from the County Attorney's Office recently pointed out that we had two transposed footnotes, Footnotes 2 and 3 on our development table, that incorrectly referenced a front setback and a buffer requirement. So those two numbers were transposed and need to be corrected.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: We have no problem with that. He is correct. They were incorrectly labeled.

CHAIRMAN STRAIN: Scott, are you concurring to that?

MR. STONE: Yes. More specifically, Footnote 2 and 3 should be switched, and there was also actually Footnote 4 was missing from the actual development standards. That should be added to No. 8, maximum building height. And those are the only changes that I believe we discussed.

MR. ARNOLD: You are correct. I forgot about the building-height reference, Scott.

CHAIRMAN STRAIN: Okay. Thank you.

Stan?

COMMISSIONER CHRZANOWSKI: I've got a couple questions. If I could get Nancy to put this -- these photos on the visualizer.

MR. ARNOLD: Are these questions for me, Mr. Chrzanowski?

CHAIRMAN STRAIN: I hope so. We're on you, so...

COMMISSIONER CHRZANOWSKI: If you could zoom in on those. I put numbers on the back.

MS. GUNDLACH: Okay.

COMMISSIONER CHRZANOWSKI: One at a time.

MS. GUNDLACH: Oh, okay.

COMMISSIONER CHRZANOWSKI: And rotate them so -- that's it, and zoom in. Focus. There you go.

That's my bicycle in there.

COMMISSIONER EBERT: No wonder you want the photo.

COMMISSIONER CHRZANOWSKI: Above the bicycle there's a very large Brazilian pepper. That's one of the boundaries of this property. I assume there's no unanswered properties around here when this is done. It's all Pelican Marsh or Wilshire. There's an -- you can go to the next one.

There's an awful lot of earleaf acacia back in through there and melaleuca. You can go to the next one. The whole back story there is all earleaf acacia. You can see the Brazilian pepper. You can go to the next one. That's a lot of Brazilian pepper along there. And the last one. Earleaf acacia back inside; Brazilian pepper along the front.

The area has a lot of exotics in it. When this project is done, I assume somebody's going to go into Wilshire next door, have them pull out all the exotics because they're supposed to anyway, and you don't want them infecting your preserves and go into the preserves and pull out all the exotics.

What that will do is that will open everything up, and the people here are going to be able to see a lot more than they saw before, because the buffers -- and I got an -- a copy of an email from somebody complaining that when they took out the exotics next to some parcel near Estey that all of a sudden they can see everything. And the response from Code Enforcement was, yeah, but you got your vegetation buffer, and that's all you're entitled to.

And when you pull exotics out of a place like this, it opens up the view. You are -- you presently look at a lot of green vegetation. You're not going to see that, and that's by code.

So you may want to check with the Board and see if they can postpone removal of some of these exotics to a little future -- till the buffer kind of grows in. Because you don't really want to come to us afterward and say, hey, they took this all out, and nobody told us we were going to be looking at nothing, okay.

So I don't know what staff thinks about that, but I imagine if the people that are involved go to the Board and the Board says, you know, let's take a closer look at this, because even though we do have to take out the exotics -- nobody's arguing that -- we don't have to do it all at once and open everything up.

Mike, how much exotics did you see in there between you and Wilshire next door?

MR. DELATE: Good morning. For the record, it's Mike Delate with Grady Minor Engineers. Between Wilshire and this property?

COMMISSIONER CHRZANOWSKI: And you guys, yeah, both parcels.

MR. DELATE: Yeah. Part of it abuts the residential portion of Wilshire. So that area inside the property is relatively infested with exotics.

COMMISSIONER CHRZANOWSKI: And Wilshire will have to remove their exotics, too, right; that's code?

MR. DELATE: If somebody complains, I would assume but, otherwise, I don't believe so.

COMMISSIONER CHRZANOWSKI: They don't have to maintain without anybody complaining? It's a developed parcel. You mean you can --

MR. DELATE: They're required --

COMMISSIONER CHRZANOWSKI: -- let your exotics grow inside a developed parcel, and as long as nobody complains, nobody has to take anything out?

MR. DELATE: They're required to. But it's rather isolated right now, so I'm sure nobody's complained through the years.

COMMISSIONER CHRZANOWSKI: Okay.

MR. DELATE: And it is rather infested.

COMMISSIONER CHRZANOWSKI: Yeah, it is. And their infestation will go back into your preserve and infest your preserve; that's why they're called invasive exotics.

MR. DELATE: Yeah. And to your point about holding off the exotics, I would agree that it's going to open it up but, you know, the district rules, of course, are to remove those exotics right away, the water management district rules.

COMMISSIONER CHRZANOWSKI: How exactly do they word that?

MR. DELATE: Well, at the time-zero report, you have to have exotics removed to show that your proof of progression of maintaining the property.

COMMISSIONER CHRZANOWSKI: Oh, fascinating. Okay. That's all I got. Thank you.

CHAIRMAN STRAIN: Anybody else? Wafaa?

COMMISSIONER ASSAAD: Why did you elect to make it an addition to the DRI as opposed to a separate development by itself? Is it ownership, common ownership, or is it the amenities that you wanted to share in? Why is it an amendment to the DRI instead of a separate rezoning application?

MR. ARNOLD: Well, the most simple answer to that is that our only form of access was going to be through the Pelican Marsh DRI and PUD to get out to Livingston Road. Our only other option for access was to go through Wilshire Lakes, and that had been discussed and was rejected by the Wilshire Lakes residents.

COMMISSIONER ASSAAD: So you couldn't secure an access agreement with Pelican Marsh? I want to see if there is any additional benefits other than the assumed benefit that they can belong to the club, they can enjoy the amenities.

MR. YOVANOVICH: And they will. They will be members of the club -- for the record, Rich Yovanovich -- just like Marsala is. We were going to have to amend the Pelican Marsh PUD regardless to deal with that access, because you can't -- the access agreement would have had to have been implemented through an amendment to the PUD anyway, so it made no sense to have two concurrent PUD applications. Since we were already going to be part of the Pelican Marsh, there was going to be an amendment to that anyway. There will be a use of the amenities in Pelican Marsh just like the Marsala property to the south.

So there were -- there were benefits to that. And there is separate ownership initially, but with the addition of these 11-plus acres, they are owned by the same parties that own parts of the Pelican Marsh PUD.

CHAIRMAN STRAIN: Just along Wafaa's line of questioning, the aggregation rules used to trigger certain things, and I'm not familiar with them most recently.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Would this trigger aggregation --

MR. YOVANOVICH: No.

CHAIRMAN STRAIN: -- in your DRI?

MR. YOVANOVICH: We're not adding any density. We're using already existing --

CHAIRMAN STRAIN: Contiguous property.

MR. YOVANOVICH: Right. The only thing --

COMMISSIONER ASSAAD: You're just transferring units. You're not asking for additional units.

MR. YOVANOVICH: Correct. It would be -- I'm sure I could have gone in with a separate PUD with the same number of units. It all would have worked out the same. It just made more sense to have one PUD application versus two.

COMMISSIONER ASSAAD: Thank you.

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Anybody else? Diane.

COMMISSIONER EBERT: Yes. I'm going to kind of dispute you on this, because in reading the newspaper from December, Laura Johnston from WCI said, it's not going to be an extension or in any way affiliated with Pelican Marsh. That's WCI themselves.

The other one is Barry Ernst who said, Sereno -- which I'm sure is very close to Sienna Reserves, which is confusing -- the fees -- there will be nothing, HOA fees, or any way connected with Tiburon. There is no obligation requiring future residents to be even members of Tiburon. This is from WCI.

CHAIRMAN STRAIN: No. Before you go too far, you said you're disputing something they said. Really you're asking them questions about those comments, because that's the fourth-party unrelated testimony. So why don't we just ask the question in regards to these issues that she's brought up and have you respond.

MR. YOVANOVICH: And that's fine, and I'm happy to. Let me -- can I do the first one first?

When I was referring to Pelican Marsh, the Tiburon Golf Club is part of the Pelican Marsh project. They will be -- they will be members of the Tiburon Golf Club. So if I confused you by saying Pelican Marsh because I talked too broadly, I apologize for that. But, yes, Tiburon, which is within the Pelican Marsh Golf Club, Pelican Marsh project, these people will be members of that golf club.

And the paper reports what the paper reports. They don't always get it right, and they are -- these people will be members. And it could have been a change over a period of time, too.

COMMISSIONER EBERT: Yeah.

MR. YOVANOVICH: Okay. Things change as you go through the development process. So I'm not saying they got it wrong. What I'm saying is that maybe they got it wrong depending on the date, but those people will be members of the Tiburon Golf Club, just like Marsala.

COMMISSIONER EBERT: Wrong.

CHAIRMAN STRAIN: Diane, do you -- let me see if she's -- are you finished?

COMMISSIONER EBERT: I'm done for right now.

CHAIRMAN STRAIN: Okay. Wafaa?

COMMISSIONER ASSAAD: Would you tell us a little bit about how you resolved the concerns of the residents about the environmental access through the preserve area?

MR. YOVANOVICH: We were scheduled to come before you-all quite a while back, and basically residents within Marsala, and I think some -- maybe some residents within Wilshire Lake, formed an association, as Wayne discussed, and they hired Mr. White to meet with us to go over their concerns they had with our project, and the concerns -- and we had a very productive meeting that resulted in an agreement on pretty much all of the issues we discussed.

One of the issues they brought up was the access point and could we go further to the north, and we explained to them why we couldn't go further to the north. That actually impacted more wetlands by going further to the north, created more of a bisecting of the preserve.

We addressed their concerns by agreeing to make sure that the flow that occurs in that water -- in that wetland area would be maintained as it currently is maintained.

I think that was the primary concern they had was with the flow of water to keep their -- to keep everything moist and wet like wetlands are supposed to be.

We dealt with it by the increased buffers that Wayne talked to you about by limited -- they had a lot of concerns not only related to the wetlands. Single-family -- wanted to make sure it was going to be single-family. They wanted to make sure portions of it were going to be single-story, and all of those issues.

They were particularly concerned about the buffer where we increased the preserve area to the south. As you can see, Mr. Assaad, you know, the golf hole that's right there, they had concerns about, so they wanted an increased buffer there. They wanted to make sure we vegetated buffer to the west, if I've got my directions right, next to that other par three golf hole.

So the access was a concern we had, and we explained to them why we couldn't move it and why the environmental agencies preferred the access where it is from that standpoint.

Someone raised an issue about an eagle after the fact. That was -- and Marco's here, and he can get into the details about that. There were site visits by the appropriate agencies to verify that we were addressing those concerns. We, obviously, are going through the Corps and district process as we speak as part of this project. So all of those environmental concerns were addressed in a meeting with the leadership of that association in my office, and I everybody in attendance at that meeting on behalf of the association unanimously supported the agreement we reached, and the agreement was signed by all parties.

COMMISSIONER ASSAAD: What was the concern or the reasons for increasing the buffers? You have a common golf course that's going to be owned or joined by all people, the new ones and the Marsala group, and the Marsala group have homes fronting on the golf course; just that they did not want to see other people looking at the same golf course?

MR. YOVANOVICH: I think they -- I cannot speak for them, but I think there were a couple of concerns. One, they were concerned about seeing other homes across the golf course and into the development, because right now they just basically look at a golf course. So we worked with addressing those concerns about what they would see across the golf course and onto this additional property.

And also there were concerns about the view from playing the golf course because, you know, now it's -- you know, there were people that believed that this land was always going to stay undeveloped. And so we were going through that process. We could address their concerns about view from their homes as well of the golf course, and we agreed to do so in the meeting we had several months ago.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Okay. Anybody else on the Planning Commission got questions of the applicant at this time?

(No response.)

MR. ARNOLD: Mr. Strain, could I point out one thing about the exhibit; not to belabor the point, but it address some of Mr. Chrzanowski's comments with regard to once vegetation's removed.

This exhibit was prepared, and those homes don't exist today, obviously. Those were Photo Shopped in to show how the orientation of those homes would be in relationship to the golf course and other residences. And I put some approximate distances on there just to give everybody a feel for what distances we're talking about with regard to separation from homes at the Marsala community. I just wanted to point that out.

CHAIRMAN STRAIN: Thank you.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Nancy, is there a staff report?

MS. GUNDLACH: Yes. Good morning, Commissioners.

Staff is recommending approval of the DEO; however, there is one last sentence that we want to add to the approval, and I'd like to read that into the letter -- into the record and it states: However, the site shall be protected consistent with the requirements of the South Florida Water Management District permits issued for the additional 43.2 acres added by this resolution.

And staff is also recommending approval of the PUD rezone.

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

COMMISSIONER EBERT: Yeah. I thought --

MS. GUNDLACH: There's one other thing I forgot to add in in my recommendation. Scott has some comments.

MR. STONE: Yeah. In the resolution to amend the development order, there were missing exhibits from the packet that was received by the CCPC. I believe a portion of Exhibit C1 and Exhibit D were not included, and we just would like, for the record, to add those in, and I can provide the Clerk with the -- or the court reporter with a complete version of that resolution.

CHAIRMAN STRAIN: Could you put the additions on the overhead so everybody can see them and show whatever the changes are in relationship to what we received?

MR. STONE: Well, for reference, it's actually Pages 11 through 26 of the South Florida -- of the Regional Planning Council's letter, and Exhibit D is the master plan which matches the master plan that's in the PUD. I can add those. It is an additional 16 pages, if you'd like to see all of those.

CHAIRMAN STRAIN: It's same as -- the DO was lacking the information that was in the PUD; is that what you're saying?

MR. STONE: The master plan, which is Exhibit D, was not included in the resolution that was a part of your packet.

CHAIRMAN STRAIN: For the DO?

MR. STONE: Yes. And in addition to that, the letter from the South Florida Regional Planning Council was 26 pages long, but only the first 11 pages were included in the resolution that you received, so we need to add Pages 12 through 26.

CHAIRMAN STRAIN: Okay. Were those pages included in the PUD portion?

MR. STONE: The letter was not included as part of the PUD.

MS. GUNDLACH: It shouldn't be.

CHAIRMAN STRAIN: Pardon me?

MS. GUNDLACH: I was about to say that letter shouldn't be part of the PUD.

MR. STONE: No.

CHAIRMAN STRAIN: And I need you to put the pages up on the overhead so we can see which ones are being added a page at a time, and then we will decide to accept them as additional evidence to the record.

You realize it was 1,300 or 1,400 pages in these two packages, and that's why I wanted to make sure that in all those 1,400 pages -- a lot of it was redundant between the two.

MS. GUNDLACH: Correct.

COMMISSIONER CHRZANOWSKI: Did you count those? Because I only count by inch.

CHAIRMAN STRAIN: I count by electronic page. So having it all electronically, it -- I don't have to go through what you guys have to go through.

MR. STONE: Yes. Again, these are Pages 12 through 26 of the Southwest Florida Regional Planning Council letter.

MS. GUNDLACH: This is the memo.

MR. STONE: It's all part of the letter.

MS. GUNDLACH: Okay.

CHAIRMAN STRAIN: But some of those -- okay. I mean, I've seen some of those pages. I'm

trying to figure out where they were if they weren't in --

MR. STONE: I believe they were included and interspersed throughout the packet. But as far as the resolution itself, the exhibit was missing those pages.

CHAIRMAN STRAIN: Okay. So it's just the exhibit to the resolution?

MR. STONE: Yes. Those pages were included.

CHAIRMAN STRAIN: Oh, okay. So we have seen all these pages before.

MR. STONE: Yes.

CHAIRMAN STRAIN: Right.

MR. STONE: I'm not quite sure where in the packet it was, but I believe they were included separately throughout.

CHAIRMAN STRAIN: Okay. So all you're trying to do is make the resolution complete?

MR. STONE: Yes.

CHAIRMAN STRAIN: That's what I thought. I didn't find anything missing in the packet. Okay. Good. Then I don't see the necessity to go through this anymore. It's something we've already seen.

MR. STONE: Okay. And I'll provide the court reporter with a complete version of the resolution for the record.

CHAIRMAN STRAIN: By the way, some of those are -- in fact, quite a few of them are in the electronic copy that I had gotten with the PUD.

MS. GUNDLACH: Yes. It appears --

CHAIRMAN STRAIN: So I had gotten them twice. I couldn't figure out what they were missing from.

MS. GUNDLACH: It appears that they didn't get -- that the entire packet didn't get printed.

CHAIRMAN STRAIN: Oh. So those that had the hard copies were the ones that were --

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Okay. Good. So I did have everything. Thank you.

COMMISSIONER EBERT: Mark, can I go back a little bit? I have kind of a question for Stan. I noticed your bike there on one of the photos, Stan. And I don't know where you were when you were taking these photographs of all the invasives.

MR. CHRZANOWSKI: I was --

COMMISSIONER EBERT: Were you in --

COMMISSIONER CHRZANOWSKI: -- biking along that back trail. I come up Livingston, I go under their bridge through the golf course, and then I come back through your trails and bike along the trail there.

I was standing probably next to the north side of the lake when I took the picture looking at your north property line there trying to figure what it would look like when all the exotics were gone.

COMMISSIONER ASSAAD: You were trespassing?

COMMISSIONER CHRZANOWSKI: I didn't see any signs.

COMMISSIONER EBERT: So --

COMMISSIONER CHRZANOWSKI: Professional engineer in pursuit of his duty is allowed the right of trespass in the state of Florida.

CHAIRMAN STRAIN: Before we go too far off on this tangent, Mr. Scott's proposal to add those additional pages to the resolution to make it a complete exhibit are accepted into evidence. Anybody on the Board have any problem with that?

COMMISSIONER EBERT: That's fine.

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER EBERT: Make a motion to accept those pages.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I'll second.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries. Thank you.

COMMISSIONER EBERT: Okay. The only reason I was asking, Stan, is because you're right, we have had so much information on this. I have another book with this many pages at home. And in going back and over this, I wasn't sure what property you were on because when we got their environmentalist's report, it was so different as to when South Florida went out there for this particular property that they're doing now. And I know abutting it at the edge is Wilshire Lakes, and that is their preserve area abutting this.

But in -- I kind of call into question their environmentalist because of the fact that he said there's so much melaleuca. It's 80 to 90 percent Brazilian pepper and the other one in doing so. And when I -- South Florida said that they were going to go out, and they did go out. And there's was completely different. The only thing the two of the them agreed on is the total acreage. And he said there was, like, 5.31 acres of exotic vegetation over 75 percent, and South Florida Water Management said 1.2 acres. Just huge different amounts. As far as the 51 to 75 percent, he said there's 5.39 acres. They went 0.89. So there's just a big difference in that.

CHAIRMAN STRAIN: Now, just so the applicant can --

COMMISSIONER EBERT: That's fine.

CHAIRMAN STRAIN: Well, just -- before you say "that's fine," you don't even know what I was going to say.

Just so the applicant can respond effectively to whatever it is you're referring to, can you tell them the date and documents that you find these conflicting numbers in so they can appropriately respond?

COMMISSIONER EBERT: This was -- this was their additional visit from their environmental --

CHAIRMAN STRAIN: Who's "they"?

COMMISSIONER EBERT: It was their environmentalist --

CHAIRMAN STRAIN: Whose -- what -- you're talking about two groups, South Florida and the applicant. Whose environmentalist?

COMMISSIONER EBERT: Marco, their environmentalist.

CHAIRMAN STRAIN: Okay. So their environmentalist has one number and South Florida at what permitting stage has another number?

COMMISSIONER EBERT: They went out to review the original site that Grady Minor turned in.

CHAIRMAN STRAIN: Is that the latest results; do you know?

COMMISSIONER EBERT: This was the -- this is when -- this is at the beginning. The latest results -- they made them go back, and they had to change theirs to agree. They turned it back in with South Florida Water Management.

CHAIRMAN STRAIN: Who had to change theirs, South Florida or the applicant?

COMMISSIONER EBERT: No, the applicant.

CHAIRMAN STRAIN: The applicant had to change their what?

COMMISSIONER EBERT: They had to change their FLUCCS maps with this project.

CHAIRMAN STRAIN: So are now they in agreement?

COMMISSIONER EBERT: Now they are in agreement.

CHAIRMAN STRAIN: Then what's the question?

COMMISSIONER EBERT: Oh, Mark --

CHAIRMAN STRAIN: No. What's the question? If they're in agreement now, where's the error?

COMMISSIONER EBERT: They finally are in agreement. When they started out, it was great, because he's saying there's no animals and this is all exotics. That really wasn't the case, Mark, and that's the point I'm bringing up.

CHAIRMAN STRAIN: So you don't have a question. You're making a statement that they weren't in agreement originally but they're now in compliance and in agreement; is that what you're trying to say?

COMMISSIONER EBERT: Sure, seven months later.

CHAIRMAN STRAIN: Well, what's wrong with that? Okay. Do you have anything you want to add to it? I'm --

MR. ARNOLD: All I would say, Mr. Strain -- this is Wayne Arnold for the record -- is that that's part of the give and take of an Environmental Resource Permit. We file application materials. They make site visits based on an application that's submitted to them. It's not uncommon that revisions get made based on their comments and feedback from their site visit.

So, you know, one of the things I would say, Ms. Ebert, most of the projects coming before you aren't as far as along in the environmental permitting process as this process. WCI Communities is running all of these things concurrently, so there's a lot of other information out there and probably to the advantage for everybody that everybody can see all the environmental permits that are out there.

CHAIRMAN STRAIN: But you are right now consistent with what South Florida basically is requesting in regards to the discussion that Ms. Ebert had, right?

MR. ARNOLD: Yes, sir. That's my understanding.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER CHRZANOWSKI: And I didn't walk the site itself. I was curious what the Marsala people were concerned about, so I went on their site and looked into the site that's going to be developed to see what I could see as far as I could see it.

And you can see a good long distance into these sites. And that's -- I saw a lot of exotics, and I was -- my impression was, when that all gets removed, it's going to look very bare, and there's going to be a lot of damage to the non-exotics. Because when you're talking 75 or 95 percent exotics, how do you pull that out without damaging the natives? It's almost impossible.

Okay. That's all.

CHAIRMAN STRAIN: Okay. Diane, did you have any other questions you wanted to bring up?

COMMISSIONER EBERT: Yeah, I do.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Their access point. Originally the property that they are acquiring, or buying, there was an access agreement originally -- and I talked to Rich on this -- through Wilshire Lakes. And he said they had a meeting, a couple meetings, and I talked to people at Wilshire Lakes -- you did -- had a couple meetings with them, and that it was decided that you would not go through this community, that they did not want it as the homeowners association because they didn't want all the construction traffic and everything else.

But I have a question for you, Rich. If I, as a person, were to buy that first lot in there with the 10 acres, could I get to there through Wilshire Lakes, just a single owner?

MR. YOVANOVICH: No. And, you know, the conversation that we had was a little bit different than you're reporting it.

There was an initial agreement between the residents -- some people -- I believe the leadership of Wilshire Lakes, and the prior owner of the property. That agreement by the -- there was question as to the validity of that agreement, and the Wilshire Lakes residents took the position that whatever previous agreement may have been out there, it was not properly approved by the Wilshire Lakes side of the equation; therefore, there was never an agreement -- an enforceable agreement in place to have access through Wilshire Lakes.

So the issue became Wilshire Lakes said, no, you're not coming through our gate. You're not going to get access.

We had a couple of options. We could litigate with Wilshire Lakes and figure out who the winner and the loser is, or we could go and look at other reasonable access to the property, which we did, and we were able to obtain other access to the property without having to litigate the issue.

At some point there was going to be litigation over access because you can't, in Florida, have landlocked property. So we went and we obtained an access point without having to litigate. We're going through the permitting process for that. But there was never a legally enforceable access agreement through Wilshire Lakes.

COMMISSIONER EBERT: Well, originally, from what I was told from the people of Wilshire Lakes, was it was originally the developer that had that agreement in there before it was turned over, and then it was -- then when he left, it was turned over to the association. So that was that.

But what happened at that time also was the fact that our real estate market went down and that this person could not come up and buy the rest of that property, and so he lost that property, is what I was told.

Did you ever check with Sienna Reserve about sharing an entrance there?

MR. YOVANOVICH: Yeah. As a matter of fact, I did. They -- we had a nice, long meeting with the developer of Sienna Reserve, and I mentioned to them that, you know, other people thought it would be a great idea for us to come through their project and through their gate, and they told me that that's very kind of other people to come up with that idea, but there was not going to be access through their property with this project going through their property to get access to Livingston Road.

COMMISSIONER EBERT: Yeah. Because when I checked with them, one of the managers there said that you never asked about that. So I can only tell you in my investigation. If you asked, that's fine, because this is kind of what you wanted all the way along anyway is to come through Tiburon so you could be associated kind of with that.

CHAIRMAN STRAIN: Why -- how could you make that conclusion?

MR. YOVANOVICH: You know, I'm --

COMMISSIONER EBERT: Well, it's because I talked to some of the --

CHAIRMAN STRAIN: Diane, we've got to stay to the facts of the case. And, basically, they have an entrance that they're asking for. It doesn't go through other communities. If it went through another community, I can tell you this room would be packed with people against that. So what is --

COMMISSIONER EBERT: No. We don't like shared access.

CHAIRMAN STRAIN: I don't understand where this line of questioning's going.

COMMISSIONER EBERT: We don't like shared accesses is really -- it's --

CHAIRMAN STRAIN: Well, you don't in your own community. You've got a gated community. So, Diane, this is not -- that piece of it isn't unusual.

What they have is an access off of Livingston Road. Do you have any question about that access?

COMMISSIONER EBERT: Well, there -- things on Livingston Road will be changing because of that interconnection later on.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Okay. Anything else? Stan.

COMMISSIONER CHRZANOWSKI: Just one. The rule on landlocked parcels; you say in Florida you can't landlock a parcel. Can you give me, like, a summary of exactly how that's worded; not exactly, but a rough idea?

MR. YOVANOVICH: Yeah. Well, we can go into real property -- real property law that I learned my first year of law school. But you cannot landlock a piece of property to where it no longer has access to a public road. There are statutory remedies that you can go through. There are all kinds of implied easements that happen when people divide property or, you know, parcel off property. Those are all very complicated, very expensive, and very fact-based litigation cases to find where that access will come from.

COMMISSIONER CHRZANOWSKI: Maybe I should reword. You have a square parcel, so you have four sides. You have four neighbors. How do you decide which way to go?

MR. YOVANOVICH: That's what you get to have a very long and very complicated trial about to figure out --

COMMISSIONER CHRZANOWSKI: That's why God invented lawyers.

MR. YOVANOVICH: -- where you go. What's that?

COMMISSIONER CHRZANOWSKI: That's why God invented lawyers.

MR. YOVANOVICH: I hope he came up with it for other reasons, but that -- you know, I can't tell you, as I sit here today, where we would come out on this piece of property for access.

CHAIRMAN STRAIN: Okay. We had -- go ahead, Nancy.

MS. GUNDLACH: Commissioner, thank you.

I just wanted to remind you, if you could comment on our two stipulations of approval for the PUD

rezone. The first one is related to the requirement for a deviation for splitting of the preserve, and the second one is related to the sidewalks on both sides of the street in the PUD.

CHAIRMAN STRAIN: Thank you.

Anybody have anything else for staff?

COMMISSIONER EBERT: I'm going to ask about the sidewalks, because I thought originally that you would build to Collier County code in effect at the time. And this was originally 1995, and our codes have changed since 1995. This is 2016. So that's what I thought was put in there.

MR. BOSI: Good morning, Mike Bosi, Director of Planning and Zoning.

We had that discussion about two weeks ago about this issue as a staff related to whether we would request the PUD to be modified to add sidewalks on both sides of the streets, and we looked at how the PUD addressed sidewalks and the specific allocation for when it requires sidewalks on both sides of the street, one side of the street, and when no sidewalks would be required.

Staff had brought an example that said we had set a precedent with a prior PUD approval where they were adding additional lands and that those additional lands were required to have sidewalks on both sides of the street, which was contrary to what the existing PUD had stated. Based upon that, we said, well, then that was -- as a precedent, we should continue that.

From review of that PUD, that is not the case. The precedent has never been set; that this PUD has provisions for when sidewalks are to be provided. And based upon that and based upon the consistency of our practices, we've withdrawn that request to require sidewalks on both sides of the street and allow the PUD to be the controlling document as to when they would be allocated based upon the circumstances as they're described within the PUD.

CHAIRMAN STRAIN: Did the Board of County Commissioners approve those prior actions?

MR. BOSI: Oh, yes; yes, they did.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: In your staff recommendation on Item 9B, the recommendation, No. I regarding the deviation.

MS. GUNDLACH: Are you in the PUD zone or the DOA?

CHAIRMAN STRAIN: 9B is the PUD rezone.

MS. GUNDLACH: Yes.

COMMISSIONER ASSAAD: Item 9B.

CHAIRMAN STRAIN: Right, that's the PUD zone.

COMMISSIONER ASSAAD: Yeah, the PUD.

The deviation or the code requires that you have interconnections between wetlands and environmentally sensitive area to maintain all the flow and all of that.

MS. GUNDLACH: Yeah. I can invite our staff specialist to comment on that. We have Steve Lenberger, our environmentalist.

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

The Land Development Code requires preserves to be interconnected on site with other preserves or wildlife corridors.

COMMISSIONER ASSAAD: And they cannot comply with that requirement?

MR. LENBERGER: Well, because they're building a road and bisecting the preserve, they're making it more nonconforming; therefore, the --

COMMISSIONER ASSAAD: Why couldn't the road design allow for water flow under the road through the water management system? I mean, the design of the road is not going to cut the preserve into half. There are pipes connecting the north side of the road to the south side.

The water management engineers have to do their calculations and design properly so that the flow after the development is not different from that prior to development. They have certain water levels to maintain after development, the same that existed prior to development.

So I don't understand why the deviation, because the proper design of the road will accomplish everything that you wanted them to accomplish anyway. Am I wrong?

MR. LENBERGER: No, you're not wrong. They're two separate issues. The county's preserve requirement is a habitat preserve requirement. The water function for water impacts and mitigation is strictly with the Water Management District.

The requirement here is for the habitat, and you're bisecting it with a road, and that's the issue here. The water impacts are addressed through the Water Management District permitting, and that's what the Comp Plan says.

COMMISSIONER ASSAAD: Thank you.

MR. LENBERGER: You're welcome.

CHAIRMAN STRAIN: Steve, it's my understanding that your department supports the deviation that was requested; is that right?

MR. LENBERGER: That's correct.

CHAIRMAN STRAIN: So you're requesting it merely as a formality to get to a point where you can support it?

MR. LENBERGER: That's correct.

CHAIRMAN STRAIN: How are the rest of the preserves on Pelican Marsh interconnected in the same manner? They're all scattered throughout the property from what we saw on the master plan.

MR. LENBERGER: Yes. Well, it's an old project for one; two, it's a very large parcel, and much of Pelican Marsh had a lot of agricultural lands. So it's all fragmented through -- by major roads, and there were systems; and also these code provisions were not in place back then.

CHAIRMAN STRAIN: So the piece that's being separated by the road that's needed so they can have access to a landlocked piece of property, the smaller piece to the south, isn't that just excess preserve from the overall development to begin with, or couldn't it be considered that?

They have preserved more than they were supposed to. They're still preserving it. They're just putting a road through a piece of it. And now you want them to ask for a deviation which has become an issue, unfortunately; deviations are not as simple as they used to be, so now we would get into a controversy potentially over a deviation request, and to avoid that and something staff already acknowledges and for a PUD that's 20 years old, the solution would be just to leave it like it's planned as a planning exercise in regards to the overall project. The overall project is accepted the way it was with all separate parcels of preservation. I'm not sure I see the necessity for the bureaucratic exercise here, so...

MR. LENBERGER: The code provision doesn't differentiate between minimum code required vegetation and what is committed to in a PUD document, for example.

So you're bisecting your preserve and his existing preserve. You're making it more nonconforming. You need a deviation. That's staff's perspective on it.

CHAIRMAN STRAIN: Thank you.

MR. LENBERGER: Thank you.

MR. YOVANOVICH: Can I say one thing on that?

CHAIRMAN STRAIN: Sure.

MR. YOVANOVICH: It's ironic. If I were to just redesignate that tract an open-space tract and say I'm going to limit the uses to that open-space tract, the same uses that you can do in a preserve tract but just not use the word "preserve," I don't need a deviation.

It's simply because we're leaving the uses the same that you would do on that property as a preserve, I somehow get the "go ask for a deviation" to make it seem like I'm not consistent with the Land Development Code, which we believe we are consistent with the Land Development Code. Because the way the -- you know, as you know, the Comp Plan -- or the LDC works, it talks about county-required preserves. You've got to have X number of percent.

You can do more, but by doing more, now I've got to ask for a deviation and make it look like I'm actually doing less. Because usually when you're doing a deviation it's because you can't comply with the Land Development Code.

So I don't want to -- I am complying with the Land Development Code. I don't want to ask for a deviation. But if I need to to get through this process, I'll just do it.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: Personally, I have no problems with that deviation. I fail to see the significance, because if you call it open space and you do have the same road design, then how would the habitat or the animals or the critters or anything that we are worried about commute from here to there?

You have the same road design, the same road preserve, the same Collier County regulations, and -- so whether you get a deviation or you call it an open space, it's a matter of terminology. But there's no difference between the two, in my view. So thank you.

CHAIRMAN STRAIN: Thank you, sir.

Diane?

COMMISSIONER EBERT: I have a question for you, Rich. If the Water Management department wants you to -- with the road going through this, if they want you to do more for the water -- because this is a huge flowway. It takes in our regional park, it takes in Sienna, it takes in Wilshire, and it takes in Marsala. There's two separate basins in here. Part of Wilshire goes one way and part comes this way.

If they -- if the water department asked you to lift that road and put in culverts for the water to come through, more like a bridge -- I'm just going to kind of say kind of like you do over the canals -- it would not be like -- that huge at all, but then you would do that?

MR. YOVANOVICH: That's all what's being done right now through the Water Management District permitting. We're going through all that, and we committed to maintaining the flow, as Mr. Assaad pointed out. This is purely -- this is purely a semantics issue. On the ground nothing's changing.

We don't like to ask for deviations from the code because it implies that we can't be consistent with the code, and we think we are. So that's the only pushback we've given is because we don't think we need one.

If -- I think everybody says they'll give us one if we have to ask for one. We'll do it if that will get everybody off the issue, but I think it's unnecessary.

COMMISSIONER ASSAAD: Have they proposed that a segment of that road be elevated like a bridge?

MR. YOVANOVICH: We have the -- Mike Delate's here.

COMMISSIONER ASSAAD: Would that have accomplished the same goal that you're looking for? Because you're providing a safe passage for the habitat under the road?

MR. YOVANOVICH: It's the fact that I'm taking away vegetation is the problem.

COMMISSIONER ASSAAD: You're going to take vegetations no matter what.

MR. YOVANOVICH: They're saying I need to -- because I'm doing that, I need to create a deviation.

COMMISSIONER ASSAAD: I give up.

MS. GUNDLACH: I have an important message from our environmental manager. She just Instant Messengered us.

CHAIRMAN STRAIN: Who is that?

MS. GUNDLACH: From Summer Brown Araque. And she says here, if we designate the preserves as open space, we have to evaluate all the preserves throughout the PUD to determine where the minimum preserve requirement is being met.

CHAIRMAN STRAIN: Well, this is a -- as I said earlier, this is more like a bureaucratic exercise getting us nowhere but round in circles. In the end, everybody's acknowledging it would be accepted. The department -- the environmental department says they would approve it.

I just don't see the need for making common sense a requirement. It should be done normally.

So, anyway, I don't see the need to change it. The PUD is a 1995 PUD. The changing -- the change in code over time certainly doesn't necessarily mean it applies to the PUD any differently than it did then, so...

Anyway, I don't have any issues with it. Anybody -- did anybody else have any other comments before we go to public speakers?

COMMISSIONER EBERT: Yeah. I do, Mark.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: I guess maybe this project has bothered me a little bit because I've had so long to look into it. But because the flowway -- I never thought I'd become an environmentalist, but this

flowway is very important to this county and -- with the different sheet flows and everything that come through.

When we first got this packet way back, I had never seen all agencies not liking this particular one. From the state to the water to the regional -- I mean, it went all the way through. And each one is asking for more preserve.

And I know, Rich, what you're going to say, is to the fact that, well, we changed it and we added that other 10.3 acres because that was not in the PUD before.

CHAIRMAN STRAIN: Rich, there's no question yet, so...

MR. YOVANOVICH: I just wanted to comment.

CHAIRMAN STRAIN: No.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Let's get through it.

COMMISSIONER EBERT: Yeah, just let me have my say this time.

I would still want more down there. South Florida is even -- the water management is even asking for more. They encourage more to the south. That's where this hydrol -- this special area is. And if you could give a couple more acres going northbound, that would please many in the portion of more preserves, because originally if this were brought in separately, which it really kind of is, away from the Pelican Marsh, you would have to give eight acres of preserve.

So I'm just encouraging you to add a little bit more at this southern portion of this as several of these other agencies are also asking.

CHAIRMAN STRAIN: Ray, will this project be able to proceed if they don't meet the criteria of South Florida Water Management or any of the other agencies that we look for permitting from?

MR. BELLOWS: Where those agency permits are required, they would not be able to proceed until they get those permits.

CHAIRMAN STRAIN: Okay. So the required preserves would have to be met by whatever the agencies require of the applicant before he can get those permits?

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Thank you. Okay. Any other questions before we go to public speakers? (No response.)

CHAIRMAN STRAIN: Okay. With that, let's start with registered public speakers. Ray or Nancy, would you call them, and whoever -- either mike can be used. Please identify yourself for the record.

MS. GUNDLACH: Patrick White.

MR. WHITE: Good morning. Patrick White, the Naples office of Porter, Wright, Morris & Arthur here today representing Save the Preserves, with an S, Incorporated.

Today I have with me two of our board members: Our vice president, Lisa Denove, and our secretary, Carrie Jacobson. Our president had hoped to be here, but when we rescheduled the date, her travel plans conflicted. But Ms. Lohman was certainly looking forward to an opportunity to at least be here and observe the proceedings today.

I'm going to take a few minutes, if I may, to talk briefly about the history of why we formed, essentially, a not-for-profit organization to represent what at this point are the members that are a majority of the homeowners in the Marsala community. Save the Preserves is effectively identify with those Marsala homeowners.

The purpose was to be able to collectively have a decision-making body and a voice that could speak in a unified manner on behalf of the community to the extent that people joined and became members of the not-for-profit. And I believe that it has simplified and, in a sense, allowed us to participate in a way in this process that has led to something that's more efficient and, I believe, more effective in getting to today.

The fact that it's taken six months since the point in time at which we formed the entity and had the opportunity to have some initial correspondence and communications with the applicant's agents -- as Rich indicated, we had a meeting in the latter part of January and were able to come to an accord, reach an agreement with WCI on a number of issues that were of concern.

One of them has been stated to be with regards to the existing homeowners in Marsala being able to

see other homeowners. I think more correctly it's the other end of the telescope in the sense that their concerns have always been about the change in what they would see from the currently vegetated areas.

And for those reasons, we're certainly appreciative of the fact that the buffer along the southern cul-de-sac of the project has been provided for in the current version of the PUD.

The issue that Commissioner Chrzanowski raised about the removal of exotics is one that's, in a sense, new in our consideration of how the concerns the homeowners have are adequately and appropriately going to be addressed.

And I believe that to the extent that the removal of those exotics, depending upon when they occur and the degree to which that's necessary to come into compliance with the county and other agencies' regulations, has the potential to effectively diminish or negate the whole point and purpose of why we sought and agreed to the reserve area that's on the southern portion and southwesterly and southeasterly portions of the cul-de-sac.

I'd refer you to -- and I would ask for some assistance in putting on the visualizer and make a disclaimer. Please ignore my hand scratching on here. It's generally undecipherable. But I think the point is going to be made clear when you see what it is I'm going to describe with the exhibit. This is the buffer exhibit that's part of the PUD in maybe an earlier version.

At the bottom of the subject area, you can see where I have handdrawn in a thicker black line along the southern boundary of the project and between the buffer hedge that we described, and certainly agree with the modifications to the PUD about.

There is an intention, I believe, to ask for the Planning Commission's consideration and potential recommendation in your motion today that based upon the degree to which exotics are removed, that the applicant would be willing to provide plantings within what would be the 10-foot perimeter where I've identified so that it would match effectively and act as if it were the same type of a Type B landscaping buffer.

We're not suggesting that it, you know, be nuked, removed for 10 feet, and then a buffer put in; simply that to the degree that there are exotics being removed, that it would effectively function as much of the perimeter of the project has as a 10-foot Type B landscape buffer.

The other issue that I have a question about -- and this may be one more appropriate for the applicants, of course, to answer, and it pertains to whether these Serrano owners and residents will be required to pay Tiburon, the master HOA, the type of dues that folks in Marsala pay, and we can await an answer on that while they consider the question.

CHAIRMAN STRAIN: Well, Patrick, that isn't an item at issue for this board.

MR. WHITE: I understand.

CHAIRMAN STRAIN: So that's between you and the applicant.

MR. WHITE: They may choose to respond on the record or not. And it's merely here for the point of putting all of the issues that we have concerns about on the record. I understand that it may --

CHAIRMAN STRAIN: If you'd stick to the concerns that this board can weigh in on, it would be more effective in the amount of time that you have left to speak.

MR. WHITE: Thank you, sir.

The last points I'd like to make are actually to acknowledge appreciation for the opportunity to work with WCI and its agents. I believe that this is consistent with what the intent is of the regulatory process the county has put in place where the goal is to identify issues of concern to neighboring property owners and other stakeholders and to attempt to resolve them as early as possible in the approval process.

I believe we have achieved that, and I think this is a good example of how it may be that projects that are of this magnitude can find themselves at a Planning Commission hearing with relatively few individuals appearing arguably in opposition.

I'd also like to acknowledge the assistance and cooperation we've had with planning staff as well as County Attorney's Office. It allowed us to be able to be assured that the agreements, the terms that we'd reached were things that were properly addressed and implemented and put into the PUD specifically.

Last, in conclusion, I'd like to say that on behalf of our client, the SDP Preserves, we support the PUD, 9B, petition, and at this point believe that, as modified today, and with the suggestion about the

perimeter Type B buffer to address the exotics issue, we would stand in favor of your approval.

If you have any questions, I'll be happy to try to answer them; otherwise, I thank you for your public service.

CHAIRMAN STRAIN: I have a question.

MR. WHITE: Yes.

CHAIRMAN STRAIN: I appreciate all the work your group went to to find some common ground. That was the reason this whole thing was delayed to begin with is so we could get to where I thought we might be at today.

This new -- this new issue that you've brought up with this perimeter buffer, you've got an 80-foot-wide minimum, I believe, preserve area there. I haven't heard any testimony that indicates that that 80 foot is solid with exotics.

I understand that it's easy to observe exotics around any perimeter. You drive down the roads, that's the first place they go because that's where the sun and the seeds end up being. But, generally, if you go back into the canopies, they're not necessarily throughout the canopy to an extent that it's going to eliminate a -- some kind of -- it's going to open it up to a point where you're going to have an un -- a view that's not satisfactory over an 80-foot-wide area.

Do you have anything that you, in your research or in your groups, studies, that show that that's going to open it up that much other than just the perimeter?

MR. WHITE: Mr. Chairman, we did not trespass on their property. We don't have authority. So I'm really not in a position to comment about the degree of infestation, the type, species of exotics that may be present. But to the extent that it's been raised as an issue today, we're attempting to put on the table what we believe would be an appropriate compromise in a suitable way to address those concerns that were part of what brought us to a dialogue with WCI in the first place.

CHAIRMAN STRAIN: So you basically have worked out an agreement with the applicant to support their project on certain concessions, some of which are reflective in this master plan?

MR. WHITE: All of which are.

CHAIRMAN STRAIN: Okay. And now that agreement is subject to challenge because you've now wanted to add something else to it?

MR. WHITE: Mr. Chairman, I'm not trying to characterize it or disagree with what you're saying. What I'm attempting to do is to recognize the issue that was raised by one of your fellow commissioners and offer a means by which we could address what our set of originally stated consistent concerns throughout our dialogue with WCI. And but for the fact that it took place in a public hearing, the public meeting, I believe we could have had this conversation with the applicant outside the scope of this.

My hope is that to the extent that it's an issue, we may be able to identify a solution and be able to work that out so that by the time we get to the BCC, we would have it resolved.

CHAIRMAN STRAIN: Okay. I mean, that's a lot -- long --

COMMISSIONER HOMIAK: Can I just ask --

CHAIRMAN STRAIN: Sure. I'm not finished yet.

COMMISSIONER HOMIAK: This is along a golf course. This is abutting a golf course where you're suggesting there be a buffer?

MR. WHITE: I'm suggesting that the perimeter be treated similar as is has been around the rest where there's residential along Wilshire.

COMMISSIONER HOMIAK: What kind of buffer does that property have?

MR. WHITE: Excuse me?

COMMISSIONER HOMIAK: What kind of buffer does the property abutting have?

MR. WHITE: If you look at the exhibit to the northeast side, there's a 10-foot landscape buffer between residential.

COMMISSIONER HOMIAK: So on the other property?

MR. WHITE: Yes, for Wilshire and similar --

CHAIRMAN STRAIN: No. How about Marsala? Marsala's backyards, do they have a buffer against the golf course? I think that's what she's trying to ask. Backyard --

COMMISSIONER HOMIAK: Yes. Is there a buffer already there?

CHAIRMAN STRAIN: Do they have a buffer, a similar buffer?

MR. WHITE: No.

COMMISSIONER HOMIAK: They could plant one.

CHAIRMAN STRAIN: No, they don't.

MR. WHITE: No. It would seem to be inconsistent with the premiums paid for having a, quote, golf course view.

CHAIRMAN STRAIN: When your organization looked at the 80-foot requirement for the depth of this preserve up against the golf course, or this area that's on the map here that you found as a compromise, the discussion of opacity never came up during that discussion?

MR. WHITE: It certainly did, but --

CHAIRMAN STRAIN: What was the outcome of that? Is there anything in the agreement that states the opacity required?

MR. WHITE: No, Mr. Chairman, there isn't.

CHAIRMAN STRAIN: Thank you. Anybody else have any questions?

COMMISSIONER CHRZANOWSKI: Just in my experience I have seen a lot of projects, and this is when I worked at the county, a lot of projects approved, and they would go in and clear out a preserve with the exotics, and the neighbors would come in complaining that they realize that their -- their vegetative buffer was going to disappear like that.

And I'm just making the point that when it does, I don't think they should come back to the Planning Commission and say, you know, you --

CHAIRMAN STRAIN: Who would come back to the Planning Commission? I mean, the applicant isn't going to complain about --

COMMISSIONER CHRZANOWSKI: They'll come back to staff --

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: -- and they will say, we didn't know that this was going to happen. It's going to happen.

CHAIRMAN STRAIN: That's what I'm trying to find out is, if they have an agreement and all this was part of the results of that agreement, then it would seem logical this should have been addressed in the agreement and then we wouldn't even be discussing this today because your issue would be moot. But now that you've brought the issue up, it kind of puts in jeopardy, apparently, maybe the agreement to some extent that they're looking for additional satisfaction from the agreement.

COMMISSIONER CHRZANOWSKI: People tend not to look at what is in the preserve when they look at the preserve. And when I looked at this preserve from the outside, I saw a lot of melaleuca and a lot of earleaf acacia, and along the perimeter I saw a lot of Brazilian pepper. And I know from experience when that all gets removed -- your 80 foot of buffer is maybe from that wall, a little past that wall in the back. It's not a lot when all you have is a few pine trees.

And when they remove the exotics, there's a good chance they could damage the pine trees because they are kind of sensitive -- if you remove it by mechanical means, or what you could do is you could go in and cut them off at the bottom and kill them in place, which looks awful. So there's going to be some damage when they clean out those preserves.

The county tends not to look at exotics when they -- you know, when they have a preserve. They just look at space. And exotics kind of don't exist, because they've got to be removed. And I'm saying that you're going to have a visible area that if -- if what you're trying to achieve is a visual buffer, you may not have it when this is done. If you have it, that's fine. But if you don't have it, you may want -- and I don't know what you're going to put in there that's going to grow quickly enough. You don't want a wall. I don't know what you're going to put in there that's going to grow quickly enough to give you a visual buffer in less than a couple of years or a few years, so...

MR. WHITE: I appreciate the dialogue. It's certainly something that I believe from the Planning Commission's perspective is, at least in my time in the county, the first time we've had the conversation. But I think it's one that's germane and something that, from a regulatory perspective, would be addressed.

This is not about the substance of our agreement with WCI as much as it is, I think, a somewhat larger issue. And I appreciate you listening to us about it.

CHAIRMAN STRAIN: Patrick, this was -- we've addressed this before. In fact, I can tell you not -- within the last year we had a PUD come in along Immokalee Road in which Autumn Woods was the road behind it. They wanted to put two-story medical facilities there or office facilities, and the neighborhood was concerned about the clearing of the exotics in a 100-foot-wide preserve, and they supplemented that preserve with hand-picked material that the neighborhood agreed to.

That's the only reason I'm suggesting if that all had been accomplished before the meeting, it would have been a lot easier. I didn't know -- obviously, I would never have known Stan would have brought -- had been out there taking pictures, but it would have been something to know to properly address ahead of time if you guys were going to basically have this concern over it.

MR. WHITE: Nor from any of our review of the documentation provided by Mr. Espinar or by our own observation were we able to make the type of determination it sounds like the folks in Autumn Woods were able to.

So it's an emergent issue and one that we ask for your consideration on. So that's the most we can do with the process today.

CHAIRMAN STRAIN: Thank you. Anybody else have any questions?

COMMISSIONER CHRZANOWSKI: And my original suggestion was that you just don't pull the exotics out right away until something grows.

CHAIRMAN STRAIN: But, Stan --

COMMISSIONER CHRZANOWSKI: Yeah. Somebody said you have to pull them out right away.

CHAIRMAN STRAIN: Right. So, I mean, that's not -- so I understand your statement, but I don't think we can -- I don't think that can happen. Even if Collier County wanted to let that happen, I think we heard testimony that South Florida's going to require that they be removed, so either way it's a done deal.

MR. CHRZANOWSKI: I didn't know that. I thought the Board could say, hey, you know, put off the exotics until the vegetative buffer grows, but apparently they can't. I didn't know that the Water Management District would -- I'm not sure exactly how that works because they don't sign off on building permits. But I'll take Mike's word for it.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: How does WCI feel about that proposal?

MR. YOVANOVICH: Which one?

COMMISSIONER ASSAAD: The buffer.

MR. YOVANOVICH: I'm going to try to keep my --

COMMISSIONER ASSAAD: Are you against it? Are you for it? I'm looking for short answer.

MR. YOVANOVICH: Well, there is no short answer because right now -- we met with these people. We spent a long time. We met with people who were experienced in what we do, and the issue was the depth of the buffer, which we accommodated them on.

I'm going to put something up from our Water Management District permit. This is -- this is a current draft, correct? And it addresses issues about replanting, okay. You're going to have to zoom in.

But there are criteria that have to be met with regard to plants coming along in this wetland area. I'm not going to tell you I totally understand them. If you need the details, Marco's going to have to take you through it. But there are replanting requirements as part of our Water Management District permit, and we're prepared to live with that. I'm not prepared to go in there and give them a Type B buffer along the golf course today, because we had that discussion. We discussed what do they want, and they wanted a wider-in-depth preserve.

I'm sorry this whole issue came up today, but it did, but it was something that was discussed. I mean, there was no question that they know there are exotics in preserves.

I'm not here to re-trade the deal, and I don't think it's proper for that to happen through the Planning Commission. We had an agreement. We're living up to -- and Mr. White said we've incorporated everything into the PUD we agreed to. And there's a replanting plan in place.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: We normally take a break at 10:30; we're going to do that now. We'll resume at 10:40.

(A brief recess was had.)

CHAIRMAN STRAIN: Ray, are you all set? Thank you.

If everybody will please resume their seats, we'd like to go on with the meeting.

We left off hearing public testimony. We'll continue with that. And, Ray, how many registered public speakers do we have?

MR. BELLOWS: We appear to have three in total.

CHAIRMAN STRAIN: Three, okay. Would you call the next public speaker, please.

MS. GUNDLACH: Ron Savagio.

MS. JOYCE: Can I go -- he wants me to go first.

MS. GUNDLACH: Sure. Linda Joyce.

MR. BELLOWS: What are you trying to do?

MS. GUNDLACH: We're just trying to play this show, and I tried to put it on the podium computer.

CHAIRMAN STRAIN: Nancy, is there a printed copy of this for the court reporter to include with the record?

MS. GUNDLACH: No, but I can get one.

CHAIRMAN STRAIN: Would you mind, and make sure that Terri gets a copy of it so when she sends the documents to the Clerk's Office it's included.

MS. JOYCE: Good morning. I'm Linda Joyce. I'm a resident of Marsala. And I thank you for giving me this opportunity to speak. And I'll make it very brief, just four minutes.

As you can see on the display, there's some reference that I've given a lot of you previous to this meeting.

Per South Florida's Permit No. 11-01568-P-02, the Preserves of Tiburon were established in part to provide a wetland upland wildlife corridor and to maintain connectivity to offsite wetland areas and provide a variety of habitat for wildlife, which you'll see shortly.

WCI wants to re-purpose Southwest Florida Management and Army Corps Engineer's mitigated protected preserve for an access road. This will significantly impact the rare wetland which are documented with the FLUCCS map by Southwest Florida, the watershed, along with the naturally occurring connected flowways and wildlife habitat.

The destruction of the protected preserve will cause wildlife habitat fragmentation for the documented endangered, threatened and species of special concerns such as the eagles, osprey, wood storks, great egrets, herons, swallow-tailed kites, Big Cypress fox squirrel, gopher tortoises, and bobcats.

WCI also wants to use the Southwest Florida Water Management mitigated conservation easement that they do not own as their Collier County Land Development Code 25 percent minimum on-site preserve green space for Sereno Naples and, per an email I've shared with you-all from Barry Ernst, a totally separate development, not part of Tiburon Estates or any HOA fees paid to Tiburon, a calculated double-dipping of mitigated protected preserves and creating a double whammy on the Marsala at Tiburon community.

WCI's development, Sereno Naples, is not compatible or comparable to Marsala's community of 56 homes with over 50 acres of protected on-site preserves or even the newest development to the north, Sienna Reserves, 30 acres, of which 45 homes were developed as per the permit on just nine acres, retaining over 16 acres of mitigated on-site protected preserves.

Tiburon advertises it is designated as a certified Audubon-cooperative sanctuary by Audubon International and that it strives to protect and enhance its natural surroundings.

The same wood storks that nest at Corkscrew Sanctuary -- and this is per Brad Cornell who did an on-site visit -- forage for food at Tiburon's unique protected conservation easement.

Don't destroy Collier County's protected preserves and pieces of paradise only to mitigate the impacts to some remote area that no one can view or enjoy because then we will only have old, faded pictures of our beautiful wildlife that once lived in our preserves.

Beautiful pictures from my neighbor, John Mancuso, that I'm sharing with you today -- I've been educated to the egregious cumulative systematic destruction of our wetlands and the impacts of those irreversible decisions to the corresponding imperiled, endangered, and threatened wildlife.

I've learned these lessons from Brad Cornell, Southwest Florida policy advocate for the Audubon, and Nicole Johnson, director general of the Conservancy.

We need to retain and protect on-site preserves and urban green space to enhance our quality of life, a quality of life unique to Naples.

I appreciate your time and consideration to the preservation and protection of our recorded conservation easement and the wildlife habitat.

Thank you.

CHAIRMAN STRAIN: Thank you. And I appreciate those pictures. They're very pretty.

MS. JOYCE: These were all taken from my yard and his yard.

CHAIRMAN STRAIN: No. I'm sorry. But you'll have to use the mike if you're going to speak, so...

MS. JOYCE: These were all taken from my yard and by John Mancuso, Lot No. 9, all facing one -- his yard faces the development. Mine is the boundary to the preserve --

CHAIRMAN STRAIN: Thank you.

MS. JOYCE: -- that they're in.

CHAIRMAN STRAIN: Okay. Nancy, would you hit the stop button on that. Then we'll need to call the next speaker.

Nancy, would you call the next speaker.

MS. GUNDLACH: Yes. Ron Savagio.

MS. SAVAGIO: Good morning. My name is Ron Salvagio. And I'm not a lawyer, or I'm not a developer.

I'm just -- my wife, Patty, and I are full-time residents of Collier County and have chosen Marsala as our home based on its location, its natural beauty, and its abundance of the wildlife.

So if you'd allow me, I would like to give a what I think is a layman's perspective of the access road that goes into this new development.

As I understand it, the road that is proposed is 660 feet from the Marsala entrance, approximately, and approximately 760 feet from the Sienna Preserve entrance; however, what happens then is the road goes south throughout wetlands and comes within several feet of the Tiburon Golf Course and some of the residents of -- well, of the Tiburon Golf Course.

And although a buffer is proposed for this road, there's no doubt -- it's particularly at night and late in the day, there's no doubt that there will be some visible -- visible part of the road that will be visible from the golf course and from the Marsala residents, some of the Marsala residents.

In addition to the negative impact on the environmental issues raised by Linda, I have a concern with the traffic issues, because if you come down Livingston Road from the south, going south on Livingston Road, and when people from the new development will have to come in to the Meridian that is used to access Marsala right now, they will be blocking to make their U-turn to go into their access road. They will, in fact, be blocking the view of cars coming down -- southbound cars on Livingston Road.

And I can tell you right now that that's an issue that we have right now with that visualization and the new development coming in and even Sienna at this point in time; it's going to be worsened by a considerable amount, and it's going to be a very dangerous situation.

What I don't understand is why the access point cannot be moved closer to Sienna and then the road go north through the inlands as opposed to going south through the wetlands, lessen -- thus lessening the environment impact.

In addition, I understand that there's a considerable larger buffer between Sienna and the access road that I'm just talking about. And what the current proposed access road is, there's a much smaller buffer between Marsala and the access road that is being proposed right now.

So I don't understand why -- you know, just from a layman's perspective, why they couldn't go north and avoid a lot of these problems with the wetlands and the environment.

In addition, then -- and this may be out of commission's issue, but if you can get both of those

communities, Sienna and Sereno, closer together, they could share an access point off of Livingston Road, and wouldn't then -- which would be further north from the access -- from the Marsala access point, and then thus not blocking our views of traffic coming southbound on Livingston Road.

And, in fact, actually the best answer would be one that was addressed, but I don't know if it's totally resolved. If you could have one access point off of Livingston Road for both Sienna and Sereno, that would be an excellent opportunity.

And they said that -- just a comment. You know, Sienna right now has a full-time gate, a manned gate at their development. When those 45 residents figure out what they're going to have to pay for that full-time gate, they're probably going to change their mind as to whether or not they should have a combined access.

So that's my position on -- and just wondering from a laymen's standpoint why they don't go north instead of south off of Livingston Road.

And then if I could, I'd like to make a statement. I don't know if I -- I don't think I can answer a question, but I'd like to make a statement on a point that was made by one of the WCI presenters regarding their membership in the Tiburon Golf Club, and that was brought up, I think here, in saying it's just like Marsala.

Now, the reason why Marsala was a member of the Tiburon Golf Club is because built into their contracts, their purchase contracts, was, in fact, a membership into the Tiburon Golf Club, and I'm not sure now that WCI is no longer associated with the Tiburon Golf Club whether that same membership will be brought -- will be included in the contracts of the new development. So I don't know if that's the case, but if it's not the case, then their membership is not the same as those of the Marsala residents.

That's all I have.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Nancy or Ray, whoever's --

MS. GUNDLACH: There are no other speakers.

CHAIRMAN STRAIN: Is there anybody in the members of the public who have not spoken who would like to speak?

(No response.)

CHAIRMAN STRAIN: Okay. As far as rebuttal goes, Richard, do you have any -- before I go to Richard, though, does any member of the Planning Commission have any additional questions?

(No response.)

CHAIRMAN STRAIN: Okay. Rich, do you have any rebuttal, if you'd like?

MR. YOVANOVICH: Just briefly to address some comments that were made regarding that real pretty lake where all those birds were flying around. We're not touching that lake. And that's a manmade lake that was made as part of the golf course to show you how golf courses can actually be friendly to the environment. We're not touching that lake.

The impacts that we're doing to the preserve for the two acres that we're doing, that was the location that, after having meetings with the different environmental agencies, said that's where it should go. It's less wetland impacts to go to the south. It's a lower quality wetland to the south. And if you were to go to the north and you were to -- I see you shaking your head, Ms. Ebert, but you haven't been part of these meetings that we have with the Water Management District and the process that we go through.

If we had gone to the north, and we discussed this on multiple occasions, at both NIMs and also in our private meeting with the association. If you were to go to the north -- you would actually impact more wetlands and you would bisect that larger preserve area even more if you were to come in and go to the north.

So this is the location that the environmental agencies have said we need to be for purposes of this access to the property.

Traffic concerns, Mr. Banks can handle that if you want to hear it, but it has been reviewed and approved by your transportation department. It's clearly a safe access. It meets the requirements. We committed to try to get a directional left-in to our property. We can't guarantee we will get it, but we committed to the association we would do our best. We would like to have a directional left-in.

So from a traffic perspective we've talked about that issue and have worked with the neighbors, but

it's clearly safe. Your staff is recommending approval to our project. They review it. Your environmental staff, your transportation staff, your planning staff are all recommending approval because we meet the requirements of both the Land Development Code and the Comprehensive Plan.

And we have honored every commitment we made to every person in that room in my office, including Ms. Joyce, who was at that meeting with us and told us when we struck the agreement we had satisfied her concerns. She told us that, because I asked. I said -- what I asked of everybody in that room. I know you are now officers of that association. I don't want you to hide behind the association and now say as a member you're opposed. Are each of you in this room okay with this agreement? And everybody in that room said yes.

We've lived up to our commitments. We are moving forward. The residents of this neighborhood will be social members of Tiburon just like Marsala. We said that in our meeting with the association.

And we're asking that you follow your staff's recommendation and recommend to the Board of County Commissioners approval of this project.

CHAIRMAN STRAIN: Thank you. I have one question, and it's of Mr. White. If you don't mind, Patrick, coming to the podium, and this is a real short answer. How many people are members of your organization that have agreed to the agreement?

MR. WHITE: Patrick White, for the record.

Our board has assented to and is in accord with the terms of the PUD as presented.

CHAIRMAN STRAIN: Okay. Now let's go back to the question that was real short only for an answer. That usually is a number. How many people in your organization have agreed to the agreement?

MR. WHITE: The organization, which is not an association, is operated by and the decision-making occurs by the board. I am not privy to what their meetings were regarding any votes that may have been held by the board. The board is in unanimous support.

CHAIRMAN STRAIN: Okay. And how many members are on the board?

MR. WHITE: There are presently four board members.

CHAIRMAN STRAIN: Okay. Thank you.

MR. WHITE: However, it is fair to say and reach a conclusion that a majority of the members support the position that the board is taking today that I have shared with you.

CHAIRMAN STRAIN: Okay. Appreciate it.

MR. WHITE: Thank you.

CHAIRMAN STRAIN: Okay. Are there any further questions before we close the public hearing?
(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll close the public hearing, and we'll entertain a motion. I don't know who's going to make the motion. If the motion maker wants to consider stipulations, I have made notes of those just for the sake of discussion.

One is that the clarified buffer plan would be the plan that we were going to be utilizing for evidence. That's the one the applicant corrected in the beginning.

The references to the Marsala Tiburon Golf Course will be needed to be changed consistent with the discussion shown earlier on record.

The staff recommendations need to be determined whether they're necessary or not. I would suggest that they are not necessary.

The footnote correction for the transposed numbers pointed out by Scott Stone need to be corrected. The Footnote No. 4 needs to be added to the section of the standards table that Mr. Stone pointed out.

And the applicant has agreed to pursue a ded -- a directional left-in lane to their property.

Those are the notes I made of things that are outside or corrective to the documents that we've had in front of us. Is anybody on the panel willing to make a motion?

COMMISSIONER HOMIAK: Is this for the DOA or --

CHAIRMAN STRAIN: Well, we'll start with the development order first, yes. I'm sorry. Thank you.

COMMISSIONER ASSAAD: I move for approval.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER ASSAAD: I can see that -- I can see that the applicant has made significant effort trying to satisfy all of the concerns or most of the concerns. I can see that the applicant is a reputable developer, and they have a good track record in Collier County and Lee County, and I also understand that some of us old residents in Naples here would like to close the door behind us right after we come in. We like our environment, we like our backyards. We don't want anybody else coming in, would like to push the roads further away from us. We don't like anybody to put any more cars on the road once -- except ours.

But I think we have good regulations in Collier County, and you can see an honest attempt to comply with most of the regulations. And I have no problems recommending approval to the Board of County Commissioners.

CHAIRMAN STRAIN: Okay. Let me ask you to do that one more time but after I read the title so we get it right. There's going to be two motions needed, but the first one will be for DOA-PL20140002309, and this is the development order.

There were some stipulations, some of which may respond to that, and just in case they do, to the extent they do, the motion maker needs to clarify if those stipulations or corrections are also included in the motion.

COMMISSIONER ASSAAD: Yes.

CHAIRMAN STRAIN: Okay. So Mr. Assaad made the motion for approval with the stipulations. Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Second by Karen.

Is there any discussion on the development order?

(No response.)

CHAIRMAN STRAIN: Hearing none, all those in favor, signify by saying.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: (No verbal response.)

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

The next item up is the PUD. It's PUDR-PL20140002211, and this had the same considerations for the corrections and stipulations read into the record previously. Is there a motion on that one?

COMMISSIONER ASSAAD: I so move.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Is the motion made to approve?

COMMISSIONER ASSAAD: To approve with the stipulations.

CHAIRMAN STRAIN: With the stipulations. Seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER EBERT: Wait.

MR. BOSI: From a staff perspective, the removal of Deviation 1, I'm just concerned when they do come in for platting, will the environmental staff be able to approve that -- the preserve being bisected by the road with the removal of that deviation. I just wanted to make sure --

CHAIRMAN STRAIN: Let us finish with this. If we have to go make a correction to it, we can do that. Does that work, Scott, or a supplement to the vote?

MR. STONE: I believe that you're voting on it; you should have those issues decided before then, but I leave it up to you as to --

CHAIRMAN STRAIN: Well, we didn't completely finish the vote. So Mr. -- if you --

COMMISSIONER ASSAAD: I don't mind approving the deviations.

COMMISSIONER HOMIAK: Just the first one.

COMMISSIONER ASSAAD: Just the first one.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: Easier for staff and to avoid further complications with permitting for the applicant.

CHAIRMAN STRAIN: Okay. So that will be an additional stipulation, Mr. Yovanovich.

MR. YOVANOVICH: Are you going to add to the PUD that we have to try to get the directional left-in?

CHAIRMAN STRAIN: That was part of the stipulations, yes.

MR. YOVANOVICH: Okay. So --

CHAIRMAN STRAIN: You told us you were going to do your best effort to do that, so we're just saying --

MR. YOVANOVICH: And I am. I told the residents, and that's part of our agreement.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: I just wanted you to know that that's part of the agreement. We --

CHAIRMAN STRAIN: Well, you put it on record, so I'm --

MR. YOVANOVICH: But, you know, why would that be a PUD requirement? I just was pointing out the things that we --

CHAIRMAN STRAIN: Well, traffic concerns are PUD requirements.

MR. YOVANOVICH: I got that, but how are you going to measure whether I satisfied the PUD concern about trying to get the directional left-in?

CHAIRMAN STRAIN: I wasn't worried about measuring it other than putting -- your commitment that you'll try. If you don't do anything, if you don't --

MR. YOVANOVICH: I'm already in asking for it.

CHAIRMAN STRAIN: -- send a request in, if you don't have your traffic engineer make an attempt to show that it can be logical to have it in the movements that would be used there, I would suggest you're not trying.

MR. YOVANOVICH: Mr. Strain, we're already in with our applications to do all of those things. So I've -- I think I've already satisfied what you're saying. I'm just not used to a condition in there that is difficult to measure is my only concern. We're already doing it. We already have applied for the applications.

COMMISSIONER ASSAAD: Are you saying that you don't want to do the -- you don't want to commit to the left turn?

MR. YOVANOVICH: No, no. We would like -- we want to get it. We want to get it. But I just was pointing that out to how we had addressed the neighbors' concern about traffic, and we committed to applying for and trying to get it. I just didn't think that that was going to be a PUD condition because we don't usually do that.

COMMISSIONER ASSAAD: It's very normal to include in the PUD traffic signalization, turning lanes.

MR. YOVANOVICH: I would love for you to force the county to give me that directional left-in on the PUD.

CHAIRMAN STRAIN: No, we're not --

MR. YOVANOVICH: That's a -- that's where --

COMMISSIONER ASSAAD: If you can't get it, if they reject your application --

MR. YOVANOVICH: That's all I -- we're okay now. I just wanted to make sure I've satisfied what the measure --

CHAIRMAN STRAIN: We were in the middle of a motion when Mr. Bosi came forward. I first would like the motion maker and the second to withdraw the motion temporarily until we rediscuss it.

COMMISSIONER EBERT: Mark, I made a mistake. I did not answer because we do these together.

The DOA, I will not be approving that. I will be against.

CHAIRMAN STRAIN: Oh, no. Stop. Let me finish what I started with first. Will the motion maker and the second withdraw their motion --

COMMISSIONER ASSAAD: I'll withdraw my motion --

CHAIRMAN STRAIN: -- temporarily?

COMMISSIONER ASSAAD: -- temporarily to listen to the discussion.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER HOMIAK: I will, too.

CHAIRMAN STRAIN: Thank you.

Now we'll first move in and finish up the PUDR, and then, Diane, you can decide -- you can bring up your issue, and Mr. Stone can tell us the procedure for something that was finalized as far as a vote goes, which was the DOA.

So with that in mind, as far as the changes to the PUDR for the deviation, is this panel suggesting, then, we add that as a stipulation to include the request for the deviation for the preserves that was recommended by staff? I think that's where everybody's going.

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay. And the applicant didn't have a problem with that. The other issue is the left turn lane. I don't see a problem with leaving it in that the applicant will try to obtain a directional left turn lane. It doesn't lock it in. It just simply says an effort will be made. It's kind of like we do with the interconnections to different projects. We require -- we put those on the plan to encourage them to be done. That's all we're doing here; potential.

COMMISSIONER ASSAAD: That's fine.

CHAIRMAN STRAIN: So with the stipulations we previously read in, with the exception that we will now add a deviation for the splitting of the preserves and that the staff -- that will be only -- the Staff Recommendation No. 1 then will be recommended for approval, we agree Staff Recommendation No. 2 is not needed, and we'll leave in the directional left lane attempt or potential left lane.

With those in mind, is there a new motion, Mr. Assaad?

COMMISSIONER ASSAAD: So moved.

CHAIRMAN STRAIN: Okay. And that's to approve?

COMMISSIONER ASSAAD: Yes, so moved.

CHAIRMAN STRAIN: And is there a second by Karen?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

MR. STONE: By the way, Mr. Chairman, does this require EAC approval as well?

CHAIRMAN STRAIN: Yes.

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: So the next item will be the EAC review of -- and is the EAC, Scott, on both the DO and the PUD?

COMMISSIONER HOMIAK: Just the PUD.

MR. STONE: I believe it's just the PUD.

CHAIRMAN STRAIN: Okay.

MR. STONE: I'm not as familiar with the language in the code, however.

CHAIRMAN STRAIN: Okay. Will the Planning Commission sitting as the Environmental Advisory Council for PUDR-PL20140002211 -- is there a motion to recommend approval? And that one would probably reflect the same conditions that do apply to it.

COMMISSIONER ASSAAD: So moved.

CHAIRMAN STRAIN: Made by --

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: -- Mr. Assaad, seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

CHAIRMAN STRAIN: Anybody opposed?

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: One opposition. Okay. That motion passes 4-1.

Now, Ms. Ebert, let's go back to your development order issue. That motion was made, taken, and you voted in the affirmative.

COMMISSIONER EBERT: I did not vote. I was waiting because it was going back and forth on this.

CHAIRMAN STRAIN: It was not. It was simply those in favor and those against. You didn't say anything.

COMMISSIONER EBERT: Well, Mark? Mark, this time I would like to vote against that partic -- against the DOA development. The PUD is fine.

CHAIRMAN STRAIN: So you vote against the DOA but you vote in favor of the PUD?

COMMISSIONER EBERT: Well, there's different -- different issues in there.

CHAIRMAN STRAIN: Well, can you articu -- well, it's your vote.

Scott?

MR. STONE: As far as a reconsideration, I believe you can make a motion to reconsider. It would have to be seconded, and the item would be reopened for a vote.

COMMISSIONER ASSAAD: Why can't we just correct the record to reflect --

COMMISSIONER EBERT: That I'm voting against it.

COMMISSIONER ASSAAD: -- that a vote was miscounted?

CHAIRMAN STRAIN: Because we already tallied the vote.

COMMISSIONER EBERT: Oh, we've done this before.

CHAIRMAN STRAIN: We've already actually took the vote, and we need to correct it. We have had it happen before, and the way it happened wasn't -- didn't work out very well, so I'm trying to be very careful this time.

So if we'd have to do a reconsideration for the DO, is there anybody that wishes to vote to reconsider the development order?

COMMISSIONER EBERT: Besides me.

CHAIRMAN STRAIN: You didn't say anything. I'm asking, is there anybody here --

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: -- that wishes to reconsider DOA-PL2014 --

COMMISSIONER EBERT: Yes, I would.

CHAIRMAN STRAIN: -- 0002309?

COMMISSIONER EBERT: I would.

CHAIRMAN STRAIN: There's been a motion to reconsider by Ms. Ebert. Is there a second?

(No response.)

CHAIRMAN STRAIN: Motion's not seconded. Motion fails for approval; therefore, the vote stands as it was made.

With that, I think that takes us to the -- that ends the two advertised public hearings on the agenda.

COMMISSIONER HOMIAK: Do we need consent or no?

CHAIRMAN STRAIN: No. Unless we vote for it, we don't need it. There's nothing there to have consent on.

Thank you, ladies and gentlemen, for attending.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: There is no old business. I asked for an item of new business for a discussion of the timeliness of our Planning Commission packets, and it was really about one particular project, and that is Rural Lands West.

I know that it is an extensive project like Ave Maria was. We will need more time than a seven-day notice in order to read those documents. It's an SRA in an area that we don't deal with too often. I think this panel could use one month ahead lead time on that document.

So I don't know what staff's scheduling of that program is, but if you're scheduled for the first of December or the first of March or the first of whatever, give us the packet 30 days in advance of the scheduled hearing, if that's the consensus of this board.

I think it would be to our advantage to have that one early. It's going to be unique, like Ave Maria was, and we need to have time to understand it. Is anybody against that idea?

(No response.)

CHAIRMAN STRAIN: So that's the direction to staff. If you don't mind making sure that happens in your scheduling process.

MS. GUNDLACH: We can do that.

MR. BELLOWS: For the record, yeah, Ray Bellows. We will work on a schedule so we ensure that there's time to get you the information as the completed -- as complete as possible so as we lead up to the actual meeting there aren't going to be any significant changes.

CHAIRMAN STRAIN: Well, what I'm suggesting -- what I'm saying -- what we just decided was, by assent, is that 30 days ahead of the scheduled meeting we'll receive our packages. Don't give us a multi-hundreds of pages of a package and then keep changing it. Wait till it's the final package.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: I mean, we just got done with 1,300 pages because this thing got delayed so long. I'd rather not see that happen repeatedly, because it means we have to read it all from scratch again. So don't do that.

MR. BELLOWS: Understood.

CHAIRMAN STRAIN: Okay.

COMMISSIONER HOMIAK: When is that coming?

CHAIRMAN STRAIN: We don't have a schedule yet. I just wanted to make sure when it happens we get advance --

COMMISSIONER HOMIAK: Next year or this year?

CHAIRMAN STRAIN: Probably next year. I don't know.

Mr. Assaad?

COMMISSIONER ASSAAD: I think Stan would like to say something, and then I'll follow.

CHAIRMAN STRAIN: You printed all that?

COMMISSIONER CHRZANOWSKI: Gone with the Wind and War and Peace pale in comparison, okay.

Could you -- I'm old. I'm crotchety. Is there a way you could kind of give a little -- a better summary than you do of what's -- what I'm looking at when I get something that's going to be this big? You know, staff report's good. The blurb is nice; it's short. But, yeah, I sometimes think I don't like going through all this because it's -- there's stuff in there that's just extraneous. And I've done this for so long that I know what's extraneous, and I just don't look at it. But it seems like a waste of paper.

CHAIRMAN STRAIN: Well, I agree it's a waste of paper. That's why I get mine electronically.

MR. BELLOWS: Yeah. Well, from a resource standpoint --

COMMISSIONER CHRZANOWSKI: Point taken.

MR. BELLOWS: -- we do offer electronic review, and we have provided some commissioners with a flash drive with the information so it's more easily dealt with on a personal computer that you might have at home. We can also look at other options for that.

But in regard to a summary of the information, that's the purpose of the staff report, and the backup information is typically provided by the applicant's consulting engineers or traffic consultants or environmental consultants. And we really can't change or alter their documentation.

COMMISSIONER EBERT: It's really a lot of their documentation, the addresses to who they send it all to. A lot of their backup material -- and you're right. You can't change that, but that's a big portion of it.

MR. BELLOWS: Yeah.

COMMISSIONER CHRZANOWSKI: The flash drive -- this is the first I heard of that. That's a good idea.

MR. BELLOWS: If you like, we can do it.

COMMISSIONER CHRZANOWSKI: I'd prefer that to this.

MR. BELLOWS: Yeah. Well, you just made my day. Thank you.

CHAIRMAN STRAIN: Well, do you have something you can bring to the meeting so that --

COMMISSIONER CHRZANOWSKI: No. I only want to print out the pages I need.

CHAIRMAN STRAIN: Oh, okay. That's a lot of printing for you.

COMMISSIONER CHRZANOWSKI: Not bad. I'm on one of those plans where I get so much ink every month from Hewlett-Packard.

COMMISSIONER HOMIAK: You've got to use it whether you --

COMMISSIONER CHRZANOWSKI: Five dollars a month, and I've got to use it up.

CHAIRMAN STRAIN: Hey, it makes it easier, I think, for everybody. That's great.

COMMISSIONER EBERT: Less paper.

COMMISSIONER CHRZANOWSKI: Yeah. Flash drive; put me down for a flash drive. Do I keep the flash drive?

COMMISSIONER ASSAAD: I like the printed stuff.

MR. BELLOWS: Okay.

COMMISSIONER CHRZANOWSKI: Do I get to keep the flash drive?

MR. BELLOWS: Well, we rotate it back. As soon as the Planning Commission meeting ends, I get your flash drive back so we reload the next information.

COMMISSIONER CHRZANOWSKI: Here, I thought I was going to make a profit. Okay.

COMMISSIONER HOMIAK: Sell them.

CHAIRMAN STRAIN: Okay. That takes us to our last order of business, and that's public comment.

Terri, what's your son's name?

THE COURT REPORTER: Seth.

CHAIRMAN STRAIN: Seth, you're the last member of the public here. Do you have anything you want to say?

MR. LEWIS: Nope.

CHAIRMAN STRAIN: Okay, Seth. Thank you. I've appreciated your patience this whole meeting. Wafaa?

COMMISSIONER ASSAAD: What happened to the deviation list?

CHAIRMAN STRAIN: August 4th.

MR. BELLOWS: Yeah. We have it scheduled for August 4th. We wanted to make sure we had everything in order for that meeting.

COMMISSIONER EBERT: Oh.

COMMISSIONER ASSAAD: Okay.

CHAIRMAN STRAIN: Okay.

MS. GUNDLACH: Next meeting.

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CHAIRMAN STRAIN: With that, is there a motion to adjourn?

COMMISSIONER ASSAAD: So moved.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Stan.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

CHAIRMAN STRAIN: Now, Diane, sometimes I can't tell if you said aye or not. Do you agree to adjourn?

COMMISSIONER EBERT: Yes, I agree to adjourn.

CHAIRMAN STRAIN: Thank you. We're adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:14 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 8-18-16, as presented or as corrected .

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