

December 15, 2016

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, December 15, 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
Stan Chrzanowski
Diane Ebert
Karen Homiak
Joe Schmitt
Patrick Dearborn

ALSO PRESENT:

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

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, December 15th meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you.

Will the secretary please do the roll call.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mrs. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER EBERT: And, Mr. Dearborn?

COMMISSIONER DEARBORN: Here.

CHAIRMAN STRAIN: Thank you.

Addenda to the agenda: We have three items on today's agenda. The first one is the consent item for the Resource Recovery Park, the second item on our regular agenda is the Hamilton Place RPUD, and the last item we'll be discussing today are proposed amendments to the -- or the first review or first reading of the proposed amendments to the Collier County Land Development Code.

And now we'll move to the Planning Commission absences. Our next regular meeting -- and several times a year, we have more than two meetings a month. January's going to start the year out that way. So we have -- first is January 5th. That's a regular meeting. Does anybody know if they're not going to make it?

COMMISSIONER EBERT: I will not be here.

CHAIRMAN STRAIN: Diane will not be here.

Our next meeting -- and I'll verify attendance on the 5th -- but is the 19th of January, and then we have been asked by staff to have a special evening meeting for final reading or one of the readings of the Land Development Code amendments that are going through the process, including, I believe, those that we're going to talk about later today, and that's on January 30th at 5:05.

Does anybody know if they cannot make the January 30th meeting in the evening, 5:05 in this room?

(No response.)

CHAIRMAN STRAIN: Okay. Looks like we'll have a quorum.

COMMISSIONER EBERT: Is that a Friday?

CHAIRMAN STRAIN: It's a Monday. Okay. We'll have quorums, so we look good.

Approval of the minutes. We all received our November 17th minutes electrically. Are there any changes?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion to approve?

COMMISSIONER EBERT: Motion to approve.

CHAIRMAN STRAIN: By Diane.

COMMISSIONER CHRZANOWSKI: Second.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

BCC report and recaps, Ray, with the first meeting of the new commission. And, by the way, I watched it, and it was a pleasant one to watch.

MR. BELLOWS: Yes. The Board of County Commissioners last Tuesday, they continued the Naples Heritage PUD amendment and rezone to the January 10th meeting. They heard and approved the Courthouse Shadows PUD. It was approved 5-0 subject to the removal of Deviations 6, 8 and 10. I believe part of that may deal with the free-standing service station that was involved with that project.

CHAIRMAN STRAIN: Okay. And the outcome of that, basically I think we heard during that meeting, the Sam's Club has not currently contracted to go into that location, but they still got approved for the additional square footage, so there's some flexibility. And something that I know Summer has now gotten into a lot is Starbucks is going to go on the corner of 41 and Airport Road, so that's a good thing. I'm glad it got approved for that.

And, Mike, did you have something you wanted to add?

MR. BOSI: Sure. Mike Bosi, Planning and Zoning Director. I just wanted to mention to you we also were directed to bring back an ordinance on the 10th of January to the Board of County Commissioners to enact a moratorium on specific land uses: Gas stations, car wash, self-storage facilities, and pawnshops along the East Trail. It's correlated to a East Naples corridor study that was done in 2010 that Commissioner Fiala wanted to see analysis provided towards how those specific land uses that I mentioned fit within the compatibility and the vision of the East Naples community.

So those -- we'll work through the process of working with the stakeholders and then bring back something through the land development amendment process eventually for the Planning Commission to contemplate and provide direction to the Board on. But I just wanted to provide that.

CHAIRMAN STRAIN: Mike, I thought that the direction was to take a look at some -- because there's every kind of zoning from C1 through C5 in that corridor, and the elements of C1, 2, and 3, with the exception of those you mentioned, aren't too intense, but there's 142 elements in C4 and 180 some odd in C4. C5 is our light industrial. C4 contains some of that.

And I thought that the Board wanted to take a look and make sure all of the intense uses were considered in this, too. Did you get any input on that?

MR. BOSI: Yes. And we -- and it was to provide a list of all of the uses within the C4 and C5 that are beyond that C1 through C3, the more intense uses, to see if any other uses would be singled out.

And what they did -- and it wasn't a strict moratorium in terms of what they directed. They did ask the staff to provide for a mechanism for circumstances for any one of those individual uses to be brought forward for evaluation as to whether they're appropriate.

From a staff's perspective, what we're going to suggest is within that ordinance and during that period of time those specific land uses will be not a permitted use but treated as a conditional use. So if they wanted to move forward, it would require a public hearing to move forward on it because the Board did say they didn't want to close the door 100 percent potentially on a use that maybe fit within the right location. So they wanted to provide that opportunity.

So we'll work with Mr. Klatzkow and the County Attorney's Office to make sure that we find the right nuances within the moratorium that will be imposed.

CHAIRMAN STRAIN: Good. That scenario of a lot of old strip zoning, and it's caused a lot of problems, so I'm glad to see we're looking at it.

MR. BOSI: It most certainly is. And one of the things that East Naples trail or vision study was looking at is that strip zoning and how do we take advantage of the strip zoning and maybe in terms of bringing a different -- a variety of different type of uses that enhance the overall land use arrangement. But, I agree.

And, ultimately, the Planning Commission will have that first crack to give the guidance to the Board of County Commissioners on what's brought back.

CHAIRMAN STRAIN: Thank you.

Joe?

COMMISSIONER SCHMITT: I just want to ask a question, Ray. What was the reason for the denial of the deviations, just out of curiosity, do you know, for the --

CHAIRMAN STRAIN: Yeah. I actually discussed some of that with one of the commissioners in particular, and they -- the Sam's Club pulled out because Walmart, which Sam's is a part of it, has invested heavily in another operation.

So what we were told is they've kind of curtailed some of their expansion. So Sam's pulled out. Without Sam's, the issue of the gas station, especially one being membership versus non-membership, wasn't really needed anymore.

And then the other piece was the massing for the architectural criteria, and until they know what they're going (sic) in there, they don't really know if they need that deviation. So that's how those were wrapped up.

COMMISSIONER EBERT: And then buffering?

CHAIRMAN STRAIN: No. Those all stayed deviations.

Okay. That gets us to the chairman's report. Ray, it's the holidays and I found something humorous that I thought I'd share, at least I thought it was humorous because it shows what our county was like before July 12th, 1968 -- July 25th.

Now, if you read this, it says, we have had several complaints of drinking during working hours, and a motion had to be made to the Board of County Commissioners at that time that it would no longer be tolerated.

So the assumption is prior to that date, you could just have a free-for-all in the county offices. And I can assure you it's not like that today, but I thought that was interesting they had to actually vote on that back in '68 as a motion.

The Clerk's Office happened to have that, and paralegal working for the County Attorney's Office saw it and pointed it out to me.

COMMISSIONER SCHMITT: Well, I'm not coming to your party then if you're not having --

COMMISSIONER CHRZANOWSKI: I'll drink to that.

CHAIRMAN STRAIN: And it has changed a lot, hasn't it?

And the last item I'd like to mention is good morning, Nora Francis. We're going to keep an eye on your husband today and make sure he does a good job. Please tell her I said hi.

COMMISSIONER CHRZANOWSKI: Thank you.

CHAIRMAN STRAIN: ***Okay. And with that, we'll move into our first item up. It's a consent item, and it's for the PUDZ-PL20150002737. It's the Collier County Resource Recovery and Business Park IPUD.

Now, this is just an acknowledgment from the Board, the Commission, that staff has interpreted and the applicant has interpreted the directions of our prior meeting. It's not a revote of the issue. It's simply acknowledgment that the issue was addressed.

And with that in mind, does anybody have any questions from what was presented to us?

COMMISSIONER HOMIAK: I make a motion to approve.

CHAIRMAN STRAIN: I agree. Is there anybody else?

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Seconded by Patrick.

COMMISSIONER HOMIAK: Oh, wait a minute. There's a wave.

CHAIRMAN STRAIN: Tim, you're going to change this?

MR. HANCOCK: Mr. Chairman, I'm going to make it better.

CHAIRMAN STRAIN: You want to change your motion, Karen, to denial?

COMMISSIONER HOMIAK: Okay.

MR. HANCOCK: I'm going to make it even better. Thank you. Tim Hancock with Stantec, for the

record.

We discovered, after we submitted all the final changes to staff, what I think is a necessary clarification.

On the bottom right-hand side of the master concept plan, Mr. Chairman, you may remember it reads, 40 feet easement for Garland Road. What we discovered is it's actually a 30-footer, it's not 40 feet, which solved some of the issues you and I were having about trying to figure out how that 200 got to 170.

So Ms. Zimmerman worked with the Property Appraiser's Office. We confirmed that it is, in fact, 30 feet on either side of the section line. The 10-foot utility easement lies within the 30 feet, and so we thought a 40-foot designation was an inaccuracy that needed to be corrected to 30, and we would simply ask that that correction be made a part of the motion today.

CHAIRMAN STRAIN: So the overall distance -- I can't recall based on this survey -- it's too small on the screen -- but is it 170 and 30, so we're at 200?

MR. HANCOCK: Yes.

CHAIRMAN STRAIN: Which is what we were expecting in the first place. So there's nothing -- there's nothing reduced in intensity; it's actually better.

MR. HANCOCK: That's correct, sir.

CHAIRMAN STRAIN: Okay.

COMMISSIONER HOMIAK: Yeah. I'll change my motion to include the change from 40 feet to 30 feet on that easement.

CHAIRMAN STRAIN: Okay. Does the second --

COMMISSIONER DEARBORN: Second.

MS. ASHTON-CICKO: If I could say something. There's also another change related to -- it looks like on the water management tract, there's a line.

MR. HANCOCK: That is not something we're requesting. There was a question about it yesterday. I made that change on this exhibit in the event we had to address it, but it's been solved at the staff level as it relates to the SDP, so this is the only change; the 30-foot is the only change we're asking for consideration today.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: Okay. A motion was made by Karen. And, Patrick, did you affirm the second on that?

COMMISSIONER DEARBORN: I did.

CHAIRMAN STRAIN: Okay. Motion made and seconded. Any further discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Thanks for the clarification, Tim.

***Okay. Our advertised public hearing, 9A, is next. It's PUDZ-PL20160001255. It's for the Hamilton Place RPUD. It's located east of Livingston Road, south of Pine Ridge Road.

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

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

CHAIRMAN STRAIN: Okay. Disclosures from the Planning Commission. We'll start with Mr. Eastman.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I have a question. I got an email through Eric. And on the mail it said, the information contained in this communication is highly confidential and is intended solely for the use of the individuals to whom the communication is directed.

If you were not the intended recipient, you are hereby notified that any viewing, copying, disclosure, or distribution of this information is prohibited.

Please notify the sender by electronic mail or telephone of any unintended receipt and delete the original message without making any copies.

Doesn't the Sunshine Law apply in stuff like this? Can you just say everything -- this is confidential?

CHAIRMAN STRAIN: Did you ever hear of that item that's going around now called false news?

COMMISSIONER CHRZANOWSKI: Yes.

CHAIRMAN STRAIN: Okay. Well, you got a false statement.

Heidi, do you want to comment on it? It doesn't -- I don't believe it applies based on our Sunshine Law.

MS. ASHTON-CICKO: Yeah, that's correct. Every email is public record and not --

COMMISSIONER CHRZANOWSKI: I could take that and forward it to anybody I want, and this means nothing.

MS. ASHTON-CICKO: That's correct.

COMMISSIONER CHRZANOWSKI: Okay. That's what I was curious about. Thank you.

COMMISSIONER EBERT: Did you talk to anybody?

COMMISSIONER CHRZANOWSKI: No, I didn't. But yesterday something about this wording made me nervous.

CHAIRMAN STRAIN: Well, in the private sector, at least when I was there, too, all of our emails had that information on it.

COMMISSIONER CHRZANOWSKI: I know, but --

CHAIRMAN STRAIN: It doesn't apply when you send it to government, though.

COMMISSIONER CHRZANOWSKI: Okay. Just so long as I get that on the record.

COMMISSIONER EBERT: And I spoke with Wayne Arnold.

CHAIRMAN STRAIN: And I, too, spoke with Wayne. I think he's the only -- other than staff, the only person I've talked to about it.

COMMISSIONER HOMIAK: I spoke to Mr. Arnold and received emails.

COMMISSIONER SCHMITT: I spoke to Wayne Arnold.

CHAIRMAN STRAIN: Patrick.

COMMISSIONER DEARBORN: No.

COMMISSIONER CHRZANOWSKI: And I spoke to Wayne Arnold.

CHAIRMAN STRAIN: Okay. Looks like Wayne was a popular guy.

COMMISSIONER CHRZANOWSKI: Five for six, Wayne.

COMMISSIONER SCHMITT: He was making many phone calls.

CHAIRMAN STRAIN: Okay. We will start with the presentation by the applicant, and for those members of the public who are here to speak, then we do a staff report, and then we go to the members of the public. So, Wayne.

COMMISSIONER SCHMITT: I do have to comment (sic) him on his tie, though. It's very nice. Can you show us all your -- look at that.

COMMISSIONER HOMIAK: Very Christmas-y.

COMMISSIONER EBERT: Michelle made him do it.

MR. ARNOLD: Thank you.

Good morning. I'm Wayne Arnold. I'm with Grady Minor Engineering, and I'm here representing WCI Communities. With WCI Communities, we have Kevin Cross and Barry Ernst in the audience today. We have Tammy Lyday, who's our environmental consultant; Mike Delate, who's with Grady Minor as the engineer of record; and Jim Banks is here as our traffic engineer in case you have any questions. I'll do the primary presentation. And if there are questions that the other members of the team need to answer, then they

certainly will.

But with that, we're here on a project that's on Livingston Road just south of Pine Ridge Road. You can see it on the visualizer. It's about a 9.8-acre piece of property that lies between Brynwood Preserve and the Positano Place apartment complex.

And the parcel clearly is an infill parcel. It is located partially within your density band of the activity center. More than 50 percent of the property lies within the density band; therefore, we qualify for the density bonuses that are permitted when you're within the density band.

So we are asking for a density just under the maximum of seven units per acre, so we're asking for a density of about 6.7 units per acre.

It's a residential planned development. We've asked for a variety of housing types. We held our neighborhood information meeting. We had several attendees. And one of the comments we heard was about density of the project, that we exceed the density of our adjoining parcels. And I just want the record to be clear, there's nothing in our code that requires every property to have the same density that you're adjacent to. If that were the case, about most of the properties in Collier County would have a density of about 1.5 units per acre.

So, clearly, we have opportunities, especially for infill, to have densities that are higher than the base densities, and that's the only way we're going to have infill development that's going to make sense economically.

And, also, it's much more efficient for the infrastructure. You know, some of the ills that we have is the focus that we're on golf course communities force the density down very low, meaning that we had to spread out further.

So I think now you're seeing sort of coming back is the premise that we need densities that are at the higher end of the range, and it make sense here. And I think the density that we're seeking, we have -- took a look at some of the adjoining properties, for instance, that are in the immediate vicinity. And I'll put it up on the visualizer.

I took these right out of the county's PUD list that it prepares, and they assign a density with each of them, and it's -- maybe if we can zoom in on that, Eric; do you mind?

We have densities that -- these are in that Pine Ridge/Livingston Road corridor. You can see that the densities range from three and a half to over 12 units an acre. So we clearly have a range of densities in the corridor, and the density that we're seeking is consistent with your Comprehensive Plan. We think it makes sense.

CHAIRMAN STRAIN: Wayne, before you go too far, and since you produced that, the Brynwood preserve, the PUD that I've found says 160 units, so that may change your density count. It may have had an addendum that I'm not catching, but did you take a look?

MR. ARNOLD: I've got the PUD document here. I can pull it up and look at it.

CHAIRMAN STRAIN: Okay. I mean, since you brought it up, I'd rather -- whatever it is we do it accurately.

MR. ARNOLD: Okay. Give me a moment.

CHAIRMAN STRAIN: 0073, and a maximum of 160 residential dwelling units is what's --

COMMISSIONER DEARBORN: I think it's 185 (sic) homes in there.

CHAIRMAN STRAIN: Pardon me?

COMMISSIONER DEARBORN: In the Preserve, it's 185 (sic) homes.

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

COMMISSIONER DEARBORN: I believe Brynwood Preserve is much less than the 170, 160. I believe it's 85.

CHAIRMAN STRAIN: Oh, no. It may be built out for less, but they're approved at a higher number. That's the number he's using for calculations.

MR. ARNOLD: And I stand corrected, Mr. Strain. It is 160 units.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Which one?

CHAIRMAN STRAIN: Brynwood.

MR. ARNOLD: They, too, qualified for a maximum density of seven units per acre. And I agree with you; they have been built at a lower density, and that's not that uncommon, but we established the maximum densities as a part of the PUD process.

So, again, I think the data suggests that the density is well within the range of other properties that are in the immediate area.

I can go through the master plan. It's pretty basic. The master concept plan shows a single access point off of Livingston Road. It's located near the northern edge of the property boundary in order to get spacing from the access point to the Positano Place property to the south.

Probably, we envision two larger residential tracts on the north and south of the access road. We have an amenity center that's located along the eastern portion in our water management lake and then preserve. The preserve wraps around a little on the northern edge, and then we have a water management feature that will be a dry detention system along our northern boundary as well.

But in that, that provides some natural separation from our neighbors at Brynwood, and then we also have an easement located on the southern boundary that's going to provide some additional separation from Positano.

And then, of course, if you look back at the aerial photo -- and I have some information for -- I have some distances that I established, because I saw some emails from the Arlington folks who are located to the east, and their access is off of Whippoorwill. But they have part of their preserve that's part of this Whippoorwill flowway that separates this property from Arlington.

So we have our preserve that abuts their preserve. So we have a natural separation of well over 400 feet. And we also, in our development standards, have established a maximum height of the 35 feet for the project. And I know that at one of the neighborhood information meetings, the community asked if we could limit that to three stories in height. But I can tell you that with 35 feet, WCI Communities would only build a two-story product.

And just to give you some sense, south of us is the Positano project. That's kind of just a snapshot, but that is a three-story project at Positano Place.

WCI Communities -- what we had at our neighborhood information meeting and as something they're building at Livingston Lakes a little farther north, is something like this. That's some of the multi-family that we would envision, which is a typical six-plex-type project that WCI Communities constructs. We've also made provisions for single-family homes. You can go to any other WCI community and see what they are building. But that's an example of the type of multifamily structure that we're envisioning to be built here, which we think is very compatible and transitions well between Positano at three stories and Brynwood, which are largely single-story structures.

That's really all I have to say about the project. We're consistent with the Comprehensive Plan. We have staff's recommendation of approval. We're not asking for deviations from the code in any way.

CHAIRMAN STRAIN: Before we go into questions, I just need one more clarification. You keep referring to a project called Positano.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: But that's the Arlington PUD.

MR. ARNOLD: It is part of the Arlington PUD.

CHAIRMAN STRAIN: Right. So it's not Positano. It's Arlington. It just happens to be a different segment of Arlington.

MR. ARNOLD: That's right.

CHAIRMAN STRAIN: Arlington wraps around both the east and southern boundaries of the PUD that you're proposing.

MR. ARNOLD: That's correct.

CHAIRMAN STRAIN: Okay. Anybody have any questions of the applicant at this time?

COMMISSIONER DEARBORN: I have a question.

CHAIRMAN STRAIN: Go ahead, Patrick.

COMMISSIONER DEARBORN: This single-family, what do you all envision as far as lot size if you do do single-family, and how many do you envision being single-family as opposed to multifamily?

MR. ARNOLD: Well, I can let Mr. Delate answer it. I'm sure he's laid it out, but typically for single-family you're going to net anywhere from three to four units per acre. So you're probably looking at somewhere 30 units plus or minus if we did single-family.

We have development standards that allow 50-foot-wide lots for the detached single-family product. We made provisions for what's called a variable zero lot line, which would be a lot at 40 feet.

COMMISSIONER DEARBORN: Forty, yep. And how deep? Out of curiosity.

MR. ARNOLD: Lot depths are a hundred foot minimum.

COMMISSIONER DEARBORN: Okay.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: Yeah. Just for the record, if Mike could come up, because I want to -- for the record, I asked him right before the meeting -- and just correct me if I am wrong. I did ask if they submitted for their federal permit, U.S. Army Corps of Engineers permit, they did, individual permit; it's still pending, correct?

MR. DELATE: Correct. For the record, Mike Delate.

COMMISSIONER SCHMITT: And also, no Section 7 consultation, so no listed species habitat from a standpoint of the federal permit process.

MR. DELATE: Correct. That's anticipated.

COMMISSIONER SCHMITT: Okay. Thank you. And state your name for the record so we can --

MR. DELATE: Mike Delate from Grady Minor.

COMMISSIONER SCHMITT: Thanks.

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

(No response.)

CHAIRMAN STRAIN: Wayne, let's move into your Page 1 of your PUD. Under B2, I had suggested when I met with you that that wasn't an appropriate accessory use to residential, on a Residential R tract. That's going to go on the roadway. Did you move that to another segment of the PUD?

MR. ARNOLD: I have not moved it, but I understand your comment. I agree with you. We have sort of a road tract shown on our master plan. The area that's highlighted in gray on that plan is our road tract. I don't have separate development standards for our road tract. And if it's understood that gatehouses and gate structures and things of that nature are -- can be located in a private road tract, then I don't know that I need to address it anywhere else other than we could strike it from the residential tract.

CHAIRMAN STRAIN: It's not appropriate there, because the way it reads now, it would be the residential tract. So I think you don't intend to put it on any of the areas labeled residential, but this would allow it to be there, and we've customarily, for all the years I've been here, not allowed that language to be misplaced, so...

MR. ARNOLD: Well, I'm okay with removing it from the residential tract. Our master plan does reflect that that's an access control, so I think we're covered.

CHAIRMAN STRAIN: Okay. Well, one way or another that needs to come out, I believe, of that section of our PUD.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: And B3 is the same -- a similar situation, and it's also redundant to No. 1. And I think you had said, then, that probably wouldn't be needed. Are you in agreement with that now?

MR. ARNOLD: Yeah. I think 2 and 3 can both be removed.

CHAIRMAN STRAIN: On the development standards table, I notice that your PUD boundary for principal and accessory uses was 15 feet, but in no case are you closer than, from what I could tell, 40 feet. So why wouldn't that be 40 feet instead of 15?

MR. ARNOLD: And after you made the comment to me, I did check with Mike Delate, who has submitted for the environmental permits, and the 40-foot minimum would work for us. We have an easement of 30 feet on the south side, and then our water management area varies beyond 30 feet to the north, so the 40 feet works well.

CHAIRMAN STRAIN: Okay. So the beginning of the lot would be 40 feet back from the perimeter PUD boundary, then the lot is where you measure your rear setbacks from, and you also got buffers that will

be in that area, too, at the same time.

MR. ARNOLD: Correct, yes.

CHAIRMAN STRAIN: So -- okay.

Accessory structures, your front references 20 feet, but you needed to make a reference to Footnote No. 1 in case it would happen to apply. For the 23 -- actually, Footnote No. 2, I'm sorry, where it says the 23 feet.

MR. ARNOLD: That's correct. It would need to reference Footnote 2 just as well to make sure that we're at least 23 feet for the garage.

CHAIRMAN STRAIN: Okay. On the master plan, apparently -- and this is the first time I've seen this -- and it's language that, if it stays, we've got a lot of changes to make in the other PUDs that have been approved in this county.

Footnote No. 4, the development of the project shall be in compliance with appropriate fire codes and will be shown on the SDP plan.

So if you didn't have that note on there, you wouldn't have to abide by the fire codes, because we have a lot of PUDs, and this is the first one I've ever seen with that note.

MR. ARNOLD: No, sir.

CHAIRMAN STRAIN: Do you have any objection to taking it off?

MR. ARNOLD: I don't know. This was a request, I believe, by staff and the fire district to ensure that we were going to comply with their fire codes at the time of site plan or plat. But, I mean, that's kind of --

CHAIRMAN STRAIN: Well, it's the law, isn't it?

MR. ARNOLD: It is.

COMMISSIONER SCHMITT: They have to anyway.

CHAIRMAN STRAIN: Right. And this is the redundant language we keep telling staff not to put in the PUDs and the plan, so I'd to see that one removed.

COMMISSIONER SCHMITT: It's a separate chapter in the building code as well as it's part of the fire code, state fire code.

MR. ARNOLD: We have no objection to removing it.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: I do -- it may be appropriate. I think Heidi has a comment on another note that's on the master plan.

MS. ASHTON-CICKO: Yeah. The Footnote 4, recommending that we change it to the standard language that we're now using, which we established a couple weeks ago, and it reads: Preserves may be used to satisfy the landscape buffer requirements after exotic removal in accordance with LDC Section 4.06.02 and LDC Section 4.06.05.E.1; supplemental plantings with native plant materials shall be in accordance with LDC Section 3.05.07.

CHAIRMAN STRAIN: And I agree with you, Heidi, that that is the right language. Again, I think it's in the wrong place. Why wouldn't it be under Section 4 of the PUD environmental? I mean, clouding the master plans up with this is going to become problematic in the future, and I would suggest we not do that and leave it in the text of the PUD. Is there any reason that wouldn't work?

MR. ARNOLD: It works for me, Mr. Strain. I'll defer to the County Attorney.

CHAIRMAN STRAIN: Okay. Heidi, do you have a problem putting it as text in the PUD?

MS. ASHTON-CICKO: No. I agree, that's a better location.

CHAIRMAN STRAIN: Okay. Thank you.

So Footnotes 3 and 4 or Notes 3 and 4 of the master plan can be deleted, and 3 will be repeated -- will be restated in Section 4, which is the environmental section of Exhibit F.

MR. ARNOLD: Mr. Strain?

CHAIRMAN STRAIN: Yes.

MR. ARNOLD: For clarification, I show those at Notes 4 and 5 on mine.

CHAIRMAN STRAIN: Four and 5, I'm sorry. Yeah, you're right. You're right. And, Wayne, if you could go to Page 8 of the PUD.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: Transportation Item 3. I read this and I thought, well, I didn't know that we could do platting that wasn't consistent with the LDC. So what kind of platting were you guys proposing?

MR. ARNOLD: We're asking for no deviations from the Land Development Code.

CHAIRMAN STRAIN: Well, I know, and that's another thing I was going to point out that says, unless a deviation's approved. So there's no deviations approved, but there's a statement here that says you're going to plat consistent with the LDC. That's a given. You can't do anything else but that. Why is that in your PUD?

MR. ARNOLD: Well, I'll defer to your transportation staff, but I will tell you that part of the preliminary plat process you can obtain certain administrative deviations during that process.

CHAIRMAN STRAIN: Isn't that allowed by the LDC?

MR. ARNOLD: It is allowed by the Land Development Code, yes.

CHAIRMAN STRAIN: Okay. I'm trying to focus on what you could do that isn't allowed by the LDC as a purpose that Mike must have added this transportation language.

Mike, would you answer Wayne's question as to why you needed this?

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning.

Quite honestly, Chairman, I'm not sure why that language is in there. If I had noticed it ahead of time, I would have actually required it -- or requested that it be removed.

CHAIRMAN STRAIN: You don't have a problem removing it then?

MR. SAWYER: No. And besides that, the sidewalks are actually shown on the master plan anyway.

CHAIRMAN STRAIN: Okay. Thank you.

MR. SAWYER: We're fine.

CHAIRMAN STRAIN: Appreciate it.

So, Wayne, that's okay then. We'll see that one removed as well?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Under environmental, the last sentence, the preservation plans shall meet or exceed the requirements of the LDC. Again, why is that there? You've got to do that anyway. You've either got to meet the LDC, you've got to ask for a deviation, or you can exceed the LDC. So I don't understand why we have to keep having this redundant language in the PUD. I'd like to ask in the future, since you do a lot of them, that this be avoided so we haven't got to waste time discussing it.

MR. ARNOLD: Sometimes we do disagree with your staff.

CHAIRMAN STRAIN: Staff insists? Oh.

Summer, did you request this? She's shaking her head no, so I'm not sure how it got there, then. But in the future, let's see if we can avoid it.

MR. ARNOLD: I have no problem deleting the last sentence of No. 4.

CHAIRMAN STRAIN: Those are all the comments I have right now, so thank you. Anybody else have any?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a staff report?

MR. JOHNSON: Yes, sir. Eric Johnson, Principal Planner, Zoning Section.

Staff is recommending approval of the project.

CHAIRMAN STRAIN: Well, that's the shortest one I've heard you say in a while. It's safe, Eric, and it's a nice Christmas present for us. Thank you.

I do have a couple of issues. And I know that there's -- and, by the way, I didn't disclose that I've received emails because they're in the packet, so they're all there. But there have been some emails received by the neighbors -- or from the neighbors. One of them was about the capacity of the road system and the additional trips.

Based on the staff report it says there is a remaining capacity of over 1,600 trips in that segment of Livingston Road. So is there any issue with transportation?

MR. JOHNSON: Mr. Chair, I'm going to defer that to Mr. Mike Sawyer.

CHAIRMAN STRAIN: Okay. And, Joe, do you like his tie, too?

COMMISSIONER SCHMITT: Well, I really like Rudolph much better. Well, let me see the bottom of that one. Oh, nice.

CHAIRMAN STRAIN: He's got Santa Claus or whatever that is.

MR. SAWYER: For the record, it is Santa Claus and Rudolph. Yeah, they're both on there.

For the record, again, Mike Sawyer, Transportation Planning.

We have looked at the Hamilton Place PUD and, as reflected in the staff report, there is capacity on the road system. I can put up a couple of things just to illustrate that a little bit.

Just a reminder, we are in a transportation concurrency management area. It simply means that if we do have capacity issues on the system, we are able to approve projects in those areas.

CHAIRMAN STRAIN: Is that the same kind of system we just ran into with Arthrex?

MR. SAWYER: Exactly the same, yes. It is a different area, but it is consistent with that, yes.

CHAIRMAN STRAIN: Okay. But unlike the Arthrex location, which was Immokalee and 41, and there was traffic issues up there, based on what I'm reading here, you still have capacity in this location for this one.

MR. SAWYER: Certainly on Livingston we do, yes.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: This is basically just giving you a rundown of what the capacities are on the existing road system. You will notice, however, on Pine Ridge we are in an F condition, and we are actually over capacity. But, again, being in a TCMA area, we are able to approve; there is just additional mitigation that is needed in those cases.

I believe -- I'm trying to remember exactly how many trips are actually on that particular segment of Pine Ridge. I thought it was somewhere around four trips peak; not a lot of trips. So -- and it is proportional as far as the number of trips that are put on the system.

CHAIRMAN STRAIN: Well, last night there was an accident on the south side of Pine Ridge and Kraft Road, and it was backed up all the way to Livingston. What a mess.

MR. SAWYER: Well, then that's why we've got a classification of F right now on Pine Ridge. We are looking at both that corridor and also some intersection improvements; again, that corridor. So we are looking at that area.

CHAIRMAN STRAIN: Okay. I don't have anything else. Anybody else have any questions of Mike?

(No response.)

CHAIRMAN STRAIN: Thank you, Mike.

MR. SAWYER: Thank you.

CHAIRMAN STRAIN: My next question is concerning the fact that -- a statement that was in the staff report under the findings. It says, the possible creation of an isolated district unrelated to adjacent and nearby districts, and the response to the finding was, there are no other RPUDs located within the immediate vicinity of the subject property.

Ray, RPUD means residential PUD, does it not?

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Is Brynwood considered a residential PUD?

MR. BELLOWS: I would think so.

CHAIRMAN STRAIN: Okay. Is Arlington considered a residential PUD?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Okay. So there are two other RPUDs, and they may not be designated as "R" because we just started that determination, what, a few years ago. But they're PUDs; they're residential. So that finding should be corrected at some point. It's not one that I think we can then say is consistent.

MR. BELLOWS: Yeah. For the record, Ray Bellows. The PUD nomenclature did change where we provided the extra clarifying designation of R or M or CPUDs. Those that are adopted prior to that just had a PUD designation, and so there could be a mix of uses or could be all residential. But I believe the ones you've identified are what we would call today residential PUDs.

CHAIRMAN STRAIN: Okay. Now, most of the time this stuff never gets elevated to any issue unless there's an appeal and we get into a case or something like that.

But since a lot of people sign off on these PUDs before they get to us, maybe someone can check this if someone who is writing it hasn't been here as long as these code changes have occurred. Because I know Eric's been here, what, a couple years now, two, three years?

MR. JOHNSON: Less.

CHAIRMAN STRAIN: Less? But the RPUD versus the PUD started before he got here, so he wouldn't necessarily know this change, but that's where your-all's sign-offs of everybody from you afterwards is supposed to double-check that stuff. If you could, I'd appreciate it.

MR. BELLOWS: Yes. We'll make a better effort.

CHAIRMAN STRAIN: I'm just checking to make sure there's nothing else, and then we'll move on. I don't have anything else. Anybody else on the panel?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you. And for the public's concern, we have two types of speakers. We have registered speakers, those that filled out a speaker slip -- but we are here to hear you, and I'll ask afterwards if anybody who has not registered that would like to speak, you most certainly would be able to. So let's start with the registered speakers. And you can use either mike and identify yourself. And if your last name is something more complicated than four or five letters, please spell it for the court reporter. Thank you.

MR. JOHNSON: Mr. Chair, our first speaker is Mr. Glenn Brown, followed by Mr. Paul Lyons.

MR. BROWN: Mr. Chairman, members, good morning. Glenn Brown; G-l-e-n-n, B-r-o-w-n.

I live together with my wife, Jane, in a home that we own in Brynwood Preserve immediately north of the proposed Hamilton Place RPUD. And, basically, my concerns fall in four categories. Some of them have been addressed today: Density; height; traffic flow, not traffic volume, but traffic flow; and buffer.

With respect to density, whether or not the code may allow density up to 6.6 units per acre is one thing, but I think for good land use planning, we should look at what's built and what would be a good transition between one multifamily use in Brynwood Preserve, which is single-family detached. And I believe the petitioner's actually requesting maybe slightly higher density than its multifamily use to the south of its project, Positano or Arlington, and -- at 6.6 units. And compare that to the as-built Brynwood, which has 85 units on approximately three times the acreage of the proposed Hamilton Place.

So if you were to approve the density that they request, that would be an incredible -- more than tripling, I guess, if you do the math, of the density to our community, Brynwood Preserve, to their north.

And we just feel that that's a little bit overboard in terms of a transition from multifamily to single-family detached, so we would ask for your consideration on reducing the density requested by the petitioner.

And kind of part and parcel of that is the requested height limitation of 35 feet. That seems -- and I was relieved to hear Mr. Arnold say that they wouldn't consider building anything more than two stories, because the neighborhood meeting we understood it could be three stories. That's a relief that it wouldn't be more than two. But 35 feet still seems like it would kind of be buildings towering over our single-family homes in Brynwood. So we would appreciate it if you could take a hard look at maximum height that they're requesting.

Traffic flow, not traffic numbers, but traffic flow's a huge issue. And, first of all, I'd like to thank Eric Johnson and Daniel Smith, your staff members, who were very kind in accepting my phone calls and answering my questions that they could answer.

And I tried to reach Mr. Sawyer to talk about these traffic-flow issues, but I wasn't successful in getting through to him. But the concern is the -- there's a turnaround on Livingston Road that's right now right in front of the entrance and exit to Positano or Arlington Place, and on the other side of Livingston Road, Kensington.

So even right now it's already kind of a crazy situation because you have traffic traveling north and south on Livingston Road that want to use that as a turnaround. For instance, I would want to use it as a turnaround if I'm traveling south on Livingston Road and want to go home. That's the closest opportunity I

have to make a turnaround to go into Brynwood. Also people who want to turn left into Positano use that.

At the same time you have people coming out of Positano and out of Kensington and the other side of Livingston Road that are allowed to turn both left and right. So you've got cars going every which way, and you've got cars piled up in the left-hand turn lanes, and that's only going to get magnified if you permit 6.6 more units per acre. It's going to be that many more cars trying to use that one turnaround to get to their homes. And it's just going to be an extremely dangerous situation.

So I don't know if the Planning Commission can look at those things or if that's some other group that studies that, but I can only tell you that it's going to be a huge problem. It already is a problem, and it's going to get worse.

And then with respect, again, to traffic flow, where is the entrance to the new proposed Hamilton Place RUP (sic) going to be? On the drawing they show it moving north, much closer to Brynwood Preserve. We do have a right-hand deceleration lane, or whatever the correct terminology is, to get into Brynwood Preserve, but where is the Hamilton Place RPUD right deceleration lane going to end with respect to where ours begins? That just doesn't seem to be much space there to do all of that, so that is a real concern to us.

And then lastly is the buffer. And I did learn from Mr. Smith the details of a Type B 15-foot landscape buffer, and I think I understand that well. And I was told that the water management area that's shown on the north side of the RPUD being requested is on a minimum required hundred feet. So I wanted to see if we can confirm that, if that is, in fact, correct.

Does that water management district (sic) need to be a minimum width of 100 feet plus the 15-foot Type B buffer? So that's a question. And I'm probably past my three minutes, but those are the concerns that I have.

And I'm on the board of directors and president of our HOA, and I know there's a number of other people in our community who aren't here today who have shared with me their same concerns about matters that I have just discussed with you, so thank you for your time and consideration.

CHAIRMAN STRAIN: Thank you. Do you -- sir, before you sit down, do you realize that your zoned height is 35 feet and two stories?

MR. BROWN: No.

CHAIRMAN STRAIN: Okay. Well, it is, and theirs is -- they're requesting 30 feet. And they've volunteered two stories, so that's something we can stipulate.

Thirty-five feet is actual. There's no actual listed in your PUD, so you actually could be higher than they are.

The buffer on your property is 10 feet on the south side. On their property it's 10 feet plus an additional 30 feet of distance before the boundary line is met. So those two things may have been resolved in regards to your concerns. Now, the other ones, obviously, we'll look into. But, I mean, that's comparable to yours.

MR. BROWN: Well, I appreciate that.

And, again, I don't -- I didn't know the details about what was approved for Brynwood Preserve, but I'm kind of looking at how it's actually been built, and I don't believe we have any structures that are near 35 feet tall in our community. But I appreciate your pointing out to me that we could have had that.

CHAIRMAN STRAIN: And it's -- and I'm just trying to express some logic that we have to go by. Throughout the county there's projects that come in and ask for density. Rarely does the county build out to the full density. There's very few times that I can remember that's happened. But we don't -- we don't set zoning based on what someone else has decided not to do. We set zoning based on what the code allows them to do, because that's considered their property rights. And that becomes an area that we have to look at very carefully in regards to the issues you've raised, so...

MR. BROWN: I appreciate that.

And, sir, can you address the water management requirements in terms of minimum width?

CHAIRMAN STRAIN: Well, the minimum -- there's a water management detention area on this site. There is no minimum width that I'm aware of.

Our county engineer's here, and if he's -- since he's here, he definitely must be here because he wants to address these kind of issues, so we'll ask him to come up and put something on the record.

MR. BROWN: Thank you, sir.

CHAIRMAN STRAIN: Thank you.

MR. McKENNA: Thank you for the opportunity.

For the record, Jack McKenna.

No, I'm not aware of a minimum width. There's minimum width for lakes, but as far as just a water management area, there is no minimum width.

CHAIRMAN STRAIN: Okay. And we do know that this water management area will be sufficient enough to handle the drainage that's approved to them by South Florida. But it's probably going to be about 20- to 30-foot wide because they're going to have a 10-foot landscape buffer, or 15-foot, whatever the product is beside that. Okay.

Eric, next speaker.

MR. JOHNSON: Sure. Next speaker is Paul Lyons followed by Frank, and I can't read Frank's last name.

CHAIRMAN STRAIN: He'll have to spell that one, huh?

MR. LYONS: Good morning. Paul Lyons, L-y-o-n-s. I'm a resident of Brynwood Preserve.

Much of what I had planned to say has been covered by Mr. Brown, but I just want to point out a few things, one thing kind of historically.

Brynwood Preserve was developed in 2002/2003, and following that Positano was developed to our south in 2005/2006, about the same time Marquesa Plaza, which is in the corner of Pine Ridge and Livingston, were developed.

So I just say that in the sense that at one time not that far back we were very much all by ourselves there, and since then things have cropped up around us, and it seems more like we're in a different situation than we were in the early 2000s.

In any case, moving on. And, again, Mr. Brown touched on this, the traffic situation, just to really clarify, because it seems to me that traffic lights really should be in that location between Positano and Kensington. A particular problem is people coming out of Positano wanting to go south have to look through a landscaped island in order to move out.

Same thing on Kensington. If they want to go north, they have to look across the roadway, across a landscaped island to turn north.

We, as residents of Positano, heading south have to take a U-turn sometimes with traffic bearing down on us coming north. The same thing will apply when residents of Hamilton Place want to turn from the north.

In terms of the borders, I think I understand better now the proposal, and hopefully there'll be enough landscaping so that the people living on the south side of Brynwood Way will still have the view of the landscaping there and the trees.

Of course, I think as these PUDs are developed, it's required that the exotics be removed. So as I look just casually through what seems to me a lot of barrier there now probably won't be there because I see quite a few of the melaleucas in that strip.

So that's a concern. I don't happen to live in that part of Brynwood, but it is a concern for the people who live on the south side that I'm sure they'd like their view to remain somewhat the same.

That's really all I have to say. As I said, Mr. Brown covered a lot of what I had planned to mention.

CHAIRMAN STRAIN: Thank you, sir. Any other registered speakers, Eric?

MR. JOHNSON: No, sir. Oh, I'm sorry. Frank.

CHAIRMAN STRAIN: Yeah, there is a registered speaker whose name you cannot read. So he'll -- please identify yourself for the record, sir, and we'll be fine.

MR. CAMPOAMOR: Hi. Good morning. Frank Campoamor, C-a-m-p-o-a-m-o-r. Thank you.

I also live in Brynwood Preserve, and I actually live on the south side, so I will be, you know, most affected in our community there. And so I have some concerns. The first one is the median and obviously the traffic. I know one thing that's kind of been highlighted are the traffic trips, but I think you need to look at how these neighborhoods are going to be getting in and out of there.

And I think what will make clear from the prior two speakers -- I sketched something out real quick

this morning that I'd like to share with you so you can kind of see this median cut-through and the effect it's going to have.

CHAIRMAN STRAIN: Okay. Now, you'll have to leave that for the record.

MR. CAMPOAMOR: Absolutely.

Okay. I know that's hard to -- I don't have the fancy drawing tools like these guys do, but -- so what you're seeing in that median there is you're going to have Kensington coming out, going in through that median. You have Positano Place going out through that median. You have Positano Place and Brynwood Preserve going through that median.

So right now what you have are five different traffic patterns going through one median cut-through. It's a mess, and I've seen road rage out there at peak travel times in the morning and the afternoon. It's an absolute mess.

I know some people, they are having to travel down to the next median because they're tired of waiting. My concern is now once you add another traffic flow from Hamilton Place in there -- so now there's going to be six people accessing that median -- it's just going to be a little bit too much for everybody. I think it's going to cause accidents. It's going to cause road rage. I think it's going to make for a lot of unhappy people all around there.

So, you know, I think some consideration needs to be made to the density. What else you can do with that median, I'm not sure. One suggestion may be is -- in front of Brynwood Preserve, that would at least cut us out of having to go through that median is to do a median -- a left turn lane for us coming from the north directly in there so that that gets our community out of that median cut-through.

You know, I think it's just a dangerous situation there, and it's just going to be made worse by another development. You know, if they do go forward with the 66 units, you can imagine that's probably going to be well over a hundred cars that are going to be coming in and out of that community. I know most cars in my neighborhood, they at least have two or three cars. There's only two houses I know where they have one car. So I think you're going to be looking at easily maybe 120, 140 cars coming in and out of there, and I think it's just going to be a very dangerous place.

The other thing I'd like to address is the density and the height. I am concerned with the 66 units. I do -- you know, I am certainly more agreeable to a neighborhood like ours where it's single-family detached with approximately 30 units. You know, I find that more acceptable.

I think what Glenn and Paul were trying to communicate is it would seem to make more sense to have sort of a step-down process where you have Positano Place multifamily, and then in between you're having Hamilton Place, and then you're going to have Brynwood Preserve, that you should have something that should kind of maybe be in between those so it just kind of gels a little bit better with that.

I mean, look, we understand a neighborhood's going to go up there. We just kind of want to make it the best for everybody concerned.

And, you know, the height, I don't know a whole lot about that. I do know, as Paul was saying, if they removed those melaleucas, I know with a Type B barrier, it looks like there's a 5-foot-high hedge. I can't tell how tall the trees (sic), once they're put in there. But you can imagine from the front of my house to the other side of our access road is 60 feet.

And it appears that potentially from the northern barrier of Hamilton Place to where those buildings start may be about 60 feet. So if you have a 5-foot-high barrier here, little trees, and you have buildings going up to 30 feet, both communities are going to be looking at each other, and I think it would be helpful that we look at, you know, a pretty significant vegetation barrier so that, you know, from our perspective we have privacy, we have a sound -- you know, sound buffering, and also I'm sure the people in Hamilton Place would prefer not to have to see us every time they look out, you know, their backyard.

So we would like -- and maybe what we can do -- I don't know if the developer or any of their agents have actually been on our property and had a chance to look from our property over to where Hamilton Place would be, but I would be happy to have them come on and look at it so maybe we can try to reach a solution that would be more agreeable, because I think if we can fix that barrier thing, I think that's going to alleviate a lot of the concern that my neighborhood has.

The median, I think, is still going to be a difficult thing. I think that's going to be a problem no

matter what happens. And so we're going to probably have to think outside of the box on that one to find a good solution that keeps, you know, all the constituents safe.

CHAIRMAN STRAIN: Are you aware that Brynwood Preserve has a 10-foot Type A buffer which is not as intense as the 15-foot Type B that they're putting in? I mean, you guys could assess yourselves and buffer your community further if you'd like.

MR. CAMPOAMOR: Well, you know, I think why they did that, because that was a very wooded property, you know, when Pulte did that, you know, back in 2000. But, you know, I'm not sure it would be fair for us to have to rebuild up our barrier because, you know, the last person to the block is coming in.

So, you know, I would be concerned with them coming in with the minimum barrier which is going to not provide a sufficient barrier, and then we have to assess our people. You know, we've been there for 15, 16 years. We have to assess us in order for us to build up a barrier to protect our view and have privacy between the communities.

CHAIRMAN STRAIN: So when you bought at Brynwood, the theory was that that property would have to buffer more than you guys are? More than code requires if they were to build there? I mean, you-all could have done -- someone could have bought that property concurrently with yours and built it out --

MR. CAMPOAMOR: They could have, but I think at the time everybody probably looked -- and I don't know. I wasn't involved with that process, but I'm sure they looked at the neighboring property. I think there's just one house on there. And so, you know, at the time, you know, they probably thought a Type A barrier was sufficient and, you know, obviously the property owner who's wanting to sell to Hamilton Place didn't have a big issue with it because he had huge, mature trees blocking the view.

So, you know, I would just ask that maybe we could get involved with them and come and just maybe do a look at the neighborhood and see if we can't come to a reasonable solution. You know, everybody in my neighborhood, they're very nice people. I mean, we understand development has to happen, but we just want to try to work something where, you know, everybody's kind of happy with the end product.

And I'm not sure as it's kind of set now that, you know, we're going to be too pleased with it, but, you know, we would ask that, you know, whatever you can do to try to help us out would be great.

Any other questions?

CHAIRMAN STRAIN: No, I don't have any. Anybody else?

(No response.)

CHAIRMAN STRAIN: Joe.

COMMISSIONER SCHMITT: Not a question just of the applicant, because I'm just looking at Google Maps, and I'm trying to figure out, will that just be a right-in, right-out into your development, Mr. Arnold? I'm trying to look at this traffic --

MR. ARNOLD: For the record, Wayne Arnold. Yes, it's my understanding that we would be restricted to a right-in, right-out.

COMMISSIONER SCHMITT: Because I'm trying to -- the other street is a -- Briarwood (sic) Preserves is just a right-in, right-out. The only full opening is at Positano, of course, and that's across from the Kensington entrance, yeah.

MR. CAMPOAMOR: Right. And then, you know --

CHAIRMAN STRAIN: You'll have to use the microphone, sir. You've got to be on record. Thank you.

MR. CAMPOAMOR: Okay, thank you. And, you know, looking at my sketch and see, that's -- that's kind of the problem you run into because you have Brynwood here, and it's right-in, right-out, you would have Hamilton Place in, and it's right-in, right-out, but, you know, in order for us to access those, we have to come through the median this way, okay. And you already have Positano coming that way. You have Positano exiting that way. You have Kensington coming this way in there. I mean, you're looking at six different traffic patterns that are going to be utilizing one median cut-through.

And, you know, I was kind of envisioning up and down Livingston, even a similar road, you know, Goodlette Road, and I just -- I can't seem to picture any three residential neighborhoods with entrances stacked on each other like that so close together. It's just something -- if I'm not aware of it. But, you know, I grew up here in Naples. I just don't know of something else.

So I really do think that some kind of accommodations need to be made for the traffic, not the number of trips, because we can see it's under right there, but for this median, because it's going to be a disaster. It already is a disaster.

CHAIRMAN STRAIN: Okay. We will ask the traffic department in just a second how to -- if they're going to address that, so...

MR. CAMPOAMOR: Okay.

CHAIRMAN STRAIN: Thank you.
Joe?

COMMISSIONER SCHMITT: I mean, there already is an access to the existing dwellings back there now, and they have every right to have an access off of Livingston. I'm not sure -- I hear your concerns, but I'm not sure what you -- is it your position that you think they should be denied an access to Livingston?

MR. CAMPOAMOR: The Hamilton Place?

COMMISSIONER SCHMITT: Yes.

MR. CAMPOAMOR: No, of course not. What I'm thinking is -- because, look, something's going to go in there, and I recognize that. But it may be that maybe in front of our neighborhood, what I was just suggesting earlier, that our traffic coming in from the north, that, you know, perhaps -- and I don't know if the developer would have to do this, but put in a left turn lane directly in front of our entrance so that we don't have to be utilizing this median, because I think it's just getting too congested with, you know, four neighborhoods trying to use this median to get in and out of their properties. It's just a little much.

COMMISSIONER SCHMITT: I'd have to defer to staff on --

MR. CAMPOAMOR: Okay.

CHAIRMAN STRAIN: When we finish asking you questions, we'll get staff back up.
Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: And then with staff -- I know we have Google Earth on the computer. So if staff could pop it up so we could all see what they're talking about.

CHAIRMAN STRAIN: That's fine, yeah.

COMMISSIONER CHRZANOWSKI: That's not an active -- you can't scroll around on that one and look. You can't zoom in and see what they're talking about. That's just an aerial photo. But they loaded Google Earth onto the computer, and they can pop it up -- or not. I don't care.

CHAIRMAN STRAIN: If that's what you need to be familiar with it, then hopefully staff can do that. I drive that multiple times every day, so I'm very familiar with the whole place, the traffic, the jams, and how long it takes me, to the second, to get home.

Thank you, sir.

We're going to move on to staff comments if there's no other -- anybody else in the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Mike, would you mind -- Mike Sawyer.
Patrick?

COMMISSIONER DEARBORN: I just wanted to thank the speakers today for coming up here, the residents from that community, and voicing your questions and concerns, too, today.

CHAIRMAN STRAIN: Mike, while Mike Bosi's doing that, can you -- that median, is there any -- now that Livingston Road is a somewhat of a special road in the county in regards to its style. I guess, Nick, had -- when he was in transportation, used to try to protect that road from any kind of additional issues entering or leaving it. Remember the issue with Manchester Lakes and GL Homes project to the north and how that got into play?

MR. SAWYER: (Nods head.)

CHAIRMAN STRAIN: Is there any plans for any improvements on that median area that the gentleman was pointing out?

MR. SAWYER: Yeah. I'm glad it actually came up. Again, Mike Sawyer with Transportation Planning.

We actually had a discussion with the agent, you know, when we came in as far as our concerns

about that particular intersection. Quite honestly, it is on our operational department's list of full openings that we need to look at both design-wise and also making changes to.

Not knowing what those changes are actually going to be, the more likelihood is that at some point, along with all of these -- all of the other full openings that we're seeing on our six-lane road segments, we would probably be directionalizing those so that you would be able to do lefts and also U-turns at those movements, but you would not be able to do a right -- I'm sorry -- a left-out. And those left-outs tend to be where we have the most conflict.

So the idea in all of these full openings would be to look at them -- prioritize them, look at them, and revise those openings according to each of those particular areas.

As far as getting a left-in on the single-family development, looking at it, it may actually meet distance requirements. If it does, they would simply be able to come in and do a right-of-way permit and be able to do that improvement.

Now, we'd certainly have to look at the spacing of that.

CHAIRMAN STRAIN: But, Mike, when you said "they" --

MR. SAWYER: Yes.

CHAIRMAN STRAIN: -- I don't want anybody to assume the county would then foot the bill for that left turn lane. That would be -- may have to be done by probably the HOA if they've taken control of that development. Wouldn't you --

MR. SAWYER: Most definitely.

CHAIRMAN STRAIN: Is that how you would look at it?

MR. SAWYER: Yes. Most definitely. That would not be something that we would have budgeted.

CHAIRMAN STRAIN: Okay. That would not be lighted, so it would be a decel left lane.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Directional left, so they couldn't go left out.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Curved median, the whole nine yards.

MR. SAWYER: Yes.

CHAIRMAN STRAIN: That would probably run a substantial amount of money. The last one I did was about 150,000, but I think they've probably gone up significantly since then.

MR. SAWYER: I would think prices have probably gone up.

CHAIRMAN STRAIN: Yep. So okay.

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead. Well, Diane, then Patrick. Sir, you'll have to sit down. We're done with public speaking.

COMMISSIONER EBERT: Mike, so you're saying a left-out. So you're saying Kensington can no longer come out and go north?

MR. SAWYER: Not directly, correct.

COMMISSIONER EBERT: And Positano cannot come out and go south.

MR. SAWYER: Correct. The reason for that, operationally --

COMMISSIONER EBERT: I understand, but does that mean that they have to go all the way to Pine Ridge and make a U-turn?

CHAIRMAN STRAIN: You can't make a U-turn at Pine Ridge. I found that out.

COMMISSIONER EBERT: Well --

CHAIRMAN STRAIN: There's these flashing lights that come behind you...

COMMISSIONER EBERT: Oh. Well, I was just trying to figure out where something else is.

MR. SAWYER: Again, I haven't looked at the whole area as far as all of those movements, and that would certainly be part of that overall study that we would do. Again, it is on the list. We are well aware of it, as well as all of the other median -- full median openings that we've got throughout the county.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Patrick?

COMMISSIONER DEARBORN: Yeah. Mike, I had a question in whether this plays into this or

not. But, obviously, I think we all can agree that there's some traffic issues on that road and that segment, notwithstanding the Hamilton. But Whippoorwill, that's just a smidge down, I believe. Marbella Lakes is right there, right on that screen we're all looking at.

My question is, is Whippoorwill and that extension, a cut-through from Livingston, still in the works and, number two, would that alleviate some of the issues, or is that a totally different subject?

CHAIRMAN STRAIN: Well, you ought to go ask Marbella.

COMMISSIONER DEARBORN: No. I heard the stories and the chair throwing. I heard the stories, but I'm just curious.

MR. SAWYER: Honestly, that is a different subject, quite honestly, and I don't have any updates currently as far as any progress on that connection.

COMMISSIONER DEARBORN: Should -- the road traffic and these stats that were told to us earlier today, wouldn't those factor in, though, potentially with this thing coming down the road, good or bad, and affect these communities and the traffic in that section?

MR. SAWYER: Honestly, in this particular location, that particular road segment --

COMMISSIONER DEARBORN: Yes, sir.

MR. SAWYER: -- would more be a -- more of an assist, actually, to Pine Ridge. Where we've actually got a failing road segment, having that cut-through as it were, would assist more for the benefit of reducing some of that traffic that we're experiencing on Pine Ridge, not necessarily affecting that much of this portion.

We've got good capacity on Livingston, so just to make sure everybody's understanding that. We've got good road capacity on Livingston. We've got plenty of capacity there. What we've got in this particular location is an operational issue.

COMMISSIONER DEARBORN: Access issues, yep.

MR. SAWYER: Exactly.

COMMISSIONER DEARBORN: Convenience access issues, I think, is the biggest issue I'm hearing here for those residents, not just in Brynwood Preserve, but Positano, but Marbella.

Those communities all there in a row seem like they're -- with these medians there, they're not afforded that left-hand turn or right-hand turn. There would be a light, though, at that Whippoorwill that will ebb the ease and flow of that traffic that could potentially affect good or bad this next section, correct?

MR. SAWYER: As far as the light goes, I don't -- I'm not sure if there was a light scheduled for that or not. It would certainly have to meet warrants in order to put it in.

So, I mean, there's 12 different, you know, separate criteria that we use as far as figuring out if a signal is actually warranted or not.

Certainly, that would be something that would be part of that overall study for that connection.

COMMISSIONER DEARBORN: Thanks, Mike.

MR. SAWYER: Okay.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, Mike.

MR. SAWYER: No problem. Thank you.

CHAIRMAN STRAIN: Jim Banks. You've got Jim here for a reason. He wants to earn his money. So, Jim, could you come up and tell us --

MR. BANKS: I'm getting paid regardless.

CHAIRMAN STRAIN: Well, I'm just more concerned what you're getting paid for.

COMMISSIONER SCHMITT: Make you earn it.

CHAIRMAN STRAIN: He wears a lot of hats, Jim does.

The gentleman talked about the number of vehicles coming from the facility. Would you talk to us about the peak hour and how your calculations were in regards to peak-hour trips affecting that roadway?

MR. BANKS: Sure. For the record, Jim Banks.

For 66 multifamily dwelling units, the project will generate 37 a.m. peak hour trips total two-way and 43 p.m. peak-hour trips two-way.

CHAIRMAN STRAIN: Okay. And so the example that was used is that there's 66 -- let's say there are 66 homes, and each home has a couple of cars. You're looking at 132 vehicles, but they don't all leave at once.

And the peak hour, both a.m. and p.m., are the standards that we look at as the most intense for calculation of impacts on the road; is that a fair statement?

MR. BANKS: Yes. And I would further say it seems to me that the concerns expressed was the access conditions, so you would focus on those a.m. and p.m. peak-hour periods as when it would be the most congested periods of the day. And, again, during the p.m. peak hour, we generate 43 trips two-way, so that's both entering and exiting.

So the U-turn movements that we would create down there at that intersection would be somewhere in the neighborhood of about 12 trips during the p.m. -- 12 to 15 trips during the p.m. making the U-turn.

CHAIRMAN STRAIN: Okay. Anybody have any questions on traffic?

(No response.)

CHAIRMAN STRAIN: Thank you.

Okay. And, Wayne, I think we've exhausted the public input, and we definitely will -- if you have a rebuttal period, you're more than welcome to.

MR. ARNOLD: I'd just make a couple of comments. I think Mr. Sawyer told you how they deal with the median issue and the traffic flow, and I think that makes sense. That's how it's handled countywide. There are median closures, there are median openings, there are left turns, and there are standards for all of those.

And then, secondly, you know, the gentleman talked about, you know, the Brynwood Preserve density and the number of units, but keep in mind Brynwood Preserve also allows for multifamily development. The developer chose not to build a multifamily product there. They chose to build single-family. Not unlike Brynwood, we've made provisions for everything from single-family to multifamily. And as Mr. Strain pointed out, their zoned height for multifamily is 35 feet in Brynwood Preserve. They chose not to exercise that option, but for an infill project of just under 10 acres, that makes sense.

It's a -- yes, it's near the top of the density range that we qualify for, but it makes sense for infill. I think this Planning Commission is going to see more and more people trying to utilize the higher end of their density range because of economics. It's infill. We're dealing with smaller properties. We're not dealing with 100-acre tracts very commonly anymore.

So I think this is something that you're going to anticipate. We think it's very compatible. Staff agrees it's compatible, and hope you can support the recommendation.

CHAIRMAN STRAIN: Okay. The other item that was brought up is your -- besides the height is the stories. Do you have any problems limiting your product to two stories?

MR. ARNOLD: No, I don't think so. If you want to look at the development table, I mean, it would be most appropriate to put it under where we have maximum height, and commonly we put -- where it is expressed as 30 feet and 35 actual height, we could say not to exceed two stories in each of those columns.

CHAIRMAN STRAIN: That's what we typically do.

I don't have any other questions. Does anybody else?

(No response.)

CHAIRMAN STRAIN: With that, we will close the public hearing, and we will entertain a motion by the Planning Commission.

I did make some notes depending on whatever kind of motion's made. Some of the listings under the principal uses need to be cleaned up in regards to they're not necessarily residential, and that was Items B2 and B3.

The PUD boundary distance will be a minimum of 40 feet. The accessory footnote will be modified so that the front takes into consideration the Footnote No. 2. The Notes 4 and 5 of the master plan will be deleted. There will be new text added to the PUD environmental section as proposed by the County Attorney's Office.

We're going to remove the transportation note in the text of the PUD, and we're going to remove the

last sentence on the environmental note, and then it will be limited to two stories.

Those are the notes that I've got. Eric, do you follow those, or any questions?

MR. JOHNSON: Mr. Chair, I do follow. One question I do have is on the Development Standards Table, I know that you talked about the PUD boundary being 40 feet for the principal uses. Is that the same thing for the accessory structures as well?

CHAIRMAN STRAIN: Absolutely.

MR. JOHNSON: Okay. Thank you.

CHAIRMAN STRAIN: The gate is the one, Diane, that is removed, Notes B2 and 3.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: So, Wayne, is there anything there that's not clear in case this is made a motion to -- that's part of the -- if these are made part of the motion?

MR. ARNOLD: No, sir. I have all of the changes.

CHAIRMAN STRAIN: Okay. So with that, is there any discussion from the Planning Commission? Hearing none, is there a motion?

Mr. Schmitt?

COMMISSIONER SCHMITT: I certainly understand the concerns about traffic and lived the days of the county when we talked about Livingston Road, protecting the flow through there, so fully understand it. But I find no legal reason to deny the request, so I make a motion to approve subject to the comments made by Mr. Strain in regards to the amendments he put on the record for the PUD.

CHAIRMAN STRAIN: Okay. Is there a second to the motion?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Second made by Stan. Any further 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 SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Thank you, all.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: And we will take a break until 10:30, then when we come back, we'll start the LDC amendments.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Ladies and gentlemen, if you'll all please go back to your seats, we will resume the meeting.

We finished 9A, which was Hamilton Place. We're moving into 9B, which is the Collier review -- actually, it's the initial review of a couple of elements of the changes to the Land Development Code.

And Caroline Cilek is here to make a presentation and walk us through it.

We're going to start with the golf -- there's two of them; golf course and storm water management. So we're going to start with the golf course one first.

And, Caroline, would you tell us the schedule that you see evolving as far as what we're hearing today, when it's coming back, and when it's finally coming back? I think the 30th of January we have set a meeting up. I believe that's the final one. And would you elaborate on all that?

MS. CILEK: Absolutely. Caroline Cilek, LDC manager, for the record.

We're here today to present to you an overview of the golf course amendment, conversion of golf

course amendment, and then we will be back in January for the meeting on the 5th, the meeting on the 19th, and the nighttime hearing on the 30th.

The meeting on the 30th is actually not for this specific amendment but for a different one that we'll be bringing before you in January on the 5th.

CHAIRMAN STRAIN: Okay. Does this amendment today require an evening meeting as well, the golf course?

MS. CILEK: This specific amendment does not.

CHAIRMAN STRAIN: Okay.

MS. CILEK: But we could talk about it on the 30th if we need to.

CHAIRMAN STRAIN: Well, I'm kind of wanting -- there's going to be -- there are a couple gentlemen here who want to hear this today, and I know there's going to be more coming in as this heats up.

MS. CILEK: Sure.

CHAIRMAN STRAIN: So I want to understand the schedule. So we're going to just kind of dive into it today, throw some ideas on the table, kind of talk about it, get familiar with it, and you've got this particular one for golf courses scheduled to come back on January 5th?

MS. CILEK: Fifth, correct, and the 19th.

CHAIRMAN STRAIN: And the 19th. And, theoretically, if we've got everything worked out on the 5th, a final draft will be presented on the 19th?

MS. CILEK: We can do that.

CHAIRMAN STRAIN: Okay. And if we haven't, we can still hear it again on the 19th and finalize it on the 30th.

MS. CILEK: Yes.

CHAIRMAN STRAIN: So that's the general time frame for the two gentlemen in the audience and anybody who may be watching.

MS. CILEK: Yes.

CHAIRMAN STRAIN: So okay. And let's move into the golf course one at your discretion.

MS. CILEK: Okay, great. So I will be going through a big-picture level of the amendment.

All right. So to start off, I'd like to discuss a little bit of the board direction that we received earlier this year. In April the Board discussed and asked staff to pursue an amendment specifically to address golf course conversions.

In addition, they also asked us to amend LDC Section 2.03.09. This is the one that requires the night hearing, and so we'll be back in January to review that with you-all.

We are currently under a golf course moratorium. The moratorium extends to April 11th of next year, which means we are on a bit of a fast track, and so we have about four months from today to put together the best materials we can for the Board to take a look at.

I'd like to go over a range -- excuse me. I'd like to go over the issues that the Board discussed to provide a context for the amendment. What we did was try to incorporate as many of their concerns as possible, and those are before you today.

So one of the concerns that the Board brought up was that GMP supports preserving open space and that the loss of open space would negatively impact the community.

Another one was that surrounding property owners had an expectation when they purchased their home of a golf course view.

Another one was that they experienced higher taxes compared to a home without a golf course view and that there, therefore, is a concern about a reduction of property value for these homes.

In addition, they wanted to ensure that the neighborhood was involved in the process for the property owner of the golf course to demonstrate that they were no longer economically viable as a golf course and as well to identify any legal encumbrances on the golf course before the project got rolling.

All right. So over the summer staff did a lot of research on golf course conversions across the nation and in the state of Florida, and what we found is that golf courses are converting, particularly there have been a lot on the east coast of Florida.

After reviewing case studies of golf course conversions, two things stood out. The first was that

obtaining input from stakeholders and the residents surrounding the golf course was really important to building consensus about what the development should look like.

When -- in case studies where the stakeholders were not involved, it led to a much lengthier time period for that development to get approved. Sometimes they became very contentious and sometimes litigious, and that is really not in the best interest of the stakeholders or the developer. So by including the surrounding residents, it recognizes that the golf course is a community asset; that it provides green space, which has value to the neighborhood, and open space view for people to look out on from their backyards, as well as a place for community members to recreate.

Further, we are seeing that developers are actually starting to reach out before they submit applications to the municipality to get early buy-in. And, ultimately, we found that successful golf course conversion happened when stakeholders and the developer realize that collaboration results in the best outcome for all parties.

So I'm going to talk about the two main concepts here: Stakeholder engagement and the open space view.

Based on the research, we have come up with a new concept called a stakeholder outreach meeting. And as you can see from the photos, these are intended to be a collaborative process with lots of engagement between the two parties. The applicant would be required to do something like a charrette or a survey or a poll to gauge what the stakeholders are looking for in their neighborhood and where they could find compromise.

This is different than a neighborhood information meeting in the sense that we feel this is -- a conversion project rises to a greater level of impact to the surrounding property owners. And similar to a NIM, though, we would require an audio of the meeting as well as photos to demonstrate what took place at the meeting, and a county staff member would be present at the meeting as well.

Next, I'd like to go over one of the development standards that we're proposing. There are several in the amendment, but I wanted to highlight this one, which is titled "The Greenway." So this would apply to all of the conversion projects, and we are defining the greenway as a continuous strip of undeveloped land consisting of passive recreational uses such as a golf course, a walking or multi-use path that would border the residential properties that surround the property.

The purpose of the greenway is primarily to provide an open space view for those existing residents. And one of the requirements in the greenway is to retain the existing preserve areas identified already on the golf course as well as to retain the backyard vegetation that many people are looking on from their backdoor.

Staff wanted to see what the current greenway requirement looks like when imposed upon several golf courses across the county. So in your packet there were a handful of golf courses where we applied the greenway buffer distance of a hundred feet, and all of the ones in your packet are zoned GC.

And as you can see here, development would be more feasible than in a situation like this, and so we have introduced an alternative design for the greenway that's a little bit different than the standard perimeter buffer around the residence.

And as such, here the applicant can propose a design that would meet many of the requirements but may not be located specifically around the border of the golf course and those existing residents and still meet the idea, and that would be approved through vetting and support by the stakeholders and then final approval by the Board.

All right. The next slide I wanted to talk to you about is the big-picture framework what we're proposing. As you can see in the green arrow, this is a process that would happen before the traditional approval process of a rezone or a PUD amendment or an SRA amendment. And I'm going to walk you briefly through the steps of the overall golf course conversion.

The applicant would meet with staff with a -- to do a pre-application meeting before they submitted a new application called an intent to convert, and the intent to convert would provide a mail notice, or with the intent-to-convert application, there would be a mailed notice to the surrounding residents, those stakeholders, to let them know the intentions of the developer.

The intent-to-convert application includes through things -- at a high level it includes three things. The first would be no conversion. So here we're asking the developer to take a look at the golf course and

identify if there's any other feasible options rather than conversion.

The second would be an option of county purchase. So that doesn't mean that it would be feasible or even appropriate for the county to purchase any specific golf course but rather that it would be a consideration. Just want to make that pretty clear.

The next would be the conceptual development plan. So here the applicant would put on paper what they're thinking they would like to move forward with and vet with the stakeholders and take through the approval process.

From there, they would conduct their stakeholder outreach meetings where they would meet with the residents that surround the golf course, and then from that, they would produce a stakeholder outreach meeting report, and that report would identify all the input that they gathered through their engagement process, and that report would travel on to the approval process whether it be through the traditional land use petition approval process or a new compatibility review process that we have identified in the amendment.

And with that, I am happy to walk through the amendment with you, answer any questions.

CHAIRMAN STRAIN: Okay. We'll start moving through the language. And we normally go through a few pages at a time, and then we'll ask questions.

You've got a long narrative introduction, and that will -- I mean, in the document, I think it starts on Page 18 and it goes on to -- before we get into the actual language -- and some of it's what you already showed. It goes all the way through to Page 27.

So is there any part of the narrative that you need to speak more on, or do we have questions? Joe?

COMMISSIONER SCHMITT: Yes. Thank you, Mark.

On the presentation I just have some questions in general, the general statements. Now, you mentioned taxes paid. Is that somewhat intuitive, or did you actually go out and evaluate properties bordering various golf courses in the county to validate that statement?

MS. CILEK: Well, what -- the comment of taxes paid was brought up by one of the board members. And, Mike, if you want to chime in.

MR. BOSI: Mike Bosi, Zoning and Planning Director.

When they discussed the issue and decided for the moratorium, they mentioned that they felt that the tax paid over the years were increased because of the presence of that golf course, and because of that increased taxes, that there was more of a vesting that was provided to those properties that bordered the --

COMMISSIONER SCHMITT: Again, I understand the principle, but I'm asking, did you validate that by reviewing any of the tax data to validate that, in fact, the houses bordering golf courses did, in fact, typically pay more?

MR. BOSI: No.

COMMISSIONER SCHMITT: You didn't, okay.

CHAIRMAN STRAIN: But I think it backs up to the premises that -- since I did work on some golf course communities, in fact, one that Mr. Schmitt's familiar with.

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: When we sold homes on the golf course, we attached a premium to that amenitized element. And then a premium became a higher value, then, for that house when the tax assessor recorded it. So they automatically paid more money versus a home that was not on the golf course. That's what I think the --

COMMISSIONER SCHMITT: And I understand that. I just was wondering if you looked at some of the golf courses, because -- and I went and looked online to try and understand the study that you did.

But the motivating factors for golf courses converting, frankly, are two: One is, of course, it's no longer profitable, but the main reason golf courses in most cases no longer become profitable is because they're simply outdated. These are golf courses that were probably designed in the '30s or '40s and certainly are not considered at the caliber of a golf course design for today's equipment. I know. A play a lot of golf.

So I guess with that, I didn't know if you looked at two golf courses in particular that have been identified as converting. Have you looked at those properties bordering those golf courses, not the golf courses in the PUD, but golf courses or homes bordering some of the golf courses? And I think that would be valuable just to see a sampling if, in fact, that premise is valid on the two golf courses I know that were in the

county that are being looked at.

But second thing is -- and just as a general statement, did you evaluate the various ownerships of the golf courses? Some golf courses are bundled communities so everybody in the community, some are member owned, some are developer owned, some of them are private owned that are built as private golf courses that are built -- the communities that built around, and this is a general, broad amendment to cover all aspects of all ownership?

MS. CILEK: That's a great observation. So we know that we have 69 golf courses in Collier County, and they are all different types of membership, and there's not -- we wanted to make a process that would really apply to all of them should they seek to convert.

And so if they are, indeed, a membership that you have identified, that would -- basically, they would be more likely to convert than others depending on the type of membership, and we recognize that aspect.

So when Mike presented to the Board earlier this year, it was recognized that those that are zoned GC would be the most likely to convert, and I think staff feels that those that are -- have really complex membership identities would be less likely to convert. But if they did, the stakeholder engagement process would likely be very easy to go through.

COMMISSIONER SCHMITT: Okay. Because, I mean -- rule of thumb, typically a golf course is 90 to 120 acres, maybe some even more. Ninety is small, tight; 120, 130 acres, typically, for an 18-hole course, and that can run anywhere from 1.5 to somewhere over \$2 million a year just to maintain.

MS. CILEK: Sure.

COMMISSIONER SCHMITT: And I just -- I don't know if those are the kind of facts and figures you guys looked at when you did this analysis. I didn't see any of that in the report that was provided.

MS. CILEK: Well, we did definitely take a look at the fact that they're different memberships, absolutely. One of my staff members is an avid golf buff and so, you know, he's very familiar with the types of golf memberships out there and the different sizes of golf courses.

But we basically needed to prepare an amendment that would cover all different possibilities. We realize that there's, you know, no silver bullet that's going to address any, you know, particular conversion project, especially if there's a membership issue involved in that.

But we felt like this would allow for whoever is a member and maybe even owns part of the golf course to be involved, and that was our main objective here.

COMMISSIONER SCHMITT: One last question, general in nature. You talked about the buffer. What I -- we may get into it in the language, but I really don't understand if after the conversion -- or after the conversion, who's responsible for that buffer, who maintains the buffer? Is it some sort of funds in perpetuity? I didn't understand or know what was planned in regards to -- for that piece of the management.

Because as you well know, I mean, you looked at this, the houses bordering the golf course have no right to that golf course unless they're a member or they pay to play.

MS. CILEK: Sure.

COMMISSIONER SCHMITT: They have no right to recreate on that course. I mean, it's -- so I did not understand how, then, we can say, okay, if you're going to convert, then you create a green space. What entity is responsible for managing that green space?

MS. CILEK: Well, I think it's important to recognize that the greenway is, at basic level, a compatibility measure and that for so long these homes have been looking onto green space, and we wanted to preserve that view for them, and we recognize with 69 different golf courses out there that the way that they would convert and manage that green space may be different each time, and that would be figured out through the process and it, ultimately, couldn't get approved until it was fleshed out in more detail. But that could happen either at this stage or even through the land use petition stage.

COMMISSIONER SCHMITT: Just what you said now answered my question, I think. But when we get into the language, we may have to look at trying to clarify that and state that.

MS. CILEK: Be happy to hear, yeah, what we have to add.

COMMISSIONER HOMIAK: Well, I'd like to say I think this is really well done.

CHAIRMAN STRAIN: Stan, Karen wanted to go first.

COMMISSIONER CHRZANOWSKI: That's okay.

COMMISSIONER HOMIAK: I just think it was well done, and you did a terrific job, both of you.

MS. CILEK: Team work.

COMMISSIONER HOMIAK: I'm very agreeable to everything that I see here.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: As long as we recognize what Caroline just said, that there's 69 different courses. You've got 9's, 18's, 27's, 36's, and each one may be different.

MS. CILEK: Absolutely.

COMMISSIONER CHRZANOWSKI: So, you know, great job, but I think you're going to be -- I think you're just going to look at every one differently.

MS. CILEK: Yep, we recognize that, and I think that's a good thing. They all have different residents that live around them; they all are designed differently. We want to create a process that would allow for that difference to happen and to go through the process and everyone can partake.

COMMISSIONER CHRZANOWSKI: For the record, I have never had the urge to pick up a golf club, ever, ever.

COMMISSIONER DEARBORN: I second that.

COMMISSIONER SCHMITT: I warn you, don't do it. It's addictive.

COMMISSIONER CHRZANOWSKI: I made it this far.

CHAIRMAN STRAIN: I think the language is a good start, but as we'll go through in the next couple of hours, there's a lot of cleanup, and I'm going to be asking a lot of issues that need to be further addressed before we can decide on it.

MS. CILEK: Sure; absolutely.

CHAIRMAN STRAIN: But I want to bring everybody up to date as to what's going on with golf courses in the county right now, because there are four of them now.

COMMISSIONER SCHMITT: Four?

CHAIRMAN STRAIN: Four of them under conversion consideration.

The first one is the Golden Gate golf course out on Golden Gate Parkway and 951. They had come in with a plan to produce 6- or 700 units there. The neighborhood got together, hired an attorney. There's now some issue going on with some old deed restrictions, so that's kind of on hold. The plan that they produced was certainly not consistent with what we're going to be talking about today.

The second one was the Evergreen Golf on Davis --

COMMISSIONER EBERT: What?

CHAIRMAN STRAIN: Evergreen Golf Course on Davis and Lakewood. It's a small golf course that I believe is nonoperational. They came in with a plan almost a year ago to put 80 or 85 units there. There were a myriad of issues that the plan couldn't function with. Nothing's come back in since then, but that has got new ownership, and the intent is to try to do something with it.

COMMISSIONER HOMIAK: Can I say something here?

CHAIRMAN STRAIN: Sure.

COMMISSIONER HOMIAK: This is where -- I think this is -- the charrettes and getting a whole community within a thousand feet is -- must be done because this person, particularly, that owned that golf course came to an annual meeting where we invited all the community, and he stood there and said he's keeping a 9-hole golf course and building some units, about 30. And then all of a sudden he works with somebody in another -- in part of the community and comes up with 86 or 87 or whatever it was.

CHAIRMAN STRAIN: That's --

COMMISSIONER HOMIAK: So that's -- and no one knows, just a few people.

CHAIRMAN STRAIN: Well, then the third golf course that has been questioned is the Lakewood golf course itself. And the questions were about converting it. It was not a total conversion, but maybe perimeter properties or sections of it, and that one hasn't followed up only because the moratorium, I believe, was put in place, and it's kind of stagnant right now.

And then just recently -- and these two gentlemen are here from Riviera. Riviera golf course has received a letter from the owner of that golf course that they intend to sell, and they're going to try to market it to various people; the first one was the county. So that's sitting currently in that position.

So there's four of them, and they're under different stages. I guess they're all on hold, basically, until this moratorium issue gets resolved and this language gets resolved, so...

COMMISSIONER EBERT: Caroline, the county owns no golf courses at this time, is that true, or do they own a public golf course? Just checking.

MR. BOSI: I'm not -- Mike Bosi. I'm not aware of any municipal ownership of a golf course within the county's inventory.

COMMISSIONER EBERT: Okay. Because I had kind of heard that about the Golden Gate. You know, actually, you know, when you read in the opinion page, why doesn't the county so other people can use a golf course. I mean, that's why I ask. So at this point the county owns none? Thank you.

CHAIRMAN STRAIN: Okay. And a couple other points I'd like to make in general. First is Joe's starting comments about the value of the homes on the golf course and taxation. It kind of dovetails on one of the issues I didn't see in here, and I think it would help support the county's position in instituting whatever language we end up doing, and that is a bonified appraisal between before and after condition.

MS. CILEK: Okay.

CHAIRMAN STRAIN: What a golf course home sold for now with a nice golf course on it, and then if it was instituted with this language that we're proposing, what the result in value of that home would be, because if the home is worth, say, 500,000 now and we put a 50-foot greenway, and it's only worth 250,000, that's different than if we put a hundred-foot greenway and we then retain the value of closer to 500,000. It helps preserve our tax base, and it protects the person whose home's bought.

But it would be an example of why these standards could be important and how they could be utilized. It's something that I would hope staff could explore.

MR. BOSI: I'm just trying to think how we can -- that's a subjective evaluation. I guess we can talk with our real property folks to see what their experiences are with actual golf courses.

CHAIRMAN STRAIN: Subjective? Everybody that's an expert that comes before us is giving subjective evaluations. And we hire appraisers all the time, plus we hire people to do traffic studies, and that's almost as subjective as everything else I've seen.

So I would suggest we at least make the attempt if it can be -- and we have plenty of appraisers that are on county standard purchase orders that we could have -- just take two examples.

MS. CILEK: I will definitely look into it.

CHAIRMAN STRAIN: It's something to look at, though.

MS. CILEK: Given our time frame, I think that might be one of the limitations here, but we will go back and we will do the best we can to accommodate that.

CHAIRMAN STRAIN: Okay. And the other thing is case law for the state of Florida. One of the things that I would expect if I was a homeowner in a golf course who is having this happen, what my chances are of winning if I fight this, and that's something we also need to assess in this conversion process.

Do we really have to do these conversions, or can we say no? And if the standard in the state is that there's -- it's not going to win, you're -- basically, you're kind of stuck, you've got to deal with it because you can't force someone to operate something at a loss and force them to pay for it, then we need to understand how that's worked through the courts if it has. Has anybody done a case-law study or has anybody asked the County Attorney's Office to do that for the state of Florida? Because I know there are cases in other states. I've read them. But I'm not sure --

MS. CILEK: Sure.

CHAIRMAN STRAIN: -- how many recent ones are in the state of Florida that would shed light on that.

MS. CILEK: We have one case study that we looked at pretty closely over on the east coast, and in that situation it took many years for the Board to approve the development, and then in that situation it got very litigious between the homeowners association and that approval. And at the end, there's still no development today but there are development rights following the Court's decision, and it's going through some selling because it was so contentious.

So one of the goals here is to kind of remove that possibility and try to build consensus before it gets there. And it's going to hold the stakeholders and the applicant accountable for being reasonable so that

something can happen in the end.

CHAIRMAN STRAIN: But, see, if we institute language for a conversion, it's almost, then, acknowledging that they have a right, then, to convert. I would like to make sure that they don't have that right if it's not already been decreed to be a right by the courts. And I know each case is different, but I'd sure like to know if there's a chance to say no, but to me that's perplexing. I'm not sure how that could apply. But if it's been tested, I'd like to see it. And I'm just asking; if we've got that data available, it would be nice to read.

COMMISSIONER SCHMITT: I mean, on that same thought pattern or thought track, if they don't have the right to convert, what right do the homeowners have? I mean, you can't tell them to continue to operate at a loss, so they're just going to pick up their toys and leave. Then, of course, then the grass grows to three foot high.

And I just don't know what -- then we get into code cases and legality and forcing them to maintain the property. I just don't know if they're -- it would be nice to see what kind of past record there has been in Florida, if there's been any issues in regards to those kind of attempts or just picking up -- the owner just leaving.

I mean, I know of one golf course in northern Collier. It was Twin Eagles but that, of course, went under, the second course. And then when the new developer went in, they redid the course, the course in the back. But during the bankruptcy years, they just walked and left that course.

CHAIRMAN STRAIN: The last I think any of us on this board and especially our elected officials would want to see is to have to go out to the public and say, hey, we've got a conversion study now, and then for the public to find out that somehow we could have said no instead of for a conversion. So I think that's a piece that we just need to clean up and do the research, and I'm sure you -- I saw Rich nodding his head yes; you probably have done some of it already. Just give us the benefit of some of that, if you could.

MS. CILEK: We can pull some information together.

CHAIRMAN STRAIN: Okay. That would be helpful.

COMMISSIONER EBERT: And you're right, Mark, a lot of these golf -- each one is different.

I live in Olde Cypress. It was brought up to us back when everything went down, 2006/2007, and it was very contentious. At the time the homeowners wanted to purchase it, and they wanted more money. He ended up keeping it. It is now thriving. You cannot get on the golf course.

You know, so each one's different. And, actually, right now Quail Creek just turned it over to the golf members, so now it's the golf members that pay for everything.

If it would be a greenway type of deal, which, you know, we always say about the preserves, you can do this, you can do that, the trails and everything, because people are running, biking, walking, we actually -- we're in an Audubon one. So they would like to get out there.

And, Joe, you're right, if you do not belong to the golf course, you cannot go out on those trails. I mean, that's -- so it would -- to me, if it were to be a greenway, then it would have to be turned over to the master association and everyone would pay for this.

So there are several ways. And you're right, I would prefer that it would be something more along those lines, and so the bikers can get out there and more people can use the property that way. But we've got a long way to go before that.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Well, let's move into the narration that was provided by staff, it completes on Line -- Page 27. Page 27 begins the actual LDC language. If you all are comfortable, we can start questions from Page 27 and 28. Does that, Caroline, work for you, too?

MS. CILEK: Absolutely.

CHAIRMAN STRAIN: Okay. So let's take 27 and 28. Any questions on those two pages?

COMMISSIONER HOMIAK: Do you have the same pages as we do?

CHAIRMAN STRAIN: Oh, that's right. I keep having different pages than everybody else.

COMMISSIONER HOMIAK: Because ours is on 28.

CHAIRMAN STRAIN: Yeah. Yours is printed. Mine's --

COMMISSIONER HOMIAK: Twenty-eight.

COMMISSIONER SCHMITT: Ours starts on 28, so you're one --

COMMISSIONER HOMIAK: Just add one.

CHAIRMAN STRAIN: Okay. Why don't we go to 28 and 29, how does that sound? Let's do a couple pages. You're right, I did add one.

Anybody have any questions on those first two pages?

COMMISSIONER SCHMITT: I have a question.

CHAIRMAN STRAIN: Sure.

COMMISSIONER SCHMITT: 2B, Subparagraph I, and we talk about the financial state. In what other zoning application do we, as government, ask for the financial state of an applicant? I know of none that I can recall. I just don't know -- and I turn to the County Attorney. Do we have a right as government to ask for the financial state? Is that validated by whom? I just don't understand how we --

MS. ASHTON-CICKO: Based on my conversations with Caroline, my understanding is that that was something the Board wanted to be included, and I think that there's not much detail as to what they would have to provide. It could be a very simple statement that this is no longer, you know, lucrative. You know, it's not real clear on what is required.

CHAIRMAN STRAIN: But, see, dovetailing with Joe's comment, we get market studies on certain elements of the GMP and LDC. Does anybody really think, when those market studies are produced, they're not produced to come out to the way that the applicant wants them to?

COMMISSIONER SCHMITT: Absolutely.

CHAIRMAN STRAIN: So what do you think this is going to do? If a guy wants to sell a golf course, he's going to come back and say, gee, when you pay my salary of \$2 million a year, there's not enough money left to fund a golf course. So one way or another, they're going to get there, and they're going to come back with a statement that becomes absolutely worthless and a waste of time.

And the other side of it is, there's really nobody within -- there's no economist employed at staff who could really review that and argue for or against it.

So I'm not thinking it's a logical thing to use because it gets you -- it's too ambiguous, so...

COMMISSIONER EBERT: Wouldn't a banker require that, if a developer's coming in to do this? I mean, they would need a -- if they're going to finance it, they need a banker to finance this, so...

CHAIRMAN STRAIN: I can tell you that when you produce financial -- documents like that, pro formas for a project, you produce them yourself. You can say a lot of things.

Ave Maria came in and said they're going to have 5,000 units sold after the first five years; that's why they wanted to have a rereview after five years or something like that. They didn't have 5,000 units sold, but that's what they said, and that's okay. That's what you anticipate. That's what you try to achieve.

So the same kind of thing, though, Diane, is not useful for anybody to make a decision on because it's just arbitrary.

Go ahead, Heidi.

MS. ASHTON-CICKO: As presently written, they have to provide this study, but the study isn't really considered anywhere in the amendment except for to check off that they did it. So, you know, it's --

COMMISSIONER HOMIAK: And I think, too, somebody could buy a golf course that's working and let it go --

CHAIRMAN STRAIN: Right.

COMMISSIONER HOMIAK: -- just because they wanted to develop it. So I think that was what the purpose -- their intention was by wanting this information.

COMMISSIONER SCHMITT: I mean, it's easy just to -- believe me, the members would know if it's no longer profitable because all that cost is going to be passed off to the members, and dues go up.

But, again, we're talking, who owns the course, how is it operated, all those other things. But I agree with what Mark said. It's -- I could -- you want a financial statement, I'll give you a financial statement exactly to defend the position.

Maybe that would be of some interest during the charrette or during the initial offering. But, again, I -- to come to the county with that --

MS. CILEK: So if I may add a little bit --

COMMISSIONER SCHMITT: -- unless it's audited and validated by a CPA or somebody that's -- or an appraiser, I just think it's useless.

MS. CILEK: Just a couple of pieces of information. First, we were trying to implement the Board's direction here. That was actually one of their explicit ideas, but I recognize that if the Planning Commission sees that it wouldn't be beneficial to the program, then we can think of something else.

One of the ideas behind the no-conversion concept was that when you're looking at change, you look at no change as one of the options. It might not be where you go, but you often look at that as a concept.

Third, we wanted to be able to share something with the stakeholders that would relate to them, hey, this isn't working out for the developer anymore for whatever reason, and partly one may be being financial.

Perhaps there is another way to get to the no-conversion concept. Commissioner Ebert brought up that in prior years the HOA had been looking to purchase the golf course. Maybe that's an option here where it wouldn't convert, per se, from -- to something like a development but would stay as open space. I would appreciate keeping something regarding a no-conversion idea, but it could look differently.

CHAIRMAN STRAIN: I'm fine with that. I just think if we require them to produce a financial statement, it's going to be made as instructed, and so what good is it?

COMMISSIONER SCHMITT: Simply going to be annual revenue, annual cost, profit or loss.

MS. CILEK: Well, I appreciate you providing information if it comes up later. Thank you.

So would we be interested in looking at no conversion, and that would be associated with the HOA or, you know, the master association?

COMMISSIONER EBERT: You know, it's -- each one is so different in the PUDs, because then you have -- I know in ours, if we do anything large, 86 percent of the homeowners have to agree. If this -- if it weren't just the golfers buying it out, I mean, if it went to a greenway or something, you need a certain percentage. So, you're right, each one is kind of individual.

CHAIRMAN STRAIN: Well, I think the no-conversion one ought to be relooked at and maybe figure out a way to still allow a no-conversion process but maybe not one that relies on a study and financial state that requires them to produce something that is going to give us what they want to say anyway. I mean, there's probably other ways to look at it.

For example, if we didn't convert, we'd have to upgrade the course, we'd have to do this to get additional membership, the membership fees would have to go up, and all these other things, and that may be the reason why it's not financially feasible, but it would be different than a study in a potential financial state of the course. That, I think, is too easily construed.

MS. CILEK: Okay. We'll take a look at it and bring something back on the 5th.

CHAIRMAN STRAIN: Okay. We're still on the first two pages. So does anybody have anything else on those? I go all the way back to the very first 2.03.06, conversion of golf courses. Golf courses within a PUD shall adhere to the process established in the LDC. I would like to suggest we need to qualify what form of golf courses in a PUD. Have they started development? Have they got sales around them to any outside parties or anything like that? So maybe massage that language a little bit so that we're -- if a developer owns a PUD and he comes in, he hasn't done anything yet, he doesn't have to go through this process just to get the PUD redone.

MS. CILEK: Okay.

CHAIRMAN STRAIN: But if he sold some of it and people relied on it, that's a whole different story.

MS. CILEK: Understood. Okay.

CHAIRMAN STRAIN: The Item C on the bottom of that page, C1A, it's the administrative code shall establish the procedure and application submittal requirements including: A title opinion or ownership encumbrance report -- and this is the part that bothers me -- establishing there are no encumbrances on the property to prevent the land from being developed as proposed. Well, that's a legal opinion that's currently being fought on one course through the courts, and I don't know if the County Attorney's Office wants to get into issuing -- establishing those kind of conclusions based on a title opinion or ownership encumbrance.

I would suggest, just ask for the title opinion and ownership encumbrance so that the people

surrounding the course can see it. And if they want to utilize that in their private methodology, that might be one thing. But for the county to establish that there are no encumbrances on the property that prevent the land from being developed as proposed may go further than I think the county may want to go, unless County Attorney's Office wants to get into doing that in every one of these courses.

MS. ASHTON-CICKO: I'm not sure if I'm following your concern, because the title, you know, opinion's going to identify the owners and all the encumbrances and exceptions and so forth. So I'm not real sure which part you have a problem with.

CHAIRMAN STRAIN: I have a problem with that statement that says, after that title opinion's issued -- you're right, it will define and will lay all that out, then someone has to establish that because of that information that the land can be prevented from being developed as proposed.

Did you -- does the County Attorney's Office want to get into that kind of decision on interpreting those encumbrances?

MS. ASHTON-CICKO: Well, I don't think it would be us that's interpreting it, but --

CHAIRMAN STRAIN: Well, who would do it then?

MS. ASHTON-CICKO: -- there's probably some extraneous language in there.

CHAIRMAN STRAIN: Okay. Well, that's the piece I've got -- I'm concerned about is where that was going to go. If it's not to the county and you want to ask somebody else for that legal opinion, I guess you'll get that the same way you'd get the no-conversion scenario, too, because every attorney's going to say what their -- you know, you're going to have a different opinion from every attorney. That's why we have the courts.

MS. CILEK: Well, I can work with Heidi.

MS. ASHTON-CICKO: Yeah. I think what he's -- I get what you're saying now. You're saying that the title opinion is going to say that there are no encumbrances on the property, and I think what you're asking for is that they produce, like, a title commitment. That's why the other option, I don't know, was -- you were -- I think you're talking more about a title commitment that identifies who's the owner, the exceptions, and so forth.

CHAIRMAN STRAIN: That would be better.

MS. CILEK: At the end of the day, we just want awareness if there are any encumbrances on the land that would prevent any type of project to move forward. That's what we're looking for.

CHAIRMAN STRAIN: I just was afraid to see -- the conclusion is what was worrying me, whose got to draw the conclusion.

MS. ASHTON-CICKO: Yeah. I think it should just be, you know, clarified that it's an attorney's, you know, title opinion on ownership and encumbrances or --

CHAIRMAN STRAIN: That's fine.

MS. ASHTON-CICKO: -- a title commitment from a title company.

CHAIRMAN STRAIN: Leave it at that.

MS. CILEK: Yeah. I'll work with Heidi to craft the language.

CHAIRMAN STRAIN: Under the section Joe had brought up, the no-conversion section, you know, we've got no conversion, we've got county purchase, and we've got conceptual development plan.

What about the purchase by -- the offer to the HOAs, the surrounding neighborhood? Could that be added in as a possible element?

MS. CILEK: Yes, and perhaps we can shape it with the no-conversion option if that's what they seek to do; otherwise, if they wanted to develop it, they would go through the conceptual development plan.

CHAIRMAN STRAIN: Yeah. I mean, for example, the Riviera golf course, if they wanted to offer it and give some time for the HOA to consider purchase, like the county would, that might be a good thing, and it might be actually something that could be done.

MS. CILEK: And I think that will work well together, so we'll craft that language for your review.

CHAIRMAN STRAIN: And that's the only comments I had on the first two pages. The next two pages, which I believe are 30 and 31, I hope --

MS. CILEK: They are.

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: Okay. Anybody have any questions on those?

(No response.)

CHAIRMAN STRAIN: 3B, I just wanted to make sure I -- is this something that's easily done? A web-based visual survey on the proposed conceptual plan. And I know I asked you that, and kind of wanted to have you explain it so everybody knew what it was.

MS. CILEK: Yes.

CHAIRMAN STRAIN: Is that like a fly-through thing where they visually take a drone and fly through the course, or how did you see that coming about?

MS. CILEK: That would be fascinating, but we had more in line something that would be like a survey monkey, survey that would go out to individuals, and it would have pictures, so visuals of what the developer is proposing to do on the project.

And we're actually pulling together an example for you so that people can see what we're thinking, and we'll have that for you on the 5th.

CHAIRMAN STRAIN: Fantastic.

MS. CILEK: It's really easy to do.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: My only comment on that, it's a survey that's web based. In order to be statistically accurate, you would have to control -- have some kind of control measure that only one time per applicant so the thing can't be flooded by --

MS. CILEK: Sure.

COMMISSIONER SCHMITT: -- various processes that would basically render useless the survey itself. I mean --

MS. CILEK: Yeah. And we can provide guidance that people need to, like, identify their street name or something like that, if that would help.

CHAIRMAN STRAIN: Okay. D, you already clarified one of the -- I thought the audio part was missing from there, but you indicated in your presentation that was going to be part of it.

MS. CILEK: Absolutely.

CHAIRMAN STRAIN: Okay. And we're on Page 31. And I'll keep going till anybody interrupts me.

B and C or somewhere, you keep saying "shall be improved." Instead of saying "shall be improved," why don't you just say deviations are -- these are prohibited? Prohibitions are a little easier to overcome than things that shall not be approved. So no deviations, the LDC shall be approved. I would suggest just say no deviations -- deviations are prohibited, so...

MS. CILEK: I can do that.

CHAIRMAN STRAIN: D3, the third line -- second line, it says, stakeholders, to the greatest extent feasible. Do we need to have language in there? Can that be dropped?

MS. CILEK: To be honest, that language was part of our early draft, and we had input from stakeholders, actually, to put the word "reasonable" in. And I think that catches what we're really talking about here. We're looking for reasonable input to be incorporated. Whether it's to the greatest extent possible or not is kind of irrelevant at this point. I think "reasonable" catches what we were thinking.

CHAIRMAN STRAIN: Number 4 actually uses the word "reasonable," so 3 should mirror that. I think you'd be better off.

MS. CILEK: Yeah, and so does 3.

CHAIRMAN STRAIN: On F3, the Hearing Examiner -- actually, the Hearing Examiner only hears things that are final. If it's to go to the Board, it's supposed to be the Planning Commission, so we need to make that to the Planning Commission.

MS. CILEK: Okay. I can make that change.

COMMISSIONER EBERT: So remove that.

CHAIRMAN STRAIN: And then that's all I've got through 31. Anybody else?

(No response.)

CHAIRMAN STRAIN: Page 32. Has anybody got any questions on 32?

(No response.)

CHAIRMAN STRAIN: Up on top on G1, just out of curiosity, Caroline, G1 says, previously approved open space, golf course acreages identified to meet minimum open space requirements for previously approved project shall be retained as open space.

A lot of times they're just identified as recreational space. By identifying them as open space, I'm not sure they're done that way. I mean, it might be identified as a use that would be considered open space, but I'm not sure they're identified as open space.

MS. CILEK: Sure. And I may need to tweak this language to make it a little bit more clear. But our goal here is to make sure that any acreages of the golf course that were identified to meet, perhaps -- the 60 percent open-space requirement for residential project are not still being used so that when the developer goes in, none of that land is being attributed to any open-space requirements.

CHAIRMAN STRAIN: Okay. So what they'd have to do is show that they have the open space that they need made up on other parcels that don't include that existing golf course?

MS. CILEK: Exactly. And they could do an amendment to their plat, their SDP. If it's in the PUD, perhaps through this process. So there are ways to work around it, but we just don't want any overlapping requirements.

COMMISSIONER CHRZANOWSKI: But there's something about that wording that's just bad, because they never identify the 60 percent minimum open space. They say we need 60 percent. We have 80 percent. We have 61 percent. We have 62 percent. But you never see a drawing that shows this is the 60 percent minimum, and this is above and beyond that, so --

CHAIRMAN STRAIN: That's the piece --

COMMISSIONER CHRZANOWSKI: -- that's the wording that needs to change.

MS. CILEK: I can do that.

CHAIRMAN STRAIN: 2A, use the word "adjacent," and I -- adjacent and abutting used to be the same definition in our code, and then it changed, and we got two definitions; one for adjacent, one for abutting, and, of course, they mean something different.

And each one has little ways to sneak around it. We've learned you're abutting unless you put a 1-foot cheater strip. You're adjacent if you're on a roadway, but then there's all kinds of things that may not apply.

I'm a little worried about the way that's worded, because if it's adjacent and they want to put their perimeter road in the back -- along the backyard property lines before the greenway starts --

MS. CILEK: Right.

CHAIRMAN STRAIN: -- that's the only piece. So could you take a look at that?

MS. CILEK: Absolutely. I appreciate you bringing that to my attention.

CHAIRMAN STRAIN: 2C, the owner may not charge a fee for the use of the greenway, and that goes back to, I think Diane and Joe both talked about, that these are private now. So what are we -- what are we insinuating by that?

MS. CILEK: Well, one of our early concepts was that this would be available to people around the golf course. You know, through the process, we've kind of identified that it would -- that that space is private golf course, and people do pay a fee currently. So perhaps this language isn't necessary anymore.

We would hope that if there is a residential development to go on the golf course, that that would be available to those residents at the least, and I'll let Mike add something, too.

MR. BOSI: Well, I've heard from the Planning Commission was the recognition that that has to be addressed within the redevelopment process where predetermining the ownership and who will pay for it, I think, is premature.

CHAIRMAN STRAIN: Yeah. I agree with you.

MR. BOSI: And I think what I can say is the maintenance of the greenway shall be established during the code enforcement and rezoning process, something to that extent that says that that has to be addressed, but we're not going to predetermine what that is based upon the variety of the situations that may happen.

CHAIRMAN STRAIN: Well, maintenance and use and how greenway's to be used.

COMMISSIONER SCHMITT: Yeah. Mike is going to need to identify, during the actual proposal process, the maintenance and use, whether it's going to be publicly accessible, whether it will be bike lanes, will it be -- whatever. But I think that has to be identified because that will then dictate who's going to be responsible for managing it, maintain it, whatever, from a -- whether it's the homeowners association or some other entity. That should be part of the conversion process.

MS. CILEK: Understood. We'll work with that language.

CHAIRMAN STRAIN: Okay. That will take us to Page 33. Does anybody have anything on 33? (No response.)

CHAIRMAN STRAIN: All the way to the bottom of 33, Caroline, we have lighting. The discussion of Dark Sky's has come up quite a bit at the Board level when Commissioner Nance was here, and I know the last meeting he brought it up. Is there any way we can weave a Dark Sky's initiative into the lighting requirement?

MS. CILEK: Well, a couple things to keep in mind is that from Commissioner Nance's work with the county, they are -- we are looking at amendments that would actually take into account different aspect of Dark Sky's. We're going to be looking at that in the next of couple years, which is great.

Here what we tried to do is pull out the biggest concept of Dark Sky's, which is reducing light pollution. And so this at least covers that aspect. We'd be happy to look at Dark Sky's and see if there's other concepts out there, but it's a very big book, Dark Sky's is, and it changes over time.

So we just wanted to get to that idea, but we were not sure about putting that specific term in the LDC at this time.

CHAIRMAN STRAIN: Well, if we're going to potentially add some terms in the future, could we reference, in Paragraph 1, that there may, that somehow this is applicable to this process?

MS. CILEK: And I believe it would be like, you know --

CHAIRMAN STRAIN: Well, this doesn't reference any other section, so I'm just wondering, would they rely on this section, then? And if they did and it wasn't sufficient and we change another section, do we need to make that clear?

MS. CILEK: I can make it clear, perhaps some reference to something. But in the future if we do adopt language regarding Dark Sky's concepts, then that would be -- they would be held accountable to that when they convert.

CHAIRMAN STRAIN: Okay. Because we'd make that applicable, the GCO section.

MS. CILEK: Yes, exactly.

CHAIRMAN STRAIN: Okay. That works. Number 2, now the greenways have an average of a hundred, they go down to 75 or some mythology like that. How does No. 2 fit in with that?

MS. CILEK: Sure. That's a great question. So we wanted to have a safeguard setback for any conversion project, and this is applied in a couple different ways. First is for a conversion project where an alternative design to the greenway is approved by the Board, there would be still a minimum 50-foot setback.

So, for example, if the stakeholders support it and agree and the Board approved a large -- larger area for greenway, let's say 300 feet wide on one side, then the remaining sides of that development would still need to be 50 feet, a minimum average of 50 feet. So it's a safeguard here.

And then this section also applies to anytime a golf course zoning district redevelops. So if that golf course zoning district redevelops and uses a conditional use, these would also apply, these setbacks and lighting standards, actually.

CHAIRMAN STRAIN: Okay. Joe?

COMMISSIONER SCHMITT: Just a -- again, a question, general question, because I'm trying to understand the legality of this.

In some cases, golf courses are an integral part of the PUD, and some cases the golf course is a stand-alone --

MS. CILEK: Correct.

COMMISSIONER SCHMITT: -- maybe houses on the perimeter, and in some cases communities came in and built around the golf course. I live in Fiddler's Creek. There was a golf course that existed there, and the PUD basically surrounded the golf course that had been there for years and years. And then they -- of

course, there's a second course there, but any one of those cases regardless of conversion, they're going to go through this process, is what you're saying. Whether the golf course was there first or the golf course was developed later, it does not matter.

MS. CILEK: Correct.

COMMISSIONER SCHMITT: Under the old chicken and egg theory here, it just doesn't matter. They want to convert. They have to go through -- anybody has to go through this process. So it's one size fits all. Hopefully you're going to take a ball-peen hammer and try and pound a square peg in a round hole or vice versa, I guess.

MS. CILEK: Well, hopefully the stakeholder engagement process will be flexible enough to deal with all of those.

COMMISSIONER SCHMITT: Okay.

MS. CILEK: But, yes, this would apply to any conversion project.

COMMISSIONER SCHMITT: All right. I think it's a great idea. I just want to make sure that, from the legal perspective -- and I think the County Attorney's -- that's one where the county's going to have to indemnify itself somehow so they don't get wrapped up in a lawsuit by preventing somebody from doing something with their property that they own. They inherently have property rights.

MS. CILEK: Absolutely. And part of this is designed to help that process go smoother so that when it hits the land use petition phase, the details -- like, kind of the nitty gritty has been worked out, and the stakeholders are engaged already, and, hopefully, some consensus has been built on that project.

And keep in mind, the vast majority of the stakeholder outreach is about providing reasonable input. And at the end the applicant can say, hey, he worked really well together or it didn't work out, you know, but we tried our best.

COMMISSIONER SCHMITT: The only other thing -- and I'm looking at, on Paragraph 4 you talk about stormwater. I guess that's F4. But almost all golf courses have stormwater management that was approved through the ERP process, so going through the state water management, either part of it or they're integral to the entire community, and in the same regard there's federal permitting. So they still have to comply with all the state and federal permitting requirements. Whether it's waters of the U.S., they would have to comply with the Section 4.04 of the Clean Water Act and, likewise, the same with the ERP requirements.

And we ought to state that somewhere in here that this does not in any way alleviate the responsibilities; that the development plan would have to go through the rest of the permitting process, because that is going to have a significant impact in any type of development that is proposed if, in fact, the golf course is abandoned.

MS. CILEK: Yeah. And keep in mind that the development standards are more or less supplemental to any of the other LDC requirements, and so LDC/stormwater requirements would be -- they'd be held accountable for those, and then, obviously, they would be held accountable to the South Florida Water Management District.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER EBERT: Caroline, are there that many that are just plain abandoned?

MS. CILEK: That's a good question. I don't have that number off the top of my head. I think also the term "abandoned" may need to be a little bit defined there, but we can provide that information at the next meeting if you'd like. And Mark might know as well. Commissioner --

CHAIRMAN STRAIN: Some of them; Evergreen.

COMMISSIONER EBERT: Well, I do remember one. I do remember -- I think there was one in Cape Coral, but I don't know -- and especially in Naples, I don't know of very many that just say, okay, forget it.

CHAIRMAN STRAIN: But I think if you -- if she's asking you to look them up, I don't think you mean to go outside Collier County.

COMMISSIONER EBERT: No, no, no.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHMITT: The only one I know of was -- like I said, was the one in -- I just

said it, Twin Eagles. That was the back golf -- that was a new golf course. The development hadn't yet taken place back there, but that was through the bust and, of course, they went back in, and somebody ended up --

COMMISSIONER EBERT: Yes.

COMMISSIONER SCHMITT: -- having to refurbish the entire golf course and took it over, but...

COMMISSIONER EBERT: And now when they sell out, the homeowners, the 750 will have to pay for both golf courses?

COMMISSIONER SCHMITT: Yes. Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHMITT: Typically, a developer has the full -- typically has to plan to eventually, when they're done, it becomes an equity membership, and they turn over to the members, and then legally they're the owners, but I -- so they're involved in any type of conversion.

COMMISSIONER EBERT: Okay. Here's what's going on. A lot of them are going from equity to non-equity.

COMMISSIONER SCHMITT: Right, to non-equity, right.

COMMISSIONER EBERT: And that makes a difference, too. I do not play golf, but I do know ours was originally -- was Hardy. It was part of the PUD and it still is, but at the very last moment they took the golf course out and made that separate. And so, I mean, there's a lot of things.

Now it is a different owner, and he could come in and just say, okay, I want to do this, although the golf course is phenomenal, and it's one of the top ones now. But if they ever decide they just plain want to sell it, that really would -- that really would bother me.

CHAIRMAN STRAIN: I would hope so. Let's see if our -- if there's any members of the public, and I know the two gentlemen here are from Riviera. If either of you would like to speak, just so note, come on up and use the microphone. You just have to tell us your name.

And I was corrected on the previous discussion about when you need to spell your name. The court reporter said can usually figure up to maybe 10 letters now.

MR. DANZ: Good morning, Mr. Chair --

CHAIRMAN STRAIN: Good morning.

MR. DANZ: -- Commissioner. My name is George Danz, president of Riviera Golf Estates Homeowners Association.

We are an over-55 community consisting of 692 homes, and we surround the Riviera golf course.

I just wanted to commend the staff on an excellent job they've done. I think it's a great start and also to indicate that we're going to be following through and looking at that with a fine-tooth comb and come into your meetings to follow with this, because we're concerned with what may or may not happen in our community.

So thank you all very much for the time that you spend and that staff has put into this project.

CHAIRMAN STRAIN: Thank you. And we do hope it helps with yours.

MR. DANZ: Happy Holidays.

CHAIRMAN STRAIN: Well, thank you, sir.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Caroline? And that is something -- I know there's all kinds of compatibility standards. We don't get into specific compatibility standards. We just create standards. Is there a need to refine any of that to take into consideration other compatibility standards for a case like Riviera where they have 55 and older as a restricted community? Would we be able to do it by the language here to say to be compatible? If the golf course was converted, it needs to be a 55 or older community as well, or is that something that we need to consider at this stage and make sure it's written in? Things like that.

MS. CILEK: If I may, first, I think that's a great question, and one of the things that would occur through the stakeholder outreach meetings is that there would be a point/counterpoint product produced which would identify all of the issues that the stakeholders brought up. So if they said, hey, we really feel like the proposed development should be a 55 or older community, then the applicant would have to respond and say, okay, we agree with that or, unfortunately, we can't do that, and this is our reason why, and so that

way everything is out and transparent for everyone to understand.

CHAIRMAN STRAIN: And that's kind of what I thought you were going to say.

MS. CILEK: Great.

CHAIRMAN STRAIN: Mike?

MR. BOSI: And I would agree that the rezone findings and the PUD findings that are contained within any one of those land use petitions that are presented to the Planning Commission and Board of County Commissioners contains a variety of the compatibility consistency with the surrounding land uses, the type of land uses that are -- that do surround these projects that would provide you enough latitude to make those connections in terms of whether you felt what was being proposed was compatible and based upon the past history of land use arrangement.

So I think there is enough opportunity within your rezone questions or your PUD rezone questions to provide for that type of analysis.

CHAIRMAN STRAIN: Okay. Thank you. And, you know, I was thinking of something in particular, because I was looking at the Riviera outline and how that course fits in the midst of their community. I don't know who owns the roads in their community but, you know, a sidebar to this whole thing is, if the golf course wants to develop, to get in and out of that course, they're going to have to go on the communities' roads, and if the communities' are privately owned roads, they may have an opportunity to really hold a big stick on how this happens.

Now, that won't occur in, like, Golden Gate, because they're surrounded by public roads. And I don't know if Riviera, for example, are private, but communities out there might want to keep their roads private for that very reason, so they can control it. So it's an opportunity.

Anyway, I don't have any other questions on the golf course. Does anybody else?

(No response.)

CHAIRMAN STRAIN: Caroline, we're good with that one.

MS. CILEK: Super.

COMMISSIONER EBERT: I'm glad we're going to be bringing it back.

MS. CILEK: Oh, absolutely. We recognize this is a very lengthy, complex amendment, and we are really happy to be here today to get your feedback to make it better. So we'll put together materials, and we will see you on the 5th of January.

CHAIRMAN STRAIN: Okay. And that's for the golf course. So we'll be coming back with the golf course discussion on January 5th. And so for this meeting, that item's complete, and the only remaining item is the one that Jack McKenna's patiently been waiting for, and that's the one on the stormwater one, the very first one up.

Jeremy, it's all yours.

MR. FRANTZ: Okay. Good morning, just barely. My name is Jeremy Frantz, Senior Planner with the Growth Management Department. And I'm just going to hit some highlights on the amendment to LDC Section 6.05.01 related to stormwater management, touch on some of the history as well.

So looking at the current standards in this section, what this section does is it identifies maximum lot coverage and impervious area standards for single-family, two-family, and duplex lots.

You can see on the screen the difference between lot coverage and impervious area. One covers just the buildings or structures. The other also includes things like driveways and other impervious surfaces.

So I said these maximums apply to single-family, two-family, and duplex homes. That would be in your developments that do not have a master stormwater plan. So this would be places like Naples Park, Pine Ridge, Golden Gate Estates. It would not apply, or it does not apply, to areas with a master stormwater plan like a development in a PUD.

So the other thing that this section does is provides or allows for those maximum lot coverage and impervious areas to be exceeded if an engineered stormwater plan is provided with retention from a designed storm, and that's really the crux of this amendment.

We've gotten feedback from the community that the thresholds for when those engineered stormwater plans are provided are inequitable, especially to larger lots, so these maximums are determined based on the overall lot size. And we'll see in a moment how that changes as lots get larger.

But first what we've done in preparation for this amendment was to analyze one year's worth of staff reviews of stormwater plans. The LDC staff also sat down with the site plan reviewers and got a really good sense of how this process currently works, where there are other issues.

We mapped the locations of those reviews. I'm not sure how well this comes out on your screens, but you can see the map up there. It demonstrates that these stormwater plan reviews occur throughout the county in a number of different zoning districts. All of these areas have their own concerns and have different issues.

So we also looked at standards in other communities, and basically what we found was that in addition to the identified issue of the maximum -- or, sorry, the thresholds for engineered stormwater plans, there are also some other areas for opportunities in these provisions.

So here you can see how those thresholds for engineered stormwater plans actually apply to different lot sizes, starting on the left with smaller lots, and then the maximum lot coverage and impervious areas decreased significantly as lots get larger, and you can see above those lines -- a lot with an impervious area above those lines would be required to provide an engineered stormwater plan.

So we proposed to do a couple of things in this amendment. First, we're no longer going to be looking at lot coverage. We'll simply be considering the impervious area on a lot. We will also be applying these thresholds differently based on zoning districts rather than on lot size.

Again, the applicability in this section will be for new construction or additions to those single-family, two-family, or duplexes. That would be things like adding a new garage or a new room to your home. It would not cover things like a new roof or windows on your home.

So what we're going to change is that all lots will be required to provide a stormwater plan. That would be a Type 1 stormwater plan and would be demonstrating the direction of stormwater discharges only. So it's a very simple plan but ensures that there are no stormwater impacts on neighboring properties.

These plans could be created by a design professional, a licensed contractor, or an owner/builder.

Once a lot exceeds the new thresholds that we've established, an engineered stormwater plan would be required again with the same standards for retention to the five-year, one-day storm event, and these would be provided by a licensed engineer.

We'll also use these two different stormwater plans to address code violations. Currently, we don't have a process to address violations when they've been identified, so this will give us a tool to do that.

So the last couple of slides that I have will just show how these standards will apply to different zoning districts. So on the screen now you can see in the RMF6 zoning districts, this chart shows the percentage of impervious area of all of the lots within that district from the one year's worth of reviews that we analyzed. So at each segment of that chart, that would be about 25 percent of the reviews occur within that range.

So in this case for RMF6 lots, the current and proposed threshold is, for the most part, the same, set at 40 percent. Currently, it's -- there's a small range, but these lots are generally very small, so they'll be, most of the time, right around 40 percent now.

Switching over to RSF1 lots, again, you can see the range of impervious area in this district. The current threshold is somewhere around 9 to 12 or 13 percent depending on the lot sizes. Again, there's a range of lot sizes in this zoning district, so there's not one threshold, but we will change that to one threshold, and that would be at 30 percent.

So you can see we anticipate that the new threshold will reduce the number of engineered stormwater plans required in this district.

And then, finally, in the Golden Gate Estates, similar idea. Here's the current threshold for engineered stormwater plans; falls below the percentage of impervious area for a lot of the Estates lots that we reviewed over that one year. The standard proposed is at 25 percent; that's when an engineered stormwater plan would be required.

So that's all that I have to present to you. I'd be happy to walk through the amendment, take any questions that you might have.

CHAIRMAN STRAIN: Anybody have any questions?

COMMISSIONER SCHMITT: Page 10, fiscal and operational impacts, you said there's no

anticipated fiscal impact, but there actually is, is there not? It would be the cost of the plan if and when submitted?

MR. FRANTZ: Sure. It will definitely change the cost to the property owners, to the applicants. Typically, for that specific line item, we address fiscal impacts to the county.

COMMISSIONER SCHMITT: Okay. All right.

CHAIRMAN STRAIN: Well warranted. I'm finally glad to see it. I know Stan's been pushing it. Jack has. I think it's good. I went through your language. I already mentioned the couple questions I had previously to the meeting. You answered them, so I'm fine.

Anybody else have any questions?

COMMISSIONER SCHMITT: Page 15, second line, is that a cool deck or a pool deck?

MR. FRANTZ: I've had a couple of questions about that. As far as I understand, it is, in fact, a cool deck. It's a type of -- I think it's a type of treatment.

CHAIRMAN STRAIN: It's a type of construction deck for a pool.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: You walk on it, it's cooler to your feet instead of hot.

COMMISSIONER SCHMITT: Oh, it's a cool deck. Okay. I didn't know. I thought it was pool deck. I think it has a cool deck.

COMMISSIONER CHRZANOWSKI: Cool.

COMMISSIONER SCHMITT: That's it. Thanks. Great -- I think perfect amendment, well warranted, and it's a great step.

Stan, you -- I just envisioned you were going to say a lot about this.

COMMISSIONER CHRZANOWSKI: No, no. I was the "author" --

COMMISSIONER HOMIAK: He already did.

COMMISSIONER CHRZANOWSKI: -- in quotes, of the original ordinance. It was written right before the crash, and for years nobody built anything. And we didn't realize all the changes that needed to be made until we started building again. And I am so glad to see this come through.

COMMISSIONER SCHMITT: This still does not negate the requirement that you cannot have water go on a neighboring property. You still have to make sure you cover -- those things are still required in the LDC.

MR. FRANTZ: Right.

COMMISSIONER SCHMITT: Yeah.

MR. FRANTZ: Yeah. And I'll just add, I neglected to mention we did work collaboratively with the Development Services Advisory Committee's Land Development Review subcommittee, which is -- Stan is a member of, went through a number of meetings, worked really hard with those group of folks, and they were extremely helpful in preparing this amendment.

COMMISSIONER EBERT: I have a question for you, Jeremy. On culverts, I'm just going to take Logan Boulevard further down between Vanderbilt and Pine Ridge. Has a -- it floods a lot in there during the rain. Who is responsible for taking care of the culverts?

CHAIRMAN STRAIN: Diane, what does -- this isn't -- this is lot coverage.

COMMISSIONER EBERT: This is stormwater.

CHAIRMAN STRAIN: This has nothing to do with culverts and roads. It's strictly lot coverage for impervious and pervious areas for homes on lots. That's all it is. Nothing to do with the issue you're bringing up.

And, I mean, I think that someone at staff -- I would call -- Jack McKenna would love to talk to you after the meeting on an issue like that, but, honestly, it's not part of this amendment.

COMMISSIONER EBERT: He did mention culverts in here, and I don't have it --

CHAIRMAN STRAIN: Well, to the point that they're across the driveway in the front of a lot.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Well --

COMMISSIONER EBERT: Yes, it's true, but there's where a lot of the problems seem to occur, too.

MR. FRANTZ: I'm not personally familiar with the ownership or maintenance of those culverts. I

would have to get back to you.

COMMISSIONER EBERT: Okay. Well, I'll just ask Jack.

CHAIRMAN STRAIN: After the meeting.

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: Anybody else have any questions relative to the amendment?

(No response.)

CHAIRMAN STRAIN: Okay. Hearing none, we've finished, then, with the LDC amendments. They'll come back for a final review. Actually, the first one I don't think needs to. Just come back with the second one for final review on the 5th, or semifinal, whatever we decide.

That takes us to new business. There's none listed.

Old business? None listed.

There's one item under public comment. Merry Christmas, everybody, and Happy New Year. We won't see each other until afterwards. So you all have a good holiday, and is there a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

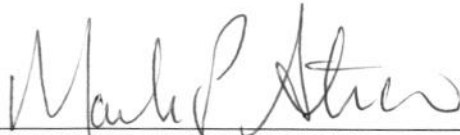
COMMISSIONER CHRZANOWSKI: Second.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: By Patrick. All in favor, signify by saying aye. Okay. We're out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:45 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 1-5-17, as presented or as corrected _____.

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