

November 7, 2019

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, November 7, 2019

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:

Mark Strain, Chairman  
Karen Homiak, Vice Chair  
Edwin Fryer, Secretary  
Patrick Dearborn  
Karl Fry  
Stan Chrzanowski, Environmental  
Tom Eastman, Collier County School Board

ABSENT: Joe Schmitt, Environmental

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager  
Nancy Gundlach, Principal Planner  
Jeremy Frantz, LDC Manager  
Jeffrey Klatzkow, County Attorney  
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the November 7th 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: Will the secretary please do the roll call.

COMMISSIONER FRYER: Yes, sir.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRYER: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER FRYER: Mr. Fry?

COMMISSIONER FRY: Here.

COMMISSIONER FRYER: I'm here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER FRYER: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRYER: Mr. Schmitt?

(No response.)

COMMISSIONER FRYER: Mr. Dearborn?

COMMISSIONER DEARBORN: Present.

COMMISSIONER FRYER: Mr. Chairman, we have a quorum of six.

CHAIRMAN STRAIN: Okay. Mr. Schmitt notified us he had an excused absence today for another commitment.

Addenda to the agenda. We have four items on today's agenda, but two of them have been requested to be continued. So I'll ask for a motion to continue the following two. It's 9A2, and I'll read it. It's PL20170002897/CPSS-2018-3. It's the Oil Well Road community facilities subdistrict, and the second one that was being continued, both of them to the December 5th date, is PL20180002368, and it's a parking exemption located on the east side of Tamiami Trail North south of River Court.

So with those two, is there a motion to continue those to December 5th?

COMMISSIONER DEARBORN: So moved.

COMMISSIONER FRYER: Seconded.

CHAIRMAN STRAIN: By Patrick, seconded by Ned.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

That takes us to Planning Commission absences. The next meeting is on November 21st, and unless we don't finish something today, November 21st, I think, has one regular item and several LDC amendments. That may change, but that's the best I can recall right now.

November 7, 2019

So, anyways, does anybody know if they're not going to be here on November 21st? Okay. We'll have a quorum. We're good for that day.

Approval of minutes on October 17th. Is there a motion to either -- is there -- anybody have any changes to the minutes? If not, is there a motion to approve?

COMMISSIONER DEARBORN: So moved.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: Made by Patrick, seconded by Ned. All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Ray, BCC reports.

MR. BELLOWS: There has not been a Board of County Commissioners meeting since last Thursday.

CHAIRMAN STRAIN: Okay. That's quick.

I have no chairman's report. There's no consent-agenda items. We'll move right into the first public hearing.

\*\*\*It's a continuation. It's 9A1. It's PL2019000044. It's the Rivergrass Village Stewardship Receiving Area. It's been continued from September 19th, October 3rd, and October 17th to today.

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

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

CHAIRMAN STRAIN: Disclosures since the last time, or if it's just the same as last time, that's fine, too. Tom.

MR. EASTMAN: Same as last time.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Kind of a comment.

CHAIRMAN STRAIN: Sure.

COMMISSIONER CHRZANOWSKI: When I worked at the county, we had a process called an insubstantial change. And if they sent one change sheet out of 30, and I got all 30 sheets, I felt obliged to read all 30 sheets to look if anybody had changed anything that wasn't shown on that. When I get a -- I have 3,000-something pages to look at today. I'm not going to do that, okay? Yeah, you laugh. It's not funny.

I would prefer just to receive the changed sheets from now on; is that possible?

CHAIRMAN STRAIN: Stan, like you, I can't keep rereading all those pages, so I'm still working off the first set of documents that was sent out. And I expect as we walk through those documents, we'll be told of any corrections -- questions we raise. So that's been working for a while. I don't know how to do what you're asking and still give us all the information that we need to have because some of us may want to see it in context and not just the changes. Is that -- so you're just asking --

COMMISSIONER CHRZANOWSKI: You have the original that you got.

CHAIRMAN STRAIN: Well, then you've got to open up two documents on your screen and compare them page by page and walk through. That will actually take longer than probably rereading the whole document, honestly, at least it would from --

COMMISSIONER CHRZANOWSKI: Okay. I don't care.

CHAIRMAN STRAIN: Okay. Do you have any disclosures?

COMMISSIONER CHRZANOWSKI: Only the usual correspondence that I got through staff.

COMMISSIONER FRY: Since the last meeting, a conversation with Mr. Yovanovich, a meeting with two members of the applicant team, and Mr. Mulhere and additional emails from various groups filtered through staff.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: Nothing since last time.

CHAIRMAN STRAIN: I had the same ones last time. I did receive some correspondence from the Conservancy; I think everybody did. I talked to the -- Meredith with Wildlife Federation, we had actually a correspondence, and then that's -- I think that's about all. I can't remember any others.

Go ahead, Karen.

COMMISSIONER HOMIAK: Nothing, whatever we received in email.

CHAIRMAN STRAIN: Okay. Patrick.

COMMISSIONER DEARBORN: Nothing since last time.

CHAIRMAN STRAIN: Okay. With that, the way we had approached this, we laid out an order of review for the various documents. And from the best I can recall, we reviewed -- we had the applicant's presentation, the traffic report discussion, the economic report discussion, the environmental report discussion, and at the request last time we moved public comment up to the end of those, and we had public comment at that last meeting. So what we haven't done -- and these are probably smaller sections and segments to deal with, but we haven't walked through the SRA document to ask questions we may have from that. We haven't walked through the staff reports to ask questions we still have -- may have from those, and I compared some of the LDC and GMP languages, and there's probably still a few of those I need some clarification from staff on. After that, we would get into the applicant's rebuttal, and then the CCPC would discuss and have a recommendation. So if it's okay with the rest of you, we'll just move on through like we were supposed to and pick up with the SRA document. And, basically, it will be us asking questions of either staff or the applicant from the language in that document.

And so I'll turn to the Planning Commission. Does anybody have any questions first from the SRA document?

Go ahead, Ned.

COMMISSIONER FRYER: I just want to be sure that I understand where the -- what certain numbers have evolved to. And, in particular, is it a minimum of 62,5- square feet of scaled retail and office uses? The number 62,5- is not 60,000, correct?

MS. GUNDLACH: It's 62,5.

COMMISSIONER FRYER: Okay. And, second, in earlier evolutions of this, it said a maximum of 250 dwelling units. And I think we mean a minimum, correct, single-family?

MR. YOVANOVICH: No, multifamily. I'm sorry. For the record, Rich Yovanovich. It was a minimum of 250 multifamily.

COMMISSIONER FRYER: Yes, yes. Okay.

MR. YOVANOVICH: Minimum.

COMMISSIONER FRYER: But it's minimum, not a maximum.

MR. YOVANOVICH: Not max. It's a minimum.

COMMISSIONER FRYER: Okay. Thank you. Those are the questions I had.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: I have a question from staff. It's on Page 3 of the staff report, and it's a Roman Numeral II, Item 9. And it's a question I brought up before, and I don't remember getting a clear answer for it. And I'll read the language that I think is a problem with that section. Let me find another document that has that language in it. So hold on a second.

And in the LDC, and it's Section 4.8 something J under design criteria, it says, the size and base density of each form of SRA shall be consistent with the standards set forth below. A couple sentences after that it says, the base residential density is calculated by dividing the total number of residential units in an SRA by the acreage therein that is entitled through stewardship credits.

Now, the division that I've seen so far is simple 1,000 acres divided -- 2,500 units divided by 1,000 acres. And it's easy. It comes out to 2.5. But if you follow that direction in the LDC, it comes out to 3.23 development units per acre.

So I don't know which one is the correct one for -- it seems to me the LDC is designed -- that's the criteria that

would be the correct one for the LDC on Page 3 -- or, I mean, for the SRA on Page 3. But I keep -- I've asked this now privately with staff in the pre-meeting, I've asked it at the last public meeting, and I've never gotten an answer. I just need to know what you guys want to do with this so we get the right number down here.

MS. GUNDLACH: Okay. Well, the calculation, when you subtract out the excess open-space acreage per the LDC, ends up being 3.099 dwelling units per acre.

CHAIRMAN STRAIN: Oh, I had a different number than that, but then I had the old acreage. Maybe I erred in that, but --

MR. YOVANOVICH: Mr. Strain, I'm sorry. Can you give me the -- quote the section of the LDC again so I can read along?

CHAIRMAN STRAIN: Yeah. You know how --

MR. YOVANOVICH: Is it under villages?

CHAIRMAN STRAIN: Well, the problem -- no, our table -- our LDC has got these huge sections, and you've got to scroll pages and pages back. So let me go back to the beginning and see what page we started with or what -- and it's 4.08.07, SRA designation, and then you've got to scroll all the way down to Section J, which I believe --

MR. YOVANOVICH: Design criteria.

CHAIRMAN STRAIN: Right. And then if you see design criteria, if you go down about two-thirds of the way, you'll see a sentence that says the base and then it's bolded, residential density is calculated by dividing the total number. That's the piece I'm trying to understand, because that is the acreage that needs stewardship credits, not the gross acreage of the town, of which about a quarter to a third is noncredit acreage.

So I'm -- I just need to make sure we use the right divider and multiplier. That's all.

MR. YOVANOVICH: Can I ask you -- can we pull the visualizer up. Is this the provision you're referring from?

CHAIRMAN STRAIN: No. I'm referring to Section J.

MR. YOVANOVICH: That's under J, and that's the table that pertains to the villages.

CHAIRMAN STRAIN: I know, but that's not what I'm asking about. I'm asking about the language in that sentence I read under J. You don't have that section.

MR. YOVANOVICH: I do, but I'm looking specifically at the village tables, and you'll see under the village tables it says it's one to four DU's per gross acre.

CHAIRMAN STRAIN: Right. But it doesn't say that's how you calculate the density for the way -- necessarily, for the way we have to state it in the SRA. And since this is the design-criteria section of the RLSA, I thought that sentence must mean something. Where would you put it if you didn't use it there?

MR. YOVANOVICH: Sure.

MR. MULHERE: Bob Mulhere for the record.

To further confuse things, there's two terms used there. One says base density. The other says gross density.

CHAIRMAN STRAIN: No, it says residential density. Does it say gross? Where's the gross?

MR. MULHERE: Well, I'm saying the table that Rich just put up there.

CHAIRMAN STRAIN: Oh, okay.

MR. MULHERE: So you have two different, you know, ways to calculate them. We can calculate them both ways if that helps.

CHAIRMAN STRAIN: I'm just trying to figure out where you defined where your base residential density is. If it isn't in the SRA document, why are we asking the question if it's never used?

So somewhere that was intended to be used, and I don't know what it's supposed to be used for. It is a different multiplier, and it may have impacts on other documents because of the way things multiply, and I'm just trying to get to the bottom of it. And I've brought it up at the other meetings, but I've never gotten an answer. I thought staff would research it before today, but I guess that didn't happen.

MR. YOVANOVICH: Well, it does matter, and here's why I think it matters. You don't want to discourage developers of towns and villages, et cetera, to provide excess open space and shrink the footprint, because -- and if you do that the way you're talking about calculating it, if you provide more open space than you're required to

do, you don't have to use credits for the excess open space.

So you could, inadvertently, trip yourself and be 4.01 because you went with a smaller footprint by providing more open space. That doesn't make any sense to me that you would punish somebody for providing more open space in a more compact footprint in a village or a town. I would think you would look at them more specific, which is the village criteria that speaks in gross density, gross acreage.

So I think that the calculation that we have of 2.5 is the correct way of measuring it, and that's my two cents and I think the way the document should be reflected, but I don't think you want to go with a net acreage, if you will, because you would be discouraging the provision of additional open space.

CHAIRMAN STRAIN: Well, I don't think it's net, because it's only excepting out those areas that aren't entitled to stewardship credits, and that would still include all the commercial and the other areas that aren't residential. So you've still got more than just the net residential parcels involved because you've got everything that isn't stewardship credits.

MR. YOVANOVICH: Well, if I said "net residential parcels" --

CHAIRMAN STRAIN: I thought you said "net."

MR. YOVANOVICH: I said "net acreage," I thought, which would mean any of the open space that exceeded would not count towards your calculation.

CHAIRMAN STRAIN: And, Richard, if this was written in a manner that you wanted to use it, I'm sure the argument would be, well, it's put there for a reason; therefore, we get to use it. I need to know what the intent of that section was because if that multiplier changes from 2.5 to 3.23, there may be impacts on others documents and agreements that are in play here. I just don't know.

And I've asked -- like I said, it's not -- this didn't come up today. It's come up well over a month or six weeks ago, and I still have not got an answer from either Comprehensive Planning or Zoning on this matter.

MR. KLATZKOW: Well, let's get the answer.

CHAIRMAN STRAIN: How do we do that?

MR. KLATZKOW: Easy. David?

CHAIRMAN STRAIN: Well, David's not zoning. This is an LDC --

MR. KLATZKOW: I understand that, but I want to know, how do you calculate it by -- pursuant to the GMP, which is the controlling document?

MR. WEEKS: David Weeks for the Comprehensive Planning section. I'm looking it up right now.

CHAIRMAN STRAIN: Okay. Let's move on to other things, and we'll get past this one, then.

MR. WEEKS: Mr. Chairman, I'm going to look to see what the Future Land Use Elements says, but sometimes the Land Development Code can be different. It could be more --

CHAIRMAN STRAIN: Specific.

MR. WEEKS: -- specific or limiting.

CHAIRMAN STRAIN: And you do recall I did ask this before.

MR. WEEKS: Yes.

MR. KLATZKOW: It could be more restrictive?

MR. WEEKS: Yes.

MR. KLATZKOW: Yes, but if you get more density under the Land Development Code than contemplated by the GMP, that would be inconsistent with the GMP.

CHAIRMAN STRAIN: Well, it's not the question of more density or less. It's more the calculate -- the density's going to be -- the amount's going to be the same.

MR. KLATZKOW: I understand.

CHAIRMAN STRAIN: It's just going to be -- it's going to have a different multiplier, and that involves all kinds of documents, you know, so that's why I'm trying to get to the bottom of it.

MR. YOVANOVICH: And perhaps you can have a base residential density that exceeds four in a village, but the measuring criteria for consistency with the LDC is on a gross number. So you're looking at the gross acreage for determining how many units you can have, and perhaps the Board wanted to know how does that translate into a -- I'll use the word "net." May not be the best word, but a net based upon the amount of credits. They would

be consistent interpretations.

CHAIRMAN STRAIN: Or -- yes, and maybe they wanted that to be something that helped them understand how we reached fiscal neutrality, too. So it has a lot of other impacts. And I just want to make sure we look at all of them, whether it's a DCA or anything else that's involved. But I'll move on, and we'll come back to that before -- before we end up today.

In your permitted -- this is on Page 5 under the context zones of the SRA document, 5.1.1.A, permitted uses and structures. This is No. 3. Senior group housing including, but not limited to, ALFs and CCRCs subject to Florida Statutes and applicable LDC provisions.

There's no cap. I mean, so, basically, you could make the entire 1,000 acres all senior group housing if you wanted to. Is that what you're intending? Because I'm not sure how that's going to factor into other issues either, because you could have -- I mean, I don't even know how many units we're talking about. There's nothing here to define it.

MR. YOVANOVICH: So, Mr. Strain, at the risk of getting off on a good start of agreeing with you, I agree that, theoretically, the entire village could be senior housing under the neighborhood general, which is basically everything but the village center. That is clearly not our intent. If you will give us some time to figure out a maximum number of units, or we can do acres -- because don't forget it's still a floor area ratio. But I know that is a big square-footage number, and I understand what your question is.

CHAIRMAN STRAIN: Yeah. Just come up with some number, and we'll use that as a basis for that.

MR. YOVANOVICH: We'll either come up with a number of acres, which will translate to a number of floor-area-ratio square feet, or we'll come up with a number of units.

CHAIRMAN STRAIN: Okay. Number 6, clubhouse and amenity centers for residents and guests. My issue here is, you're asking for those in the neighborhood general context zone, which is the bulk of the project, but those are going to be subject to the locations on the master plan, as shown on the master plan, right?

MR. YOVANOVICH: I apologize. I was listening to a comment. What was --

CHAIRMAN STRAIN: Okay. On the same section of the SRA.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Number 6, clubhouses and amenity centers for residents and guests. I know you want to do those, but because you're putting them in the context zone, they have to coincide with the locations on the master plan.

MR. YOVANOVICH: Come up here, Bob.

MR. MULHERE: Yes. Those -- I mean, we can put a reference to --

CHAIRMAN STRAIN: Master plan.

MR. MULHERE: -- as depicted on the master plan.

CHAIRMAN STRAIN: Yeah, that's all. Your master plan is conceptual. You've got to be generally in that area, and that's all I'm trying to get to.

MR. MULHERE: Yes. Because if you look at No. 7, that's the smaller recreational facilities that we don't know where they might be located within particular neighborhoods. So, yes, No. 6 could reference the locations depicted on the master plan.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Got it.

CHAIRMAN STRAIN: Okay. If we go down to accessory uses and structures, you also have clubhouses and amenity centers and residents and guest under accessory uses and structures, and you also have them under permitted uses and structures. Why do you have them in both sections? I mean, if they're accessory, you've got to have a single-family or multifamily unit on the same parcel in the context zone to qualify.

MR. MULHERE: Yeah. Well, good question. You know, my opinion is that the -- No. 3, the clubhouse and amenity centers for residents and guests would not be accessory, because it's a, you know, permitted principal use, but No. 4 would be accessory, and --

CHAIRMAN STRAIN: I didn't -- I was questioning 3 right now. So let's -- so 3 you would take out -- you could strike out of that section.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. By the way, I'm reading off the most recent version that Heidi distributed, I think, earlier this week or last week, because it's the easiest one. There's so many. I figured that's the best one, so I reread that, and that's where my questions are coming --

MR. YOVANOVICH: I'm reading from the document attached to the resolution.

CHAIRMAN STRAIN: That's the one I am, too, right.

MR. YOVANOVICH: I just wanted to make sure you and I are reading from the same.

MR. MULHERE: So I understand.

And, Mr. Chairman, my thought was along the same lines that No. 7 under permitted principal uses could be taken out since it's listed under accessory uses.

CHAIRMAN STRAIN: Yes, that would work.

And, Bob, when you plat this context zone, the intent would be to subdivide it into fee-simple lots, but then you'd plat wherever you're deciding to put these neighborhood recreation centers or clubhouse as common areas or something like that. You'd plat those separately. That's how you would end up doing that?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: When it's a project that would require platting.

CHAIRMAN STRAIN: Right. You could have an SDP. I understand. But I'm just -- I want to make sure you're not going to take R tracts and try to plop these on them. It wouldn't be what I intended. You're going to actually separate the tract out, whatever lot it is.

MR. YOVANOVICH: I just want to make sure we were not lumping everything into being a single-family project, because we have to do multifamily as well.

CHAIRMAN STRAIN: On your general development design standards table, it's on Page 6, a couple small questions. Your minimum front yard for clubhouses and amenity centers, that's the only one I have a question of. You say 10 feet. You do know that 10 feet will still have your overhangs going into the utility PUEs that are alongside all your roadways? So if your front is fronting a roadway, and you've got your utilities alongside it, we don't allow overhangs to go there. So usually we look at those at a minimum of 12 feet now. We've been trying to correct that as we've gone forward.

MR. MULHERE: That's not a problem.

CHAIRMAN STRAIN: Okay. Under the footnotes, the No. 4 and No. 5, they both have a word that I'm -- I mean, I know what the word means, but I'm trying to figure out how we judge it.

Number 4, zero lot line and townhouse development means three or more attached units typically one or more stories in height. Then it says, other multifamily means three or more units other than zero lot line or townhome development typically more than two stories in height. "Typically" doesn't give us anything. So you could have multiple heights but they -- because of the word "typically" wouldn't you -- how do we -- how do we judge -- how do we set a standard with "typically"?

MR. YOVANOVICH: Well, I'll tell you what. I would strike through the reference to height in both and just leave it as zero lot line townhome developments means three or more attached units, period.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Other multifamily means three or more units other than zero lot line or townhome development, period.

CHAIRMAN STRAIN: Okay. That works.

MR. MULHERE: We just wanted to be sure we defined -- use the zoning definition for those.

CHAIRMAN STRAIN: Okay. Your permitted uses in the next section, it's the allowable uses in the village center context zones, Number 7. One of the criteria for an SRA that's different than a PUD is you're supposed to show that you've got some convenient shopping or necessary facilities, both commercial and retail so that the residents don't have to drive into the urban area every time they need something.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: You've got a whole mix here, but I don't see a standard that says you're going to



have -- you're going to at least have X, like a grocery store or a gas station or something like that. I don't see any detailed planning of how this village center is really going to serve the community that it's supposed to serve.

MR. MULHERE: Well, we have a minimum required amount of neighborhood commercial --

CHAIRMAN STRAIN: Right.

MR. MULHERE: -- square footage, and we have a list of uses. And depending on the market -- I mean, obviously, our optimal design would include a shopping -- would include a shopping center with a grocery store. And, you know -- and to be a shopping center, you have to have eight or more separate retail establishments or, you know, personal space. But in this case it's limited to neighborhood commercial.

CHAIRMAN STRAIN: Okay. But, Bob, look at No. 22. Now, right there, you could blow 80,000 square feet in just a couple of acres, and there's your whole -- I mean, there's your whole section. So I know you don't intend that, but we need -- I think from a planning perspective, we need some commitments on some of the uses that are going to be there to service the village so that we know the village isn't going to put an abnormal amount of traffic on the road system.

MR. YOVANOVICH: Commissioner Strain, I don't think -- and I know there have been different definitions of group care, but I don't think in any definition I've ever seen from the county a "qualified as retail."

CHAIRMAN STRAIN: Well, why do you have it under there?

MR. YOVANOVICH: Because that's an allowed use within the village center. I still have to do, in the village center, at least 62,500 square feet of retail and office neighborhood goods and services.

It doesn't mean I can't also do with that 62,500 square feet multifamily because, in fact, village centers are required to be mixed use. So it's not -- I still have to meet the 62,500 square feet of retail and office requirements. I still have to meet my civic requirements.

So I would agree with Bob that the lists of retail and office uses are the types of uses that will serve our residents, and I'm obligated to do at least 62,500 square feet of those. I'm not obligated as part of the initial approval of the SRA to identify which from those uses I guarantee you I will deliver.

CHAIRMAN STRAIN: No, but my concern is that you could pick any one of those, and some of them more reasonable than others, and say the bulk of your 62,500 square feet is going to be that item, and that item may not service the needs as completely as a multiple of items with limitations on square footages for each under a planning perspective.

MR. MULHERE: Just give me one. I might have a --

MR. YOVANOVICH: I understand the concept. Would that be something we can --  
(Simultaneous crosstalk.)

CHAIRMAN STRAIN: Yeah. We'll just talk -- before the meeting's over, let's get back to it.

MR. YOVANOVICH: That will be on the list like assisted living. So you're asking -- you basically say -- and I know this is what they teach us to do in law school. Go to the ridiculous. You don't want me to do 62,500 square feet barbershops.

CHAIRMAN STRAIN: No, or retail nurseries.

MR. YOVANOVICH: Right. But you want us to --

CHAIRMAN STRAIN: -- or retail services. You need to tell us --

MR. YOVANOVICH: Or you want us to say the grocery store can be, who cares, because Publix has all kinds of different kinds of prototypes. You're saying the others you want to say "not to exceed X."

CHAIRMAN STRAIN: If you're going to have a grocer, that's great. If you're going to have a gas station or something so people can service themselves out there, that's fabulous, but we need to have some kind of commitment of the sizing so we don't have all of -- too much of one thing.

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: Okay. Ned?

COMMISSIONER FRYER: Following up on that, the same -- sort of coming at the same concern. In earlier iterations of the description of the proposed ordinance, the words "neighborhood retail" or "neighborhood scaled retail" appeared in that -- in those iterations. And then the word "retail" dropped out and "commercial" came in in its place. I just want to be sure that we're still talking about a minimum of 62,5- and a maximum of 80,000

square feet neighborhood scaled retail and office uses. Is that the language?

MR. YOVANOVICH: Yes.

COMMISSIONER FRYER: Okay, good. All right. And so now what we're concerned about is tightening up to some degree, if possible, the concept of diversity of mixed uses. It's things that are geared to keeping people from having to drive to urban areas, like --

MR. YOVANOVICH: Reducing the times that they would need to do that. Because for us to say somebody's never leaving this village to go --

COMMISSIONER FRYER: No, no, no. That's not what I'm saying.

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: I think, Ned, that's what we're trying to get to.

MR. YOVANOVICH: I understand. We've got it.

CHAIRMAN STRAIN: If we go to the next -- Page 9, and this is the village center development standards. And, Bob, if you look at the second column, ALF, CCRC, and multifamily buildings only. I recall -- and Richard may not remember this project, but it was one about a hotel in Bayshore that had a demand that they -- because the table said 700 square feet per unit, that all the units had to be 700 square feet. You're not telling me you're going to do a CCRC with every unit at 700 square feet, are you?

MR. YOVANOVICH: I remember that very well.

CHAIRMAN STRAIN: I figure you would, but then maybe we ought to correct this so that it reads -- I don't think this should be -- I don't think you're intending to do all those senior living facilities at that size?

MR. MULHERE: No.

CHAIRMAN STRAIN: Maybe you need to asterisk and reference the multifamily.

MR. MULHERE: That's what I'm making a note, to put an asterisk and say, does not apply to CC -- to the ALF or CCRC units.

CHAIRMAN STRAIN: Okay. It wouldn't be good to have a dispute on this one when we just got out of the last one.

MR. YOVANOVICH: I think we should -- lessons learned. I think we both agree that as we get older we get smarter, or we reserve the right to get smarter.

CHAIRMAN STRAIN: Is that a compliment? Thank you.

MR. YOVANOVICH: But I'm aging with you.

CHAIRMAN STRAIN: But you're a lot younger.

Let's look at front yards. Same issue with overhangs on front yards, Bob. It says zero or 10 feet. How are you going to deal with any utility easements that are there? You can't do zero because then you'd be in the utility easement. So what was your thoughts there?

MR. MULHERE: Well, I'll be honest with you, I wasn't really considering the conflict -- if there's a conflict with the utility easement, then it obviously has to be whatever -- it has to be outside of that conflict. I think we're okay to put 12 feet there for front yard.

CHAIRMAN STRAIN: Okay. If you go down to buildings, height, actual, you're looking at 60 feet, and I think -- well, I think you just answered it. Yes. Okay. Never mind. I got -- that tied into the front yard.

MR. MULHERE: And that's consistent with what the requirements are in the RLSA.

CHAIRMAN STRAIN: Could you explain Footnote No. 1.

MR. MULHERE: So let me just read through.

CHAIRMAN STRAIN: I'm trying to picture how that applies.

MR. MULHERE: I think it came from discussions with Landscape Review, but let me look at it for a minute.

CHAIRMAN STRAIN: That would be Mark Templeton.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: I don't know if -- yeah, he's not here. No. Well, maybe you could get back with us on that after you have time to think. I'm not trying to rush you with an answer that might not be accurate. I just need to know -- I can't figure out how it applies.

MR. MULHERE: Well, I think the first sentence is pretty self-explanatory. You -- I mean, maybe it would

have been easier to say, shall -- because it's measured from the property line if you have a separate -- well, not necessarily if you have a separate platted --

CHAIRMAN STRAIN: Tract, it's measured to the tract line.

MR. MULHERE: Tract line.

CHAIRMAN STRAIN: Right. So you'd have tracts abutting the minimum required 25-foot landscape buffer which in itself would be a tract --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- located in a separate platted tract adjacent to Oil Well Road shall provide a front-yard setback measured from the landscape buffer. That's where your zero and 10 would apply, right, or zero and 12.

MR. MULHERE: Now 12.

CHAIRMAN STRAIN: Depending if it's a PUE or not. Tracts abutting the project entrance road shall provide a front-yard setback measured from the 10-foot landscape buffer tract adjacent to the entry road.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: So Oil Well -- you mean, like, a driveway entrance, not a road?

MR. MULHERE: That's correct, within the project --

CHAIRMAN STRAIN: Well, it wouldn't be -- would it be a public road or private road?

MR. MULHERE: Private road.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: And that did come from discussions with Mark Templeton.

CHAIRMAN STRAIN: Well, then, if you look at the end of No. 2, except as described in Footnote No. 1 above, front yards for parcels abutting a street or internal driveway shall be measured from the back of curb or edge of pavement. This excludes public roads.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: So that means none of your internal roads, then, would be public if you're going to use that measurement.

MR. MULHERE: Correct.

MR. YOVANOVICH: No, no, no.

MR. MULHERE: Well, no. If it's a public road, then the setback will always be measured from the property line.

CHAIRMAN STRAIN: Right-of-way line.

MR. MULHERE: Right-of-way -- well, that's the same as the property line.

CHAIRMAN STRAIN: Then the PUE issue kicks in for the overhang.

MR. MULHERE: Yeah. That's why we're going to change it to 12 feet.

CHAIRMAN STRAIN: Okay. The lake setback up on the table says 20 feet, but you've got this little Footnote 3 after the word "setback," and down below it says the required 25-foot lake maintenance easement shall be provided in a separate platted tract, and the setback for both principal and accessory structures may be reduced to zero feet. Why say 20 if your intention is zero? Because you'll never -- you're never going to use the 20.

MR. MULHERE: Well --

CHAIRMAN STRAIN: You're going to plat your LMEs, aren't you?

MR. MULHERE: Well, I mean, this is really a standard that we've applied most recently. As long as you have a separate tract that provides the 20-foot landscape maintenance easement around the lake --

CHAIRMAN STRAIN: You're --

MR. YOVANOVICH: What if we change "shall" to "may"? If we do decide to provide a separate tract and you can't go to zero --

CHAIRMAN STRAIN: That will work.

MR. YOVANOVICH: -- if it's on -- if it's an easement, then we've got to meet the 20.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: I think that's what you were saying.

CHAIRMAN STRAIN: And, Bob, I know we've done these things in the past before, but this one land-use

attorney used to say we reserve the right to get smarter.

MR. MULHERE: I got it. Okay.

MR. YOVANOVICH: Believe me, I regret saying that.

CHAIRMAN STRAIN: I use it a lot.

MR. YOVANOVICH: I know.

CHAIRMAN STRAIN: Under 5.2.3, village center required parking, you have a second paragraph that's a whole bunch of language.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Is that a deviation? Is that what you're trying to get? And if it's not a deviation, then why is it there? Or if it is a deviation, it should be in the deviations section. If it's not a deviation and it just says you're going to abide by the LDC, then why do we have that paragraph there? And the same thing falls under VI, excavations. What are these two -- what is this in there for?

MR. MULHERE: Well, it's a question of timing. And I had this discussion -- although he's not here anymore, this was inserted after a discussion with Mike Bosi.

CHAIRMAN STRAIN: You know, the last guy leaving always gets blamed, till the next guy leaves.

MR. MULHERE: I know. It's okay. I mean, the point here, Mr. Strain, was that if you think about it for a minute, how do you do a multimodal split determined parking analysis? I believe the intent of this was that you maybe don't need all of the parking that the LDC requires. So if you do this --

CHAIRMAN STRAIN: Right.

MR. MULHERE: If you do this comprehensive study, you could come in and ask for less. It's asking for that up front. We don't even know the mix of uses. How could we possibly do it?

CHAIRMAN STRAIN: But even if you didn't ask for up front, when you determined your mix of uses and the LDC allowed you to apply for that, why -- you would just be able to. Why would you need -- see, I hate seeing us repeat the LDC in the documents all over and over again, because it screws things up.

MR. MULHERE: No. The difference is the timing. The LDC requires it now.

CHAIRMAN STRAIN: Meaning with --

MR. MULHERE: Right now --

CHAIRMAN STRAIN: -- with this application?

MR. MULHERE: -- with this application.

CHAIRMAN STRAIN: Then wouldn't you need a deviation from the LDC to clarify that issue?

MR. MULHERE: I don't think so. It's not a dimensional standard, so we're asking for different timing. So at least according to the discussions I had with Bosi, it was put it in the SRA document.

MR. YOVANOVICH: To the extent, if Heidi and Jeff now decide we need to add a deviation for that, we don't have an objection to adding it to the list of deviations. It didn't come up. But if we need to do one, we'll add it as a deviation. Nobody thought we needed to call it out as a deviation. But if we need to, I don't think it's -- we can do that as part of the review.

MR. MULHERE: It was just timing. You got to know the mix of uses to be able to do the --

CHAIRMAN STRAIN: But, see, why wouldn't we be doing this, then, for every PUD? Why does it seem to be unique then for an SRA?

MR. MULHERE: No. Because this study is only in the SRA section of the code.

CHAIRMAN STRAIN: So the SRA section, which was written by the property owners out there through their engineers at the time or experts --

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: -- put that language in there to apply to a certain time as they move forward, and the timing was now one that you've decided isn't the right timing?

MR. MULHERE: Well, I mean, to me it's -- I'm not saying -- I don't know that everything was done right 17, 18 years ago. The timing of this just doesn't make sense.

CHAIRMAN STRAIN: Okay. And I don't disagree with you. I think there's other things, though, that don't make sense either that we keep telling -- we're now saying we've got to live by. So I think it's a quid pro quo.

We've both got to go back and forth a little bit.

MR. KLATZKOW: If it doesn't make sense, we're not going to insist on it. I mean, Ray, does the provision make sense?

MR. BELLOWS: No, it doesn't.

MR. KLATZKOW: Okay. So --

CHAIRMAN STRAIN: Before you jump that it doesn't make sense, if the intent of the village context zone or village zone was to show that it's providing some self-sufficiency for the village that's being produced and that this would have happened at that time based on those uses that you're going to put there, it would have answered the question I started earlier when I said we need some limitation in knowing what you're going to put on a size basis. So I think the intent was probably correct. It puts it on the table earlier so we have a balance in what the village commercial and residential needs are to one another.

We don't have that now. So they're saying because we don't have it now, we're still supposed to approve it on the faith we're going to get it, but on the second -- we want this exempted until we do figure out what we're going to do. But we want you to give us the faith and approve it without it.

MS. ASHTON-CICKO: My recollection of this issue was, in prior versions of the SRA, they wanted to be able to count alternative types of modes of transportation that might occur in the future that might be more in use or -- in other areas, and so they wanted a little bit of flexibility to bring in other types of transportation that -- I don't know, Nancy. That was my recollection. They wanted -- you know, there were some other things. I don't know if mopeds were included, but it had --

CHAIRMAN STRAIN: Are you bringing in --

MS. ASHTON-CICKO: Electric bicycles. I mean, I don't know. I remember there was golf carts.

MR. YOVANOVICH: Here's my preference. We recognized -- we amended, basically, the Land Development Code several years ago recognizing that there would -- you were only allowed to bring deviations originally as part of the very first SRA document. You couldn't even do it through the amendment process. So we corrected the Land Development Code to allow for deviations to be asked later on in the process, recognizing that the one-size-fit-all criteria may not work and deviations would be appropriate.

I would prefer that we just add a deviation for this to say we're asking for a deviation to be allowed to do this at SDP instead of at the SRA because it takes makes more sense in the village to do that when you know the mix of uses and whether or not you need a -- whether or not you're going to want an alternative parking calculation. I think that's more consistent with how other deviations are being processed right now, recognizing this is the first village to go through.

I think, consistent with what the Chairman is saying, perhaps we just should list it as a deviation instead of a provision, and we'll add a deviation. I don't think anybody's objecting to the provision. We'll just call it out as an additional deviation in the -- are we in the village center section right now?

CHAIRMAN STRAIN: We're in --

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: -- on Page 10, 5.2.3 under village center required parking.

MR. YOVANOVICH: So we'll just add it as a village center deviation, if that's -- if that's okay with the Planning Commission.

CHAIRMAN STRAIN: Yeah. I've just got one question. Deviations to be added as PDIs or, in this case, an SRA-I, if that's what we would call it, have become rather common because they're a way to clean up some things like this that may not have the right applicability at the time. What would -- you don't even know if you're going to need this yet. You're putting it here just in case you might.

MR. YOVANOVICH: Yeah. But if you're -- and I know you used to work on the development side. Certainty and time are two critical elements to the development process.

So to then come back and do an amendment process to say I'd like this deviation, best-case scenario is six-month process, and why would we add another six months to add a deviation that everybody's saying right now it makes sense? Let's add it up front and say, we'll deal with this later at the SDP.

CHAIRMAN STRAIN: Well, we're going to have to walk through all the deviations, and we'll get into that

discussion, then, and see if we need to add this one as whatever number.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: I just -- I don't -- if it's inconsistent -- any of the language in here is inconsistent with the LDC, it's supposed to be called out as a deviation; that's all I'm getting at.

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: What about excavations? Why do we need that language there? I think I know what you're trying to do. You don't want to be called a commercial excavation because you're crossing a road. Like Orange Blossom Ranch has got one on both sides, and they have to cross Oil Well, and I think they got an exemption from commercial excavation to cross Oil Well, didn't they?

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

CHAIRMAN STRAIN: So I don't know how they went through that. Do you, Ray?

MR. BELLOWS: There was a PUD amendment where that was part of that process.

CHAIRMAN STRAIN: As a deviation to the PUD amendment?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Well, then that's what I'm getting at.

MR. YOVANOVICH: This was -- this is actually a codification of -- and Mr. McLean's not here, I don't think. We met with him way back when this was even part of the original town application; that he agreed that this was the correct interpretation of the LDC. So it's not a deviation. It's just putting of record the interpretation as part of the SRA document.

CHAIRMAN STRAIN: If I'm not mistaken, Matt McLean isn't authorized to provide interpretations to the LDC. Only Mr. Bellows is.

MR. YOVANOVICH: The correct application, and he does apply the code.

CHAIRMAN STRAIN: I understand he applies the code, but I think the interpretation is what Zoning department does; is that not correct?

MR. BELLOWS: Well, there has not been a request to officially interpret this provision. I don't know if Matt has -- and it sounds like he may have been applying it this way. But my recollection is when -- Orange Blossom Ranch, that was part of the PUD discussion. But I'd have to double-check if it was listed as a deviation.

MR. YOVANOVICH: This is one of those instances, Mr. Strain, when some of us are no longer here to say, when you're going through this process, what was supposed to be the rules of the game. We wanted this in the document so everybody understood the rules of the game.

CHAIRMAN STRAIN: And all I'm trying to do is make sure it's consistent with the way we're supposed to do it.

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: I'm not saying it's a good or a bad thing. I just want to make sure the consistency's there, because whatever happens to this first village is probably what we're going to be seeing repeatedly in some of the other villages in regards to how they operate. So I want to make sure we're right.

MR. YOVANOVICH: I don't think we will.

CHAIRMAN STRAIN: We will? Yeah, see. That's --

MR. YOVANOVICH: I said I don't think that you will.

CHAIRMAN STRAIN: Okay. I thought you said we will.

MR. YOVANOVICH: No, no. I don't think that we will. I'm trying -- you know, I'm familiar with what's coming in and one that's already in, and I don't remember that being in any of those documents.

CHAIRMAN STRAIN: The deviations are the next item. And I asked Nancy to write up her summary of the deviations, because so many have either changed, been withdrawn, or modified, and she did. The problem is, don't match the document that Heidi produced, and they don't match the notes -- or the markup that I saw on the other documents that we've had, what, five or six copies of.

So I'm afraid I don't know what deviations are good or bad. I don't know what modifications are good or bad. I don't know how to say this is a deviation or not. I don't know where to start on this, Bob. I know you walked through it last time, but then I've got now two different more -- two new different versions.

MR. YOVANOVICH: Could we just hear what Nancy says is inconsistent with what Heidi wrote?

CHAIRMAN STRAIN: I don't know if Nancy checked them. I did, because I read Nancy's, then I read this, and I said, wait a minute, these aren't the same.

MS. GUNDLACH: I've checked them, Mark. So I can help you if you need.

CHAIRMAN STRAIN: Okay. Let's start -- well --

MR. YOVANOVICH: I need help, because I thought we were right.

CHAIRMAN STRAIN: Well, let's start with No. 1 and make sure everybody's on the same page, and we can -- we'll have to walk through them all and just get it done. And I don't mind if you move fast, Nancy, just so we know -- I don't want to spend time on ones that have been withdrawn. I just need to know which ones are withdrawn and which ones have been modified.

MR. KLATZKOW: And could you put them on the overhead so everybody can see.

MS. GUNDLACH: Okay.

CHAIRMAN STRAIN: How many of them are there now?

MR. KLATZKOW: A lot.

CHAIRMAN STRAIN: Yeah.

MR. MULHERE: Hold on.

CHAIRMAN STRAIN: And I would like to work off of Heidi's resolution attachment.

MR. MULHERE: Fifteen I think.

CHAIRMAN STRAIN: Fifteen? Because we started at 19. So you've withdrawn some.

Okay. And the way this one's written, instead of 1 through 19 or 1 through 15, it's written as 7.1.1 or 7.1.2; whereas, Nancy had some that are 7.1.13 and 7.1.14, and those are the kind of things that I found I couldn't match up, and I need -- that's where we're coming from today.

So let's start with the first -- on Page 10. Okay. There we are, right there.

So No. 1 is struck, is withdrawn?

MR. YOVANOVICH: Correct.

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Okay. And No. 2, the only change you want on that, which will now become No. 1, is what's in red. And I have a question: When you support a shopping center that includes a grocery store, shopping center would need to be bolded. I believe it's a defined term in the LDC. And the reason that's important is because your TIS defined shopping center differently than the LDC does, and I want to make sure they're all on the same page.

MR. MULHERE: I'm unaware of any bolding in any PUDs. I know the LDC uses bolding or any SRA document. I'm unaware of that. If you want us to bold it, we can.

CHAIRMAN STRAIN: No. But say shopping center as defined in the LDC.

MR. MULHERE: That's fine.

CHAIRMAN STRAIN: Okay. I just don't want us getting mixed up between the TIS which uses a different standard.

MS. ASHTON-CICKO: I think Corby had some changes to the No. 1.

CHAIRMAN STRAIN: Okay.

MS. GUNDLACH: Mark, staff has a comment from Corby Schmidt.

MR. MULHERE: I got that, as defined in the LDC.

CHAIRMAN STRAIN: By the way, is Cormac Giblin here?

MR. MULHERE: He's out there.

CHAIRMAN STRAIN: At some point today we've got housing questions. We'll need him to respond to those. Corby?

MR. SCHMIDT: Good morning, Commissioners. For the record, Corby Schmidt, principal planner with your Comprehensive Planning section.

In order to resolve some of the issues with definitions or uses of terms, staff has come up with a better way to address this listing and the one that follows it to the LDC section, the one below it. I'll read through it. It's J.3.d.ii.q. They read somewhat similarly and had the same reference for the exception to front-yard parking.

And in order to remove the shopping center reference but yet have the same result, staff recommends the phraseology that parking is prohibited in front of buildings, then replace it with "except when such parking is within the same block perimeter as and is in support of a grocery store." And for the following --

CHAIRMAN STRAIN: Okay. Now, that particular one applies because of the reference, 4.08.07.J.3.d.ii.p)ii), that applies to No. 1. Is that the one -- the first one?

MR. SCHMIDT: It is.

CHAIRMAN STRAIN: But that's the one they've withdrawn. You're saying leave it in but change the language.

MR. SCHMIDT: It's the new 1. The one which is numbered 1 to you --

MR. KLATZKOW: Why are we doing this? Honest to God. Can't we get these god damn documents just straight? It's like every -- everybody -- time somebody looks at it, they've got to say, I've got to make a change.

CHAIRMAN STRAIN: Jeff, I don't know what we're voting on.

(Simultaneous crosstalk.)

MR. KLATZKOW: I have no idea. Honest to God, I've been asking for, I don't know how long, could we get a box with a bow to go to the Planning Commission so everything's set. You guys get to read the documents once. You comment on the documents. We get some changes. It goes to the Board of County Commissioners. This is like the never-ending story here with changes.

CHAIRMAN STRAIN: I'm not sure what you expect us to do because --

MR. KLATZKOW: No. I'm just -- why are we doing this?

MR. SCHMIDT: You've asked to make reference to the resolution version. That's what we're looking at now.

CHAIRMAN STRAIN: Yes. Right.

MR. SCHMIDT: I'm working off of the resolution version, so there should be no confusion for you.

CHAIRMAN STRAIN: Are we working off the top paragraph on this page that's in front of us or the bottom?

MR. SCHMIDT: The top.

CHAIRMAN STRAIN: Okay. The top paragraph, look at your reference, 4.08.07.J.3 whatever. That's the reference that they're now saying they've withdrawn as a deviation. That's No. 1.

MR. SCHMIDT: It's not in your resolution. There's no withdrawn No. 1. The resolution that's already withdrawn with --

CHAIRMAN STRAIN: I just got the -- this is the document Heidi gave us just -- just sent it out last week.

MR. KLATZKOW: Hold on. Hold on. Let's go -- Mark, let's go back to the document that was originally on the overview, okay. All right. So we got rid --

CHAIRMAN STRAIN: That's not --

MR. KLATZKOW: We got rid of 1. Now we're on 2.

CHAIRMAN STRAIN: No.

MR. KLATZKOW: Yes, because -- you're on 2, because -- old 2 is now 1.

MR. YOVANOVICH: Heidi's version that you're reading from is the Old 2, No. 1.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Corby is now trying to modify what Heidi provided to you -- all right now for the first time for anybody to see it.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: County Attorney and us, because we had gone through all of these, and I believe Heidi has accurately reflected in -- and she said she was going to do that for everybody. That you were going to have the resolution, and that's what we're going to review from.

MR. KLATZKOW: You know, unless --

CHAIRMAN STRAIN: That's what I'm trying to do, yeah.

MR. KLATZKOW: Unless -- staff, unless you've got something that's material, I mean, this is nonsense. I mean, we're not changing them on the fly here. I mean, Corby, you're in the same building as Heidi's in. You know, you guys have got to sit down with us and just say, look, this is the reason why we want to have it changed. Honest to God, it's not like you live in a silo without a door.



But, no, I don't understand the change. I think the change is worse than what you have. And I would just go with the way, you know, Heidi has it here.

CHAIRMAN STRAIN: Well, the only exception I have then is that we define shopping center --

MR. KLATZKOW: As defined in the LDC.

CHAIRMAN STRAIN: Corby, can you put your language up so we can just make sure we get an agreement.

MR. YOVANOVICH: I don't want Corby's language. I want Heidi's language.

CHAIRMAN STRAIN: You've got to use the mic.

MR. YOVANOVICH: I don't want Corby's language. I want Heidi's language. And we'll reference the LDC, as you just talked about.

MS. ASHTON-CICKO: The language that, you know, I provided to you is the version that you saw before as modified. So these are new changes that I'm seeing this morning for the first time, and so is Nancy, so --

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: -- you know, I can't comment on it.

CHAIRMAN STRAIN: Anybody on the Planning Commission have any concerns one way or the other?

(No response.)

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: I think we need to know what we're voting on.

CHAIRMAN STRAIN: Well, I think we're going to be voting on Heidi's version that she used from the other meetings, and I was real pleased she put this together, because it's a complete package that we're hopefully working off of. Unless somebody's telling me it's the wrong package to work off, we've gotten I don't know how many versions of this over the last month and a half. It's ridiculous.

MS. ASHTON-CICKO: Whatever you decide to do is -- you know, you're the board who has to make --

CHAIRMAN STRAIN: Recommend.

MS. ASHTON-CICKO: -- decisions. I was just trying to put something together so we were all on the same page.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: Mr. Chairman, David Weeks of the Comprehensive Planning section.

We're going to withdraw Corby's edits and, if need be, we'll address that in front of the Board because we don't want to cross -- obviously, we're contributing to confusion. That's not our intent. So, again, we'll just withdraw, and we don't believe they're substantial, but regardless, we'll withdraw. We'll address at the Board.

CHAIRMAN STRAIN: Okay. Then let's move into the next one that we should be working off of. If we go back to the most recent resolution language sent to us, which is the one we're referring to as Heidi's, we'd be looking at 7.1.2, was the one we just corrected in that document, but where do we go from here? Because the next paragraph, 7.2, and I believe you had 7.1.3 and 7.1.4, Nancy. Did you not? Go ahead, David.

MR. WEEKS: Yes. Mr. Chairman, would you mind if we take maybe a five- or 10-minute break?

CHAIRMAN STRAIN: I think it would be a great idea. So let's come back at 10 minutes after 10 and try to figure out what document we want to use.

MR. WEEKS: Thank you.

CHAIRMAN STRAIN: Thank you.

(A brief recess was had from 9:54 a.m. to 10:04 a.m.)

CHAIRMAN STRAIN: Okay, everybody. It looks like the discussion that needed to happen for 10 minutes or so has occurred, so we are going to try to figure out how to move through with this.

And I am one of the people who has had multiple documents of the -- basically of this -- of different changes, and all I'm trying to do is figure out which one we're supposed to be voting on.

Staff, I believe, now, has got some clarity. Nancy's going to walk through -- and you can do it quickly. Just tell us which ones are in or out and which ones have changes and what staff's position are on them, and we'll be good.

MS. GUNDLACH: Great. Good morning, Commissioners --

CHAIRMAN STRAIN: We're using Heidi's SRA version.

MS. GUNDLACH: Yes.

MR. YOVANOVICH: Resolution version.  
CHAIRMAN STRAIN: Right. The resolution version.  
MR. KLATZKOW: The one you're voting on.  
CHAIRMAN STRAIN: That's why I wanted to make sure I understand it, because it's --  
MR. KLATZKOW: Work off the one we're voting on.  
CHAIRMAN STRAIN: Okay. And the one we're voting on already has No. 7.1.1 withdrawn, right?  
MS. GUNDLACH: Yes. Yes, we do.  
CHAIRMAN STRAIN: All right. 7.1.2 is changed as the language indicates, but they're going to add a reference to it's the LDC definition for grocery store -- or shopping center.  
MR. YOVANOVICH: Shopping center.  
CHAIRMAN STRAIN: Shopping center.  
Okay. Where is the next one, Nancy?  
MS. GUNDLACH: Next page.  
CHAIRMAN STRAIN: Okay. Give us a number. There we go.  
MR. MULHERE: There's another deviation on the other page.  
MR. YOVANOVICH: Does staff agree with Heidi's version?  
CHAIRMAN STRAIN: I don't know. That's why we're walking through it, to find out.  
MS. GUNDLACH: Can you hear me? Yes.  
Okay. Zoning staff and legal staff are in agreement with the document in front of you.  
CHAIRMAN STRAIN: Whoa, whoa.  
MS. GUNDLACH: It is the SRA document dated 10/30.  
CHAIRMAN STRAIN: No. Your agreement with the document in front of you on the overhead, because the document that we have in front of us doesn't have No. 1 crossed out.  
MR. YOVANOVICH: Because it's not in there at all.  
CHAIRMAN STRAIN: Oh, okay. That's going to be fun to follow this.  
MR. KLATZKOW: I'll tell you what. Let's make this even easier. Can we put on the -- I don't know, the resolution that we're voting on rather than what you have?  
MS. GUNDLACH: Okay. We can do that.  
CHAIRMAN STRAIN: There we go. That's what we've got in front of us.  
MR. KLATZKOW: So the first one's fine except with the reference to the LDC in the shopping center.  
MR. YOVANOVICH: Correct. Second one, same thing.  
MR. MULHERE: Same thing.  
CHAIRMAN STRAIN: Okay. 7.1.1 -- okay. Except for the reference to the shopping center and the language to make it a definition as found in the LDC; is that correct?  
MR. YOVANOVICH: Correct.  
CHAIRMAN STRAIN: So 7.1.1 in Heidi's document is not withdrawn. 7.12 in Heidi's document is the one below. What's the status on that one? That also references the shopping center, so that would also need the same language.  
MR. YOVANOVICH: Correct.  
CHAIRMAN STRAIN: And anything else, Nancy, on that one?  
MS. GUNDLACH: Staff recommends approval.  
CHAIRMAN STRAIN: Do you have any changes to that one?  
MS. GUNDLACH: No.  
CHAIRMAN STRAIN: Let's go to 7.2.1, on the second page.  
COMMISSIONER DEARBORN: Can you scroll down.  
MR. YOVANOVICH: Sorry. Operator error.  
COMMISSIONER DEARBORN: Thank you.  
MS. GUNDLACH: 7.2.1, staff recommends approval.  
CHAIRMAN STRAIN: Any changes?

MS. GUNDLACH: No changes.

CHAIRMAN STRAIN: Okay. 7.2.2?

MS. GUNDLACH: 7.2.2, staff recommends approval and no changes.

7.2.3, staff recommends approval, and there's no changes.

CHAIRMAN STRAIN: Good.

MS. GUNDLACH: Okay. Moving along to 7.3 -- do you want me to go through each individual one or --

MR. KLATZKOW: Do you have any changes to any of those?

MS. GUNDLACH: Okay. There's no changes to any of them.

MR. KLATZKOW: Staff is okay with all of those?

MS. GUNDLACH: Yes, we are.

MR. KLATZKOW: So it's whether or not the Planning Commission has any comments on any of those.

CHAIRMAN STRAIN: Right. That's where I'm trying to find out. Okay. So staff's okay. There are no changes. That's the language we've got in front of us?

MS. GUNDLACH: Correct.

Moving along to Section 7.4, sign standards. Staff is recommending approval of 7.4.1 and 2.

And moving along to 7.5, landscape standards, staff is recommending approval of Deviation No. 1.

And regarding the other deviation, 7.6.1, 2, and 3 and 4, staff is recommending approval of all of them as well.

CHAIRMAN STRAIN: Okay. So what basically remains, with the exception of changing on the very first one or two, staff's approving all of those?

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Okay. That's what I needed to find out.

I think that's only thing -- I don't have any questions right now on those. We may come back to them later, but right now it's fine.

Anybody else have any questions on the deviation? Ned?

COMMISSIONER FRY: I don't have any problem with the deviations. I have other problems.

COMMISSIONER DEARBORN: Second.

MR. YOVANOVICH: I have that in my rebuttal.

CHAIRMAN STRAIN: We are in the SRA document. If you have any questions about the SRA document, great timing right now. Okay.

MR. YOVANOVICH: Mr. Strain, when would you like us to clarify the two items that you asked us to --

CHAIRMAN STRAIN: As soon as you have time to figure them out.

MR. YOVANOVICH: We're ready, but I didn't want to --

CHAIRMAN STRAIN: Well, let's bounce back up. I'm going to be going to number -- Page 14, that's the last page of the document, next. Why don't we finish that and we'll go back to your next two items.

MR. YOVANOVICH: I just wanted to know when was appropriate.

CHAIRMAN STRAIN: C, it's under transportation, 8.3.C, no more than 1,750 dwelling units will be issued COs until a minimum of 30,000 square feet of neighborhood retail and office uses have been developed and issued COs.

So that's one, two, three, four, five, six, seven years into the project. So for seven years the capture rate and internal pass -- and pass-by rate on the TIS wouldn't apply.

How are we looking at that from a transportation perspective? And I don't mean you to answer that as much as I need our staff. Since this was -- I don't -- I imagine this was reviewed by transportation staff and signed off? You can't have a capture rate if the commercial isn't there. And I'm trying to figure out how that was allocated in.

MS. SCOTT: For the record, Trinity Scott, Transportation Planning manager.

We realized that as the project takes off, that their internal capture will get greater as the project progresses throughout; that they will need the rooftops to be able to support the commercial retail uses. So this language had come in, and staff didn't have a problem with it.

Our bigger fear would be that they would build out all the residential and not build any commercial at all, and so

this gives a little bit of protection as far as getting some of that. And so, yes, we are fine with that language. We understand that the internal capture will come as the project matures.

CHAIRMAN STRAIN: But the internal capture won't come until the commercial's there. Are you on the same page as me on that thought?

MS. SCOTT: Yes.

CHAIRMAN STRAIN: Okay. So it's not going to come as the project matures. It's not going to come until the project has gone on for seven years with a capture rate that is not real hitting our road system because there is no capture rate for the first seven years. So how we factored (sic) that in?

MS. SCOTT: So as they come in for their individual Site Development Plans or plats for these projects, they will not be able to apply in internal capture if there's nothing to -- for that, and that internal capture gets applied for the commercial side, not on the residential side.

CHAIRMAN STRAIN: Okay. But in the meantime, the folks that would drive to these commercial facilities will be driving into the -- elsewhere. Orangetree, the urban area, somewhere else.

MS. SCOTT: Ave Maria, other areas around Immokalee.

CHAIRMAN STRAIN: Okay.

MS. SCOTT: All around.

CHAIRMAN STRAIN: Okay. And you took that into consideration in their traffic analysis for the local road system for the first seven years?

MS. SCOTT: They don't break it down into that manner. We're looking at the project overall at buildout and what it will look like on the roadway system.

CHAIRMAN STRAIN: And at buildout you're taking in full impact of the capture rate and pass-by rate.

MS. SCOTT: Yes, but it will be as they come in for their individual projects. It will be reevaluated at that time. And they have a trip cap that would be their base -- or their maximum that they can go to.

CHAIRMAN STRAIN: That's a good point. So if they have a trip cap, does the trip cap get exceeded by -- say without commercial but with 1,750 residential dwelling units?

MS. SCOTT: No.

CHAIRMAN STRAIN: Okay. Then that means we're covered because you based everything on the trip cap.

MS. SCOTT: Yes.

CHAIRMAN STRAIN: Right. If you said that at the beginning, I probably would have understood it better. Thank you.

Richard, on the parks and recreation, 8.4.A, the SRA shall include a minimum of one children's playground that conforms to yada, yada, yada at 2,500 square feet in size. The playground shall be located in the amenity center tract on the SRA. There's only one of those, though, isn't there? So you're either going to have a playground on the north side or the south side. You're not going to have two of them, because you've really got a separated village.

MR. YOVANOVICH: We have an amenity center tract on the north side.

CHAIRMAN STRAIN: Right. So what are you going to do with the children on the south side? Oh, they don't count?

COMMISSIONER FRYER: They get to cross the street.

CHAIRMAN STRAIN: I mean, real -- Rich, I mean, if you're going to -- if you got communities -- the kids have got to have probably two tracts.

MR. YOVANOVICH: First of all, providing a playground is not a requirement of the SRA in the first place. Staff asked us to do at least one, which we've agreed to do. We may have more. So we've committed to the one. Someone, I forget who it was, asked us, where is it going to be? Because they wanted to identify it, I guess, because of the concern of having one on the south side that might actually be within somebody's subdivision and you'd have kids playing and it somehow would create a problem. But I think we've addressed that now in the development standards that exist. We can have more. We have to have a minimum of one, and the minimum of one will be in the amenity center.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: We can have more.

CHAIRMAN STRAIN: It just makes it -- but, see, it just accentuates the awkwardness of a village split by a six-lane road. And -- because you're going to have kids using -- if the kids want to use the playground, they've got to go to the north side of your development, and they've got to cross that road to get there.

MR. YOVANOVICH: And if we have an issue where kids want to use playgrounds, my guess is the builders who are going to develop are going to provide playgrounds for the people who are buying their homes.

CHAIRMAN STRAIN: 8.5 is other. Is "A" a deviation?

MR. MULHERE: No. No. That was a request from staff to put that in there. I reviewed the --

CHAIRMAN STRAIN: But why would they put it there if it's required by the LDC? Maybe Nancy can answer that. I mean, if it's required by the LDC, it doesn't need to be there. If it's there, that means it's not required or it's different than the LDC, and we would either need it as a deviation or whatever. You're -- explain.

MR. MULHERE: It is not a deviation. Street trees are required in the village center as specified in 4.08.07.

CHAIRMAN STRAIN: Right.

MR. MULHERE: You know, I can't really remember what the basis of the staff request was to put that in there, but it's not a deviation because they're required as is written there. We can take it out.

CHAIRMAN STRAIN: I'm just suggesting, why put it there if the LDC already requires it? That's all I'm getting at. It says so in the first sentence.

MS. GUNDLACH: The LDC doesn't specifically address it, so they're just providing it for clarity.

MR. MULHERE: It does require street trees. I think it doesn't deal with, you know, what -- the dimension of on center and so on.

MS. GUNDLACH: Yeah, the spacing. The tighter spacing. So they're actually doing something -- they're clarifying it. Giving us an equal amount of tree canopy, but just spacing it tighter so that they have an equal amount of canopy. That's not addressed in the LDC specifically.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: It sounds like it's more of a developer commitment than a deviation.

CHAIRMAN STRAIN: I would think, yeah. If it's there and that's what we're going to get and it's better than the LDC, that's an improvement.

MS. GUNDLACH: That's good.

MR. YOVANOVICH: Well, it's in the developer commitment section.

CHAIRMAN STRAIN: That's fine. I'm fine with it.

MR. YOVANOVICH: I'm just saying, in response to the comment, it's not in the deviation section; it's in the developer commitment section.

CHAIRMAN STRAIN: Okay. And the two clarifications you had you wanted to bring up that we talked about earlier you found out about?

MR. YOVANOVICH: I did.

CHAIRMAN STRAIN: Okay. What are those?

MR. YOVANOVICH: So let's -- could we go back to the sections so I make sure -- Mr. Strain, what page was that in the SRA that you brought up? Let's talk about the CCRC.

CHAIRMAN STRAIN: It's on Page 9. It's on your development -- your Table 5.2.2.

MR. YOVANOVICH: So we would cap the number of --

CHAIRMAN STRAIN: Oh, no. That's the table. You're -- that's the square footage. You -- you're talking about the total amount of --

MR. YOVANOVICH: Wherever --

CHAIRMAN STRAIN: -- acreage for ALFs.

MR. YOVANOVICH: Wherever appropriate -- and I think we were in the neighborhood general section when the comment came up, Mr. Strain.

CHAIRMAN STRAIN: It's Page 5.

MR. YOVANOVICH: We would cap the number of -- the CCRC, ALF, independent numbers at 300 units.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And then on the comment on 5.2.1.A, permitted uses, how do you know you're going to get a diversity of these type of uses? We would commit to a minimum of eight of the retail and office uses identified in 5.2.1.A being developed within the village center.

COMMISSIONER FRYER: Does that include a grocery store?

MR. YOVANOVICH: We would have eight of them. If we had a grocery store, we'd have seven of the other. If we didn't get a grocery store, we would have eight from this list.

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: That would give you the diversity. I think you were concerned that we would just have one big whatever and not -- and not --

CHAIRMAN STRAIN: You're close to other developments. For example, if they have a grocery store and the rooftops and yours can't support standalone, obviously then it wouldn't be good to put another grocery store side by side, or it may not work right. So I'm not -- as long as there's some kind of mix that we're assured of -- and I think by having at least eight retail and office, we get that mix, and you also qualify, I think --

MR. YOVANOVICH: That would meet the definition --

CHAIRMAN STRAIN: -- for shopping center.

MR. YOVANOVICH: -- of shopping center.

CHAIRMAN STRAIN: Yeah. Okay. That answers those two questions. And let me make sure I've got all mine on the SRA part of it. And I don't know if any of you have anything left.

Oh, we've got to go to the master plan. The master plan is following the 14 pages of text. I mentioned this before. I can't remember if it got solidified. We are going to be removing the references to the panther fence on the north and south ends of the Big Cypress Parkway right-of-way area. Do you see where the word "panther fence" is up on top and on the bottom? It's on all the master plans. And I don't think it's appropriate, because we'd have to end up changing the master plan to have that -- to extend that road. It doesn't make sense.

MR. YOVANOVICH: I see it. Do you want the entirety of the panther fence, or do you want the panther fence not -- you're right, it does look like it crosses over Big Cypress Parkway.

CHAIRMAN STRAIN: That's all I'm trying to say. Let's not show it there.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Because if we go to extend that, someone's got to amend the master plan.

MR. YOVANOVICH: I got it. I see what you're saying.

CHAIRMAN STRAIN: Okay. And all of them have the same reference at the same location.

MR. YOVANOVICH: Okay. So it will stop on the east side of Big Cypress Parkway.

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: Did I get the direction right?

CHAIRMAN STRAIN: Yep, you got that right.

Under your disclaimer, Bob, the master plan is conceptual, internal roadway alignments, golf course routing, light siting and configurations of development areas are subject to modification within the RLSA guidelines at the time of final development order. Your -- that is indicating then that they be insubstantial, because if you get -- you can't do anything that's going to need a public process.

MR. MULHERE: That's correct. If they rise to the level of substantial, we have to go through an amendment process or a public process, yes.

CHAIRMAN STRAIN: Okay. On your next master plan -- it's the one that is black and white. On the table to the right, you say Rivergrass Village SRA land-use summary. You go down, you have a lake ME and open spaces in a shaded gray. Where is that? And you also have lake tracts, LME, which I'm thinking you're only going to put an LME where the squiggles go north and south instead of east and west, but I don't think that's true either. That's it?

MR. YOVANOVICH: Yeah. Judging by the light gray color, yeah, it's up here.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: But all the -- okay. Because you've got a lot of lakes. I just don't know why those are the only ones that you're calling lake ME and open space. Sixty-five acres, that's not just that. But the color

coding doesn't match the diagram is what I'm trying to say, so I couldn't follow it.

MR. MULHERE: I understand.

CHAIRMAN STRAIN: And you look at the table below where it says WRA land-use summary, see those little squiggly things going north -- they're up and down? I see where that is, so that makes sense. But next to it there's a little gray patch to the left of that symbol. And, again, I don't know where that occurs on this map. And then you've got --

MR. MULHERE: Here.

CHAIRMAN STRAIN: -- the little squiggles that -- I keep referring to them as that -- they look like a water area. See your ones that go east and west, Bob, down in the core of your development? What symbolism is that referring to? Because it can't be the club site and amenity center because that's on the south side of Oil Well. Those aren't matching up.

MR. YOVANOVICH: Mr. Strain, I think what -- the right thing to do, get rid of that little gray and just make sure that's all just the squiggles.

CHAIRMAN STRAIN: You like that word?

MR. YOVANOVICH: I do. If I didn't like it, I would have changed it. I didn't know what to change it to.

CHAIRMAN STRAIN: I don't either.

MR. YOVANOVICH: But squiggles, I think that light gray should come out of that rectangle so it's just the squiggles.

CHAIRMAN STRAIN: I would think so, too, because you don't intend that to be an LME that -- I don't see it there at least. Do you see -- if you look at the lakes in between your two roads going north and south, you notice the squiggles are going east/west.

MR. MULHERE: Yes, right --

CHAIRMAN STRAIN: What symbol do they fit under?

MR. MULHERE: So they fit under -- well, there's two symbols under lakes.

CHAIRMAN STRAIN: It says lakes include aqua range at 14.3.

MR. MULHERE: So these are -- obviously, you can see that those are not north and south. They're east and west.

CHAIRMAN STRAIN: Okay. So those are all the lakes and including the aqua range to the south.

MR. YOVANOVICH: Which is on the south side --

CHAIRMAN STRAIN: Okay. That helps.

MR. YOVANOVICH: Yes, sir. I think, though --

CHAIRMAN STRAIN: Let me move down. If we go down to the next master plan, this is Page 3 of the master plans. Under your notes --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- all roads -- all road right-of-ways shall be 50 feet unless otherwise noted. They're going to be --

MR. MULHERE: There are a couple --

CHAIRMAN STRAIN: They'll be at least 50 feet unless otherwise noted, right? Because you don't have anything below 50 feet, do you?

MR. MULHERE: That's correct.

CHAIRMAN STRAIN: Okay. You're not going to make a smaller road than 50 feet, because you're not --

MR. MULHERE: That's correct.

CHAIRMAN STRAIN: Okay. Under 3, project sidewalks will connect to future pedestrian facilities installed during Oil Well Road expansion. Okay. What expansion are we talking about? Two lanes? Four lanes? Six lanes?

MR. MULHERE: It's already two.

CHAIRMAN STRAIN: It's already two. But, I mean, when it goes to four? It is going to go to six? So what -- what time are they putting the sidewalks in? I guess that's going to answer it. And then those -- wherever they are, you'll connect to them.

MS. SCOTT: Once again, for the record, Trinity Scott.

The roadway is designed and permitted to be built to six lanes. We may build four within a six-lane footprint. We'll make that decision when we program the construction of the project. But in either event, the sidewalks will be built whether it's a four-lane or a six-lane.

CHAIRMAN STRAIN: And will they be required by that sentence to connect at either point, whether it's four- or six-lane? Because they'd be connecting twice, then. Because if you go to four lanes, then expand to six -- or would you build a sidewalk out to the six-lane configuration?

MS. SCOTT: When we build a four-lane and a six-lane footprint, we build the outside lanes and then later widen to the median. So we would build the sidewalks in their ultimate configuration, sorry.

CHAIRMAN STRAIN: Okay. That's what I needed to know. Thank you.

Number 4, at the developer's discretion, a 10-foot-wide pathway may be located within perimeter landscape buffers 25 feet or greater in width provided the required plantings are located between the property line and the pathway; however, in such cases, the buffer width shall be increased in a width by five feet. So you take 25 feet, you drop it down to 15, but you add five more feet giving you a 20-foot buffer if you put a pathway in it. Is that what that's saying?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. And the next one, a 10-foot-wide pathway may also be located within the perimeter buffers that are less than 25 feet in width; however, in no such cases the buffer width shall be increased in a width by 10 feet above the minimum required width.

MR. MULHERE: However, in such case, the buffer width shall be increased --

CHAIRMAN STRAIN: Yeah. Can you explain how that -- so you've got a 10-foot pathway, and you've got a buffer width of 15 feet, let's say. I mean, I'm not sure what buffer widths you're talking about.

MR. MULHERE: So the buffers that are less than 25 feet in width.

CHAIRMAN STRAIN: Okay. How -- say, a 10-foot buffer.

MR. MULHERE: Or a 20-foot buffer. 10 -- let's go with 10.

CHAIRMAN STRAIN: Okay. Ten-foot buffer you put a 10-foot pathway.

MR. MULHERE: You'd have zero, so now you have to increase that by 10. So you're losing nothing on those smaller ones.

CHAIRMAN STRAIN: That's what I needed to understand, okay.

And that may, thankfully -- oh. On your -- I don't know what page it's on, a few more pages down, you have what's called an SRA local street right-of-way section.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: What was the intent of putting that in here?

MR. MULHERE: Well, Mr. Chairman, I'm going to take a stab, and if I need to bring Dominic up, I will. But there were issues -- apparently, this SRA program really never contemplated Public Utilities serving these CRAs.

COMMISSIONER FRYER: Rotate that 90 degrees, please.

CHAIRMAN STRAIN: Oh, I liked it better like that.

MR. MULHERE: So we worked with the Utilities Department to come up with a cross-section that was supported by utilities, and this represents that.

CHAIRMAN STRAIN: That isn't a cross-section of the streets you're putting it. You just said 50 feet. This is 48.

MR. AMICO: For the record, Dom Amico, Agnoli, Barber & Brundage.

Forty-eight feet is the minimum cross-section for a local road in the SRA standards out of the LDC.

CHAIRMAN STRAIN: I know, but they're putting in a 50-foot street.

MR. AMICO: We've got two more feet.

CHAIRMAN STRAIN: So you're adding something to the 48 standard that you're not using because you're asking for a deviation or you're asking for -- you're going to be putting in 50-foot roads, right -- 50-foot roads?

MR. AMICO: Yeah. That extra two feet doesn't really change the situation that we had. The situation was the interface between the street trees and the utilities. That's the entire purpose for this cross-section is for the utility



issue.

CHAIRMAN STRAIN: But --

MR. MULHERE: Change to 50.

CHAIRMAN STRAIN: Yes. You're going to attach this to your PUD or SRA as you call it. Staff's going to look at it when your plans come in. They're going to see 48 feet, and that's what's going to happen.

MR. AMICO: We can change the 48 to 50.

CHAIRMAN STRAIN: Yes. That's all you need to do.

MR. AMICO: The sole purpose of this was utility driven.

CHAIRMAN STRAIN: Okay. That's -- I don't have a problem with -- I understand your purpose. I just saw the road was the wrong configuration.

MR. MULHERE: Good catch.

CHAIRMAN STRAIN: Let's see. I think that's the last thing I have on the SRA document.

MR. KLATZKOW: Can I ask a question about the master plan?

CHAIRMAN STRAIN: Yes, sir.

MR. KLATZKOW: If we can put it back on the overhead, the color version.

CHAIRMAN STRAIN: Okay.

MR. KLATZKOW: I just want to get clarity on the record, because the Board of County Commissioners just recently went through a hearing where initially it was supposed to be one PUD, it got separated into two PUDs, both of them gets gated. And the issue here is, are we sure that we're not really creating two separate gated communities here?

CHAIRMAN STRAIN: Well, I think they said these are going to be gated.

MR. YOVANOVICH: Within, for instance, Pelican Bay or the Vineyards, they have multiple gated communities.

MR. KLATZKOW: Right. But you've got an activity center on the north, all right. So how -- if you got two gated communities here, for example, the community that's now on the south, how are they getting to your activity center?

MR. YOVANOVICH: You mean the amenity center?

MR. KLATZKOW: Yeah, amenity center.

MR. YOVANOVICH: I'm sorry. I just want to make sure we're talking the same language.

Well, what they will do is they will -- the communities interconnect in multiple locations, but right here, they would simply cross over Oil Well Road to get -- I can't tell from my reading glasses. Is that the amenity center? Thank you.

So you could -- there's the ability to cross multiple locations to go from north to south.

MR. KLATZKOW: I'm just saying, is there a prohibition on where the gates go?

MR. YOVANOVICH: No. They would have access to get there.

MR. KLATZKOW: Until there's a gate. When you have two separate communities with two separate HOAs -- and I've just gone through a hearing with the Board of County Commissioners on this.

MR. YOVANOVICH: And I watched it from the cheap seat, so --

MR. KLATZKOW: Yeah. So you understand the issue I'm raising. How can we ensure that the people who live on the south portion of this village actually have access to the north portion are not gated out?

MR. MULHERE: Well, there's an amenity center on the south portion, too.

CHAIRMAN STRAIN: Well, that's a golf club, right?

MR. MULHERE: But it's also an amenity center.

MR. KLATZKOW: All right. So what you're saying now is you're contemplating two separate things. What I'm saying is, can we get clarity that the residents in the southern portion will have -- will have access at least to the amenity center to the north?

MR. YOVANOVICH: I misunderstood what you were saying. Okay. Step back. The amenity center on the north is for the residents on the north.

MR. KLATZKOW: Not for the residents on the south?

MR. YOVANOVICH: No -- there's no commitment today that the residents on the south will have access to the amenity center on the north.

MR. KLATZKOW: All right. So for clarity, we're not talking about an integrated village. For clarity, we're talking about two separate gated communities here.

MR. YOVANOVICH: No, that's not true.

MR. KLATZKOW: It is true, because you just said that you're not going to make a commitment that the residents on the south will have access to the amenities on the north.

MR. YOVANOVICH: Just like I'm not going to commit that people who are not members or playing at the golf course will have access to the golf course either. That doesn't mean they're separate communities. We have projects throughout the county where access to amenities are limited. Not every resident has access to an amenity.

MR. KLATZKOW: This isn't a criticism. I'm just trying to get clarity. So what we are creating here, Richard, are two separate communities that will be gated, all right. So when we're talking about amenities to the north, that does not mean that the people on the south will get them, and the same thing vice versa.

So if the Planning Commission's fine with that, you know, that's fine, but that's what we're creating here. We are creating two separate gated communities, not one integrated village. And unless there's a prohibition on gates here or where gates can go, that's what's going to happen here.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Go ahead, Karl.

COMMISSIONER FRY: Jeff, are you saying that what we're really creating here is two villages?

MR. KLATZKOW: No. Not -- you're not creating any village. What you're creating here are two separate gated communities.

(Simultaneous crosstalk.)

MR. KLATZKOW: Yes.

MR. YOVANOVICH: Frankly, I just -- I've got to respond to that.

The testimony from your staff is that we are, in fact, creating a village. Within that village there will be gated communities. I just want the record clear.

CHAIRMAN STRAIN: I hear what you're saying, but we're going to get to the staff report in a minute, which those issues will all be requested --

(Simultaneous crosstalk.)

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: So anybody else? Go ahead, Ned.

COMMISSIONER FRYER: I have a couple of questions. One came up in the material that we got from the Conservancy recently, and that has to do with the number of stewardship credits to be assigned to SSA 15.

Would you care to explain what is going on with respect to that process?

MR. YOVANOVICH: Well, SSA 15 is an approved SSA that is being held in escrow, and it gets released from escrow when this SRA document and all of the required state and federal permits are issued. It already has an identified number of credits. And I don't have the number right off the top of my head. Bob will look for it while we're talking.

We are in to amend that SS -- and we meet -- that SSA as held in escrow by my law firm has enough credits already assigned to it to allow for this village to go forward. It has enough credits.

We are doing some amendments to that to further reduce the types of activities that can happen in the SSA that will generate more credits.

We're going through that amendment process right now. Those amendments are not necessary for the approval of this Rivergrass SRA.

COMMISSIONER FRYER: But the consequence of this, I believe, is going to be that the owners of the SSA 15 will be able to provide lots more credits to other receiving units.

MR. YOVANOVICH: And that's exactly how the program was intended to be developed. You were to create SSAs, get credits, reduce the amount of activity that can happen in the SSA, i.e., doing a better good for the

environment and, in exchange for that, open lands that we went through the very first day, would be allowed to be developed.

The process is working exactly like it's supposed to work. There's no consequence. It's the intended consequence.

CHAIRMAN STRAIN: And out of fairness to the applicant, the SSAs aren't something reviewed by the Planning Commission. The application in front of us today is for an SRA. We really need to confirm that they have the right amount of credits for the SRA, which was acknowledged by staff.

The program's issues with abundance of credits from SSAs really needs to be addressed during the review of the RLSA, to be honest with you. I don't know how we'd bring that into play here today.

I read the Conservancy's document closely. I saw there's potential problems today, but I don't know how they would enter in today's discussion, because they base the village on credits they already had, and we don't review SSAs. So unless you've got another idea, Ned, I don't know how to bring that in.

COMMISSIONER FRYER: Well, I just wanted to remove the blinders for a moment so I could see what the bigger picture was, and I think I see it. My next question is that -- am I correct that buildout is planned for 2032?

MR. YOVANOVICH: Yeah, I believe that's correct. For some reason I have 2030 in my head, but I might be confusing it with another project.

COMMISSIONER FRYER: So really the achievement of neutrality, of cost neutrality to the county, won't be measured until 2032 and conceivably could result in additional costs -- undoubtedly will result in additional costs to the county between now and then.

MR. YOVANOVICH: Well, the program is set up to measure neutrality at project buildout. That's when you measure it. Those are the rules of the game. That's when we measure it. That's what all the documentation is there for.

COMMISSIONER FRYER: Again --

MR. YOVANOVICH: That's the program.

MR. KLATZKOW: Fiscal neutrality, forget it. What you have to ensure is that the impact fees will pay for the growth. Because when you get to 2030 and you start calculating it, what are you going to do? Are you going to give them -- are you going to ask the developer -- you know, you're \$5 million short. It's not going to happen. So I think what the county really needs to do is ensure that the impact fees are properly set so that hopefully growth pays for growth. That's the only neutrality you're going to get.

COMMISSIONER FRYER: So it could be a rather long time before the project is off the dole, so to speak, in relation to the county.

MR. KLATZKOW: The project's not going to be on the dole, though. It's -- the school board has the opportunity to ask for land if they need land for the schools. I don't know if they have or not, but that's an opportunity that they have, and the county has the opportunity to either ask or acquire land for, you know, its government needs, and then we have the exact impacts fees that pay for it, at least a portion of this, and that's how this is set up.

And truth be told, it's no different than any other PUD. Essentially, that's what we're approving here is a glorified PUD.

COMMISSIONER FRYER: That's all I have.

CHAIRMAN STRAIN: Okay. Karl?

COMMISSIONER FRY: Rich, one of the policies refers to a progressive urban-to-rural continuum. So the multifamily is a part of that equation. I wanted to just review the commitments regarding the multifamily and make sure that I understand them, and it's out on the table.

MR. YOVANOVICH: Okay.

COMMISSIONER FRY: I believe the commitment is a minimum of 250 multifamily units.

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: Within a half-mile of the village center --

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: -- at this point. The original --

COMMISSIONER FRYER: No. It's 250 single-family.

MR. YOVANOVICH: No, no, no. We talked about this earlier. The minimum of 250 multifamily. Minimum of 250 multifamily.

COMMISSIONER FRYER: You're right; you're right.

COMMISSIONER FRY: Around the village center within a half-mile.

MR. YOVANOVICH: Within a half a mile of the village center.

COMMISSIONER FRY: The initial policy or the rule was written that it was maximum four-acre parcels for these multifamily projects, but you've asked for a change to 25 acres.

MR. YOVANOVICH: Yeah, not to exceed 25 acres. So you can have the multifamily products that you're familiar with seeing: Apartment complexes, condominium developments.

COMMISSIONER FRY: Is there -- I guess my question is -- it's similar to the question about the commercial uses that go in the village center. And you've clarified. You've, more or less, made commitments to do eight commercial uses within the village center.

Are there further commitments in terms of where these multifamily projects would go? I mean, I guess my concern is that are we opening ourselves up for the possibility of one multifamily development on 25 acres, which is two-and-a-half percent of this overall thousand acres, that's 2.5 percent, where all the multifamily is concentrated, or is there a commitment to spread that around the village center and to define what types of multifamily projects there are? I mean, are you committing to condos? Apartments? Villas? Townhomes? I just -- I'm looking just to understand the commitment to make sure that we have this -- we achieve this progressive urban-to-rural continuum.

MS. ASHTON-CICKO: And for clarity, you're referring to the half-mile distance to the village center related to a deviation. If they comply with the LDC and do the four-acre projects, I don't believe that there is a limitation -- Nancy, do you know -- as to the distance that multifamily needs to be from the village center? It could be anywhere.

MS. GUNDLACH: There is nothing in the LDC.

MS. ASHTON-CICKO: That's only if they elect to do the deviation that that applies.

MR. YOVANOVICH: No, no, no. That's not -- if that's how it's being interpreted, that's not what was intended. This came up with a question of how do we show that you're getting more dense to less dense as you got further away from the village center, and we committed that our multifamily will be within a half a mile of the village center regardless of the size of the acreage.

MS. ASHTON-CICKO: So we'll place that outside the deviation section?

MR. YOVANOVICH: Yeah. So make sure we get that right.

MS. ASHTON-CICKO: Okay.

MR. YOVANOVICH: Second, I don't know the exact mix right now, but we will commit that we have multifamily on both the north and south side of the project, if that will help. I don't think I can commit to you today the type and the exact location. I think the half mile helps.

But I think to give you -- to show you that we're spreading it out, if you will, we'll put it on both the north and the south. I don't know the exact split right now, but we do plan on splitting that minimum of 250 to both the north side and the south side.

We might be able to get you a better --

UNIDENTIFIED SPEAKER: I can get you exact numbers by --

MR. YOVANOVICH: By when? How about we'll try to see if I can get you that exact number today, but if I can't, I can definitely commit to it at the --

COMMISSIONER FRY: Exact number of what?

MR. YOVANOVICH: Of the split on the north and south side. I can definitely commit to that as part of the final SRA document that the County Commission hears.

But if you want to -- what we talked about, I guess, at the last hearing is condition your approval upon there being a split between the north and south side if I can't get the exact split before we conclude business today.

COMMISSIONER FRY: Would there be any commitment as to a mix of the types of units that would be put in?

I mean, would you commit to at least there would be some mix of townhomes, condos, attached villas, that type of thing, so we have a diversity of housing types as is called for?

MR. YOVANOVICH: We do, and we're already required to do that. But I cannot commit to you to X percentage of townhomes, Y percentage of, you know, flat -- you know, I can't commit to that today.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN STRAIN: Cormac Giblin is here, and during the discussion in the staff report, there's a portion of it about housing. I was going to ask him to talk about the issue of diversified housing in this location as well.

So you'll hear some more at that point, so...

Okay. Anybody else have any questions from the SRA document?

(No response.)

CHAIRMAN STRAIN: Okay. We've got that far through it. Let's move on to the staff reports. There are two staff reports. One is the FLUE, and one is the staff report that Zoning Department did.

I think we'll just go through the Zoning Department's staff report, and then there are portions of that pertaining to the Comprehensive Planning staff, and we'll ask for clarification to for those items that work. Is that okay with everybody?

(No response.)

CHAIRMAN STRAIN: Okay. So, Nancy, I'm afraid to ask this next question: What version -- the staff report that I'm working off of, September 19th, 2019, is that the right one?

MS. GUNDLACH: There's only one staff report, and that is the right one.

CHAIRMAN STRAIN: Then we have an issue, because that staff report still has your recommendations that you've previously pulled the plug on. Okay. And so does the -- we don't have a Comprehensive Planning staff report from either you or Zoning that says you no longer have these recommendations. We have it on record, but our writing in our document still put all that stuff as part of the review. So we're going to have to review it. Now, I know you stopped reviewing it last time because you changed your mind, but I'm going to need to know why you changed your mind on each one of the things you previously felt so strong about you had to put it in writing. So I guess we'll start there.

We'll work our way through the staff report done by Zoning first. And does anybody want to ask any questions before I start?

(No response.)

CHAIRMAN STRAIN: Okay. Nancy, on Page 5 of the staff report, back to the question I've asked repeatedly, first bullet point, 2,500 residential units with a density of 2.5 units per acre. Again, we have a different -- did anybody check that to see if they've gotten a resolution to that?

MS. GUNDLACH: Yes, I've checked it. And there's two different definitions. There's one in the GMP, so there's a density you arrive at per the Growth Management Plan, and there's density that you arrive at per the Land Development Code. And the Land Development Code SRA section has an interesting definition for density in that it's not -- it doesn't include the excess open-space acreage.

So if you take the number of SRA acres, total number, which is 997.53, and you subtract that excess open acreage, which is 222.77 acres, you arrive at 774.76 acres divided by the 2,500 units, and you arrive at 3.099 dwelling units per acre or, if you want to round it off, 3.1 dwelling units per acre.

CHAIRMAN STRAIN: Okay. Is the SRA document an amendment to the GMP or the LDC, or is it a change to the LDC or to the GMP?

Richard, I'm asking staff.

MS. GUNDLACH: I think I know the answer, but, Ray, I think it's the LDC --

CHAIRMAN STRAIN: It's a resolution. I know it's not an ordinance. But does it -- is it pursuant -- is it a document that's under the LDC or GMP?

MR. BELLOWS: For the record, Ray Bellows.

The SRA document is a designation process covered by the Land Development Code, and it needs to be found consistent with the Growth Management Plan.

CHAIRMAN STRAIN: Okay. So the calculations, definitions, and references in the zoning staff report are

those relevant to the LDC; is that correct? Because if it is, then we would be looking at a density of 3.1 rounded to this number.

MR. BELLOWS: Yes, correct. We are reviewing this to be consistent with the LDC requirements. And if there's a consistency problem with the GMP, that would be part of the staff report as well, if there was one.

CHAIRMAN STRAIN: No. The GMP, apparently, has a different way to measure it. But this document, if it's -- and David's coming up, so maybe he can help us with that.

MR. WEEKS: David Weeks of the Comprehensive Planning staff.

I concur with what Nancy has stated. The difference in the Future Land Use Element RLSA overlay is it provides for no exception. It simply says, take the gross acreage of the SRA and divide that into the total number of dwelling units to get your density. The net result is, through the Future Land Use Element calculation, you're going to end up with a lower density. Because, as Nancy's explained, the LDC provides that for the open excess open-space acreage, two things go hand in hand. First of all, you don't require stewardship credits to be consumed for the excess open-space acreage and, secondly, you don't calculate that -- use that acreage in calculating density.

So because you have fewer acres divided into the number of units, your actual density, then, is higher than you would get under the Future Land Use Element.

I would point out that this is not unique. We actually have a different circumstance. It's totally irrelevant to what we're discussing here, but it's a parallel, and that's within the Future Land Use Element's density rating system for how density is calculated.

If you have wetland acreage, that would still be included in the Future Land Use Element calculation of acreage -- excuse me -- a specific type of wetland, tidally influenced or marine wetlands.

The Land Development Code definition of density, residential, would exclude those marina wetland acres. So we have a parallel circumstance where the Future Land Use Element density would be using a larger acreage; therefore, we're resulting in a lower density, and then the Land Development Code's requirements would have a lesser acreage and resulting at a greater density. It's a direct parallel, in my mind, to what we're seeing here. Different reasons, perhaps, but it's -- this is -- my point is, this is not unique that there is a difference between the two documents.

MR. KLATZKOW: David, is the proposed density of this development consistent with the GMP?

MR. WEEKS: Yes.

CHAIRMAN STRAIN: And is the proposed density, Nancy, of this project consistent with the LDC, which is 1 through 4? So they don't have excess of 4, but they have 3.1, and from the GMP they got 2.5. At some point those multipliers get to be used in other documents.

I just want to make sure we know what the multipliers are and they're used in the correct documents to come to the correct calculations. That's the whole question. That's where all this was coming from.

MR. WEEKS: Understood.

CHAIRMAN STRAIN: So I appreciate your clarification, David. Thank you.

In the conditions of approval under -- in conclusions and conditions of approval under the Comprehensive Planning section of the Zoning Department's staff report -- so I'm not sure if Nancy wrote this or if Nancy copied this or Corby wrote this or David wrote this.

Conclusions: Where the proposed R -- SRA lacks consistency with the intent of the RLSA provisions of the LDC, it may not be considered consistent with the FLUE. Where the proposed SRA does not conform to the fundamental village design characteristics as identified in the standard review findings above, it is not supported by a recommendation for approval. And based upon the above analysis, this proposed SRA may not be deemed consistent with the FLUE; however, the application may be deemed consistent if and when the conditions of approval below are met.

One, all formal SSAs have been approved and concurrent -- or -- before or concurrent with the SRA. Those deviations, development standards, SRA statements, and suitability criteria, et cetera, listed under consistency review findings above are removed or revised as discussed above. The ratio of multifamily to single-family dwelling units is increased to a meaningful level.

Now, that's in this staff report. Are you going to issue a new report to the Board of County Commissioners, and if you are, is it going to say that or not?

MR. WEEKS: We, I think, need to revise the memo. Here's the bottom line. Comprehensive Planning staff is recommending to the Planning Commission that they find this petition consistent with the Future Land Use Element.

CHAIRMAN STRAIN: But, David --

MR. WEEKS: Yes.

CHAIRMAN STRAIN: -- this project, in some manner or form, has been going on for a long time. You-all wouldn't have written this without putting some thought into it before you did.

MR. WEEKS: Yes.

CHAIRMAN STRAIN: And then after you wrote it you changed your mind. Then I asked you about it, you changed your mind back. We came to the meeting a week ago, and you changed your mind back again. I need to know what drove you to originally conclude the conclusion I just read into the record, I mean, and why did you change it? What made you change it? These -- you normally don't do things lightly.

MR. WEEKS: No. Here is what happened: There are objective standards in the Future Land Use Element. There's the same table of SRA requirements, number of acres, density, number of acres of certain types of uses using a metric of X square feet per dwelling unit of commercial, X square feet per dwelling unit of I think it's civic uses, open-space requirements, and so forth. Those are objective, black or white. They either meet it or they don't. And that's what we've always said they're consistent with.

The more subjective standards are those that pertain to innovative design, compact development, things of that nature, things that are not defined. They're -- they are subjective.

And that is where staff was initially saying this petition is -- we're not finding it consistent. The deviations undo some of those subjective conditions. You know, is it compact? Well, maybe it could be, but with certain deviations, you have certain things about the way they've designed the project, we're saying they're not. And so we were including that in our finding of saying this is not consistent.

The change that staff has made is to be, I'll say, consistent with what we have done on other projects looking at the other portions of the Future Land Use Element. Let me explain that.

There are policies under Objective 7 in the Future Land Use Element pertaining to smart growth principles such as interconnections, walkability. When staff reviews a rezone petition under those policies, if we find that the policies are not being complied with, because the language in those policies says encourage, encourage walkability, encourage interconnections, if they don't comply with those, the staff position is going to be to point that out to you as the Planning Commission and the Board, recommend that they do certain things but, nonetheless, if they meet -- if they don't do those things, we would not recommend that they be found inconsistent with the plan; whereas, for example, the density rating system is a more black-and-white calculation, you either meet it or you don't. And so if a project didn't meet the density rating system, we would be recommending that the project be found inconsistent.

The parallel here is that those objective standards, those black-and-white in that table, if all of those are met, then staff is recommending that the petition be found consistent with the Future Land Use Element under those other subjective terms such as compactness and innovative design.

If we disagree there, we point that out to you, tell you we think they could do better, but we don't use that as a basis for finding them inconsistent.

And as I stated at the last meeting, as far as the design goes here, staff does not like their design. We don't think it's compact, or certainly it's not as compact as it could be. It's not an innovative design. This is just taking what we do over here in the suburban Naples area and plopping it down out in the Rural Lands Stewardship Area, and we don't think that was the intent. But we're not saying it's inconsistent with the plan because we don't have a black-and-white definition or requirement for what that means.

Let me give you one example regarding compactness, which I think I might have said at the last meeting. At the very high-level view, any SRA within the RLSA is compact development because it's taking that plus-or-minus 195,000 acres and changing from the checkerboard pattern of one dwelling unit per five acres and instead

concentrating the development into these Stewardship Receiving Areas. So at that high-level review, any SRA is a compact development.

But looking at the site-specific petition in front of us on a case-by-case basis, compactness to staff means looking at language in the FLUE policies and in the LDC that speak to a compact core, speaks to a continuum, of a density hierarchy, whether it uses that word or not, where we start with a core of intense development and then have gradients going outward to the edges of the SRA.

In this project, we don't see that much of a gradient. They do have a -- I say a town core. I mean village core. They do have a village core, a village center, which is where the commercial, the higher intensity uses are at. They do have multifamily proximate to that, and then they go to single-family. So there is some gradient, but their gradient goes out all the way to the very edges at the same -- appears to be the same density.

They've designed it with lakes throughout the entire community with residential around it. So, yes, everyone gets to enjoy a lakefront view, but here we have this low density spread throughout.

If they were to -- this is just an example. If they were to take a lot of these lakes and push them out to the edges of the village, pull the residential units in closer towards the village center, that would be one way of achieving a more compact development.

CHAIRMAN STRAIN: Thank you, David. I appreciate it.

Now, Ned.

COMMISSIONER FRYER: I confess to being somewhat surprised and disappointed that staff has come to the place where it has, particularly in view of all the things that have been written in the beginning that I supported and applauded staff for being able to stand up and take these positions, all be they perhaps unpopular in the developer community, in the interest of making a better Eastern Collier County. And so I'm just -- I'm quite disappointed in that.

And, first and foremost, the problem that I have with this proposal is its total lack of connectivity, and I mean within the proposed village, and I'm focusing specifically on Oil Well Road and the numerous are they 15 or 18 cul-de-sacs which to me are just dead-ends. And those dead-ends and that potential six-lane highway running through this so-called village, together, in my judgment, it is completely antithetical to what my understanding, after hours and hours of reading of what led up to the RLSA, what was intended by the planners, by your colleagues, by the Board of County Commissioners, and by our predecessors.

So I just -- I can't see how you're able to come to that conclusion which is so diametrically opposed to some of the things particularly that Corby wrote early on and how you can square your recommendations at this point with Section 163.3177 of the Florida Statutes that calls upon these types of developments to avoid resulting in poor accessibility among linked or related land uses. This development fails, quote, to provide -- to promote walkable and connected communities, and it fails to provide, quote, an innovative development that in any manner addresses these obvious flaws.

Section 163.3248, Florida Statutes, calls for the use of innovative planning and development strategies and creative land-use planning techniques. To me, this proposal is nothing more than a garden-variety urban or suburban PUD.

Objective 7 of the FLUE in Policy 7.2 through 7.4 call for the use of smart-growth policies and practices in the RLSA as well as to use, quote, internal accesses or loop roads to help reduce vehicle congestion on nearby roads and minimize the need for traffic signals and to provide walkable communities.

Objective 4, and Policies 4.1 through 4.7, call for creative land-use planning techniques in the Stewardship Receiving Area and pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods.

4.08.07 of the Land Development Code, which requires villages to be designed in a, quote, compact pedestrian-friendly form, to encourage pedestrian and bicycle circulation by including all -- excuse me -- and interconnected sidewalk and pathways systems serving all residential neighborhoods and for a high level of mobility for all residents through a design that respects the pedestrian.

I just don't see how you get to where you have gotten. And I'm going to continue here while I'm -- while I'm reviewing what I consider to be a transformation on the part of staff.



Promotion of urban sprawl is obviously intended in the -- in the RLSA by the creators and the people whose ideals were put to writing. To me, the geographical out-boundaries of this proposal -- it's got a long neck, it's got a long tail. We've asked and we haven't received any indication as to how far people would have to walk or bicycle from the remotest points, not to mention crossing Oil Well, but how far they would have to walk -- how many -- what percentage of the occupants would have to walk or would be able to get to the amenity center and get to the commercial area within a quarter of a mile? What percentage a half mile? What percentage three-quarters? What percentage a mile? What about a mile and a quarter?

I'm not saying that everybody has to be able to be within walking distance, but it seems to me it should be skewed, and there should be promises made to us that is it skewed in a way that most of the residents of the development will be able to achieve walkability to these important places that they want to go.

And, again, those two statutes I mentioned, I think, call for the discouragement of urban sprawl, and FLUE Objective 4 also calls for the discouragement of urban sprawl.

Lack of diversity in housing. Now, I grant that there is no requirement of affordable; however, that's the most obvious way, it seems to me, to achieve diversity, and absent that what you have is 90 percent of the housing is going to be single-family and 10 percent is going to be multifamily. To me, without affordable housing, I don't see how you can get to the requirement of diversity.

Failure to move from greater to lesser density, as Commissioner Fry mentioned, I don't believe that that has been represented to us in a fashion that coincidences with the requirements that I find in these various statutes and regulations and, for those reasons, I am headed down a path almost certainly voting against this project.

MR. WEEKS: May I respond?

COMMISSIONER FRYER: Of course.

CHAIRMAN STRAIN: Yes.

MR. WEEKS: Okay. First of all, because this is an SRA, staff did not review this under Chapter 163 of Florida Statutes. If it were a Comprehensive Plan amendment, then we would have. But in this case we are implementing the county's Rural Lands Stewardship Area program adopted in our county regulations, our GMP and our Land Development Code.

Secondly, I think you've helped to make my earlier point about the more subjective provisions of the Future Land Use Element and the LDC regarding the design of the project. I thought I said it clearly a moment ago; I'll repeat it. Staff does not think this is a good design, period, but that is not, in our view, a basis for finding it inconsistent with the Comprehensive Plan because it complies with the objective standards in the Comprehensive Plan, specifically the Future Land Use Element RLSA policies.

But those FLUE policies that you've referenced about walkability, 7.1 through 7.4 and various ones within the RLSA overlay, staff agrees with at least some, if not all, of the points that you've raised. It's up to this body and the Board of County Commissioners ultimately as to how you react and ultimately recommend or act on those more subjective provisions of the Comprehensive Plan and the Land Development Code.

And, finally, I would just make a general comment that staff must acknowledge that there are certain geographic constraints to this property. You know, looking at the shape of it, particularly looking on the north side where it's long and linear, because they're bound by WRA and then SSAs further to the east. So they have some constraints as to just what the shape of their property can be and, therefore, that does affect their development pattern. Staff acknowledges that.

COMMISSIONER FRYER: Mr. Chairman, in my belief, now is the last clear chance for us and, more importantly, for the Board of County Commissioners to get this right for Eastern Collier County, and whatever we do will set norms and the expectations for future developments.

I think it would be a serious injustice worked upon the county if we, with this very first project, allowed it to go forward based upon the application in its present terms.

CHAIRMAN STRAIN: Okay. Karl?

COMMISSIONER FRY: David, what I took away from what you said is really your definition of where you feel the boundary is of staff's scope in the level of review that you can provide, which is on the objective side, and that -- and I guess I would ask for clarification from our County Attorneys in terms of our latitude today.

We're here -- I interpret your statement by saying you handled the objective. The subjective is up to us and the County Commission; is that accurate?

MR. KLATZKOW: Staff's role is -- they're administrators. They get an application, and they just check off boxes. They don't make policy, all right. Your role as our Planning Commission is to recommend policy to the Board of County Commissioners.

Your role is to review the Comp Plan, make change to the Comp Plan, or at least propose changes to the Comp Plan; same with the LDC. You're our local planning agency so that your role is different from staff's role. Staff gets an application, they say, does it comply with the LDC, yes or no? If it complies, they check off the boxes and make the recommendation. Your role is far greater than that. Your role is to look at something and say, wait a second, this isn't what we meant or this isn't, in my opinion, what this project ought to be. You're here to do the actual planning.

COMMISSIONER FRY: So applying this to the points that Mr. Fryer -- Commissioner Fryer made, it's within our latitude to look at the objectives of the RLSA and evaluate this application based on those objectives.

MR. KLATZKOW: Yes. At the end of the day, your primary responsibility is the Comprehensive Plan under the statute. I mean, you look at the Comprehensive Plan, you know, you interpret the Comp Plan, and you then make recommendations to the Board of County Commissioners accordingly. And if you don't think this application is consistent with the Comprehensive Plan, then you'll make your recommendation accordingly.

COMMISSIONER FRY: I would echo that I find this to be an extremely important occasion in that this is the first of four villages to come before us. I see it's impossible to escape some precedential impacts from our decision today on those remaining three villages as they come before us. So I just -- I believe we should all be weighing all of these factors in consideration.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, David.

Nancy, if we move on with your staff report, under the section for Transportation, there are two conditions of approval, and I need to know if Transportation's still on board with those or they've changed their mind, because they're part of Nancy's overall recommendations which I think have been pulled.

Conditions of approval, 4, the companion developer agreement is required to be approved with the SRA request and, 5, to provide for potential interconnections north, east, and south on the master plan. In addition, it's not in here. We have heard discussion concerning itself about the ability to acquire what properties we could in some manner of a commitment for Big Cypress Parkway. So I need to understand how those three things now fit into your position on this project, because we're coming to the end, and we've got to get a conclusion on it, and I need to know where you-all stand, so...

MR. SCOTT: The quick answer is that Transportation Planning has not modified their recommendations. We are still recommending that interconnections be shown, we are still requiring that the companion developer agreement be approved along with the SRA, and we are requesting the right-of-way reservation north and south of Rivergrass based on the Big Cypress Stewardship District in the discussions that occurred as part of that and what would have been the required interlocal services delivery agreement.

CHAIRMAN STRAIN: The part about Big Cypress Parkway, why wasn't that included in your conditions of approval in the staff report?

MS. SCOTT: It actually is in the discussion, and if you notice in the companion developer agreement, we did not have the acreage for the roadway that would be provided, so that would have been contemplated in that. That acreage was changing up in -- our right-of-way widths were requiring the changes of the master plan up until the last hearing, I believe.

CHAIRMAN STRAIN: And what kind of a document are you looking for, or what kind of statement are you looking for to assure that when and if the time is ripe for acquisition of those additional lands north and south you have -- the county has the ability to actually look at that or consider acquiring them? How does that --

MS. SCOTT: We are okay with the reservation of right-of-way north and south, so that way it delineates where the future right-of-way is and, currently, in a majority of the locations -- I'm not going to say in all of the

locations, because I know that there's been some property sales on the north -- the present landowner still owns that land. And so we want that delineated so if the property is sold in the future that the people who would buy it are aware that this roadway is planned and is necessary for the overall network to support the development.

CHAIRMAN STRAIN: The Rural Lands West project, did you review that when it came through previously multiple times?

MS. SCOTT: Yes. The Rural Lands West, yes.

CHAIRMAN STRAIN: That was what the -- that's the town that will be there.

MS. SCOTT: Uh-huh.

CHAIRMAN STRAIN: The interconnections that were shown on the Rural Lands West project, were those adequate for your department? Because you're asking for interconnections now in other villages that used to be part of that town, and those interconnections, if they were --

MS. SCOTT: We were okay with those interconnections, yes.

CHAIRMAN STRAIN: Okay. If you don't get a commitment on right-of-way or some kind of deal to go north and south further than this project for the Big Cypress Parkway, what does that mean in regards to potential traffic elsewhere and road systems, potential failures elsewhere? How will that impact the overall network program?

MS. SCOTT: Without Big Cypress Parkway as it was delineated and we put on the record previously with our alternative two-plus through our Randall/Oil Well Road corridor study, the traffic that would have utilized Big Cypress Parkway will divert to the roadway network within the Golden Gate Estates. So DeSoto Boulevard, Randall Boulevard would see an increase in traffic, Everglades Boulevard. The parallel roadways and the adjacent roadways would see an increase in traffic.

CHAIRMAN STRAIN: Traffic trying to go east on I-75 would have to go where if Big Cypress eventually wasn't all the way acquired and connected to I-75?

MS. SCOTT: Well, the interchange is still an unknown at this point, but all the traffic would find its way to Golden Gate Boulevard, Vanderbilt Beach Road extension, Immokalee Road, or it would go the other direction and go to State Road 29 and get on the interstate at that location.

CHAIRMAN STRAIN: Or they'd pile up on 951 to go to that interchange, which would be where you could go east and west, 951 and I-75; is that fair?

MS. SCOTT: Yes. I mean, in this particular area, depending on which way you're going. If you're going to Miami, you're going to go probably to State Road 29 and hop on there. If you're trying to go the other direction, Collier Boulevard, Immokalee Road, Pine Ridge, depending on the route.

CHAIRMAN STRAIN: Okay. That's the only questions I had left on that part of the section of the staff report. Anybody else have any?

(No response.)

CHAIRMAN STRAIN: Okay. We'll move on, Trinity. I'm going to go to a different section; hopefully not yours.

The Environmental Planning staff had a recommendation, a condition of approval. I'm assuming it still stands. Have you heard anything on that, Nancy?

MS. GUNDLACH: Yes, that's Condition of Approval No. 6, and there is a slight revision. Prior to the -- it says, prior to the issuance of the first development order, strike through "development order" and replace with "Site Development Plan or plans and plat."

CHAIRMAN STRAIN: Okay.

MS. GUNDLACH: The rest remains the same.

COMMISSIONER DEARBORN: Could we have it on the overhead?

MS. GUNDLACH: Oh, sure.

COMMISSIONER DEARBORN: Thanks, Nancy. Just for everybody to see it.

CHAIRMAN STRAIN: Number 6, right?

MS. GUNDLACH: Yes.

COMMISSIONER FRYER: A little too far.

COMMISSIONER DEARBORN: I can see it, but I can't read it.

CHAIRMAN STRAIN: Okay. If we go down to the Public Utilities review, they had four recommendations. Is Utilities here? Somebody's pointing to somebody.

MS. GUNDLACH: It would be Eric Fey.

CHAIRMAN STRAIN: Oh, Eric Fey's here. Okay.

Eric, you had Recommendations 7 through 10 in the staff report. I need you to tell us where you stand on those four, please.

MR. FEY: Yes. For the record, Eric Fey, principal project manager with Public Utilities Engineering and Project Management.

All four -- well, the first three of my conditions have been satisfied.

CHAIRMAN STRAIN: Meaning they no longer need to be conditions?

MR. FEY: Correct.

CHAIRMAN STRAIN: Okay.

MR. FEY: The last condition, I believe, should be part of any recommendation to approve.

CHAIRMAN STRAIN: Okay.

MR. FEY: That is the interlocal agreement.

CHAIRMAN STRAIN: And, Nancy, based on the discussions that we're having, you will be able to amend your recommendations for this panel?

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Okay. So you would drop No. 7, 8, and 9, and incorporate 10 still?

MR. FEY: Correct, and that's simply because it's concurrent with the SRA resolution.

CHAIRMAN STRAIN: Okay. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Nope. Let's see -- okay. Thank you. That's all I've got on that matter, and next is the housing issue, so...

MR. FEY: Thank you.

CHAIRMAN STRAIN: And I know Cormac's here, and I've also -- so I'd like him to address us in their position, because they have a requirement or a request for a housing need analysis. I need to know where the Housing Department stands on that.

MR. GIBLIN: Good morning, Commissioners. Cormac Giblin, your Housing and Development Grant Manager, for the record.

My review and recommendation for this application has not changed since the very first submittal. So that would -- that recommendation still stands. There was really nothing that I had to go on in order to perform my review in terms of housing affordability.

CHAIRMAN STRAIN: Okay. And can you tell us what determines your ability to require a housing needs analysis? Where did you -- how did you come into the thought that this was something that should be required and, unless it is, you can't sign off on it?

MR. GIBLIN: I think that will -- it's not required that housing sign off on it; let me start with that.

CHAIRMAN STRAIN: Okay. But we do look to you with your experience to --

MR. GIBLIN: Correct.

CHAIRMAN STRAIN: -- weigh in on this stuff. And if I'm not mistaken, there's a diversity requirement that we've heard different arguments about, so I need your position on that.

MR. GIBLIN: Correct. You've heard that. As David, I think, adequately and very well summarized earlier, there are objective criteria and subjective criteria. The housing affordability criteria, I think, would fall into the subjective side of the house.

I think that the policy that a village be primarily residential community with a diversity of housing type and mixed uses appropriate to scale and character of that particular village, that FLUE 4.7.2, when you -- it would be a subjective call on how one defines a diversity of housing types.

In my review, I review that as meaning different price points, different styles, different makeup of units, that sort of thing. The applicant's economic assessment does go a little bit further into describing the different unit types

and price points that they propose.

It says that they're going to do about 1,086 residential condo/duplex or single-family attached product and 1,414 single-family detached. The multifamily condo/duplex they say will have a sales value of 270- -- an average sales value of \$272,000 a unit, and the single-family detached would have an average sales value of \$394,000 a unit.

Their economic assessment further states that the average assessed value for Rivergrass Village single-family home is \$370,000, which is 41 percent higher than the county's median value.

In reviewing the FLUE policy and, also, I also reviewed this against the housing element of the Comprehensive Plan which has certain goals, objectives, and policies dealing with housing affordability, the analysis had not been completed to let me know how the village would comply with that. And, in fact, the data that I was able to find through their economic analysis seemed to point us in the wrong direction.

CHAIRMAN STRAIN: Okay. Were you -- I know you were with the county, and you left for private sector for a while and now you're back. Were you here with the county when the RLSA came through for its initial setup back in the early 2000s?

MR. GIBLIN: I certainly was. I was a part of the team putting together the RLSA. When I separated with the county, I actually went to the company that then invented the Rural Lands Stewardship, and I worked in the department that implemented it in the private sector, and now I've come back here to the county again.

One of the reasons that there are certain things in this, when we deal about housing affordability, I think, and why there is no specific objective criteria in our Comprehensive Plan or Land Development Code is that at the time these fell under the Development of Regional Impact state statute that required that same exact housing needs analysis that I'm recommending now.

CHAIRMAN STRAIN: The villages wouldn't have been under a -- they wouldn't have been big enough to call for a DRI evaluation, would they? I mean, I know that Town of Ave Maria was, but usually you've got to have a substantial impact regionally or show some kind of regional impact. Villages would be too small. So I'm not sure they would have fit.

And the reason I'm asking you this, I was here like you were back then. I sat on this panel reviewing the RLSA. I think I'm the only one on this panel that is still here. And I know that we -- at the same time, we have the RFMUD coming through. The RFMUD, we actually required affordable housing as a component, and I can't remember why we wouldn't have followed that same trend with the RLSA unless the language was intended to include that. And I'm trying to figure out how all that -- I can't remember that. It's been 20 years. I just can't remember back that far. Maybe David -- he's young. He's got a better memory.

MR. WEEKS: David Weeks, again, Comprehensive Planning section.

Commissioners, I believe that the county was relying upon the DRI requirements for affordable housing. And the villages could fall under two scenarios. They could be small enough that they would be below the DRI threshold, or they might be above that threshold, because remember the density ranges up to four units per acre, so that could be 4,000 dwelling units. And if they opted for the density bonuses, the affordable housing density bonus could be even higher. So not with -- the threshold -- the old threshold for DRIs was 2,000 dwelling units; however, if you had a mixed-use project, the threshold then elevated higher. But I think that at that maximum density of 4,000 dwelling units, even in a mixed-use scenario, would have crossed the threshold.

CHAIRMAN STRAIN: So the mindset from the Housing Department and yours, most likely, was if they're going to do a DRI, they're going to have to address the affordable housing issue, so it's covered.

MR. GIBLIN: Exactly, I think, and that covers many other reviewers' subject matter had that same mindset.

CHAIRMAN STRAIN: Good point. Thank you.

Anybody else have any questions? Karl.

COMMISSIONER FRY: Cormac, you mentioned numbers of multifamily versus single-family in the economic analysis. Are those commitments? Because the only commitment I know of is a minimum of 250 multifamily in the SRA document, so could you please clarify that.

MR. GIBLIN: You're correct, these do not read as commitments. These are estimates in their economic assessment.

COMMISSIONER FRY: Thank you.

MS. ASHTON-CICKO: In Design Criteria 3.A.4 of the village, it does require a range of housing types and price levels to accommodate diverse ages and incomes. That's your affordability language.

COMMISSIONER FRY: Thank you.

CHAIRMAN STRAIN: Okay. I don't have any other questions of Housing, and appreciate your time, Cormac. Thank you.

MR. GIBLIN: Thank you.

CHAIRMAN STRAIN: Nancy, on Page 26 of the staff report, it's under the section titled "Collier County Public Schools fiscal neutrality." Maybe that's Tom Eastman. The last three paragraphs, I'm trying to understand, it says, the village center is located along the northern edge of the southern half of the SRA along Oil Well Road, a major arterial road and freight route. The village center is disconnected from the northern half of the SRA village by Oil Well Road resulting in a less walkable community. Why did these -- why was -- why is that located under the Collier County Public Schools fiscal neutrality section of your report? I think it is.

MS. GUNDLACH: Actually, in the staff report it's located under the Zoning Services review.

CHAIRMAN STRAIN: Oh. I'm going by the bold titles. You're going by the -- okay.

Then let's go back. Then it isn't Tom. It's under an italicized title instead of a bold title, so fine. Let's go to that italicized title. Can you tell me what -- you added that because it must bother you from a zoning perspective.

COMMISSIONER FRYER: Chairman, what page are you on?

CHAIRMAN STRAIN: I'm on Page 26 of the staff report, bottom three paragraphs.

COMMISSIONER FRYER: Thank you.

MS. GUNDLACH: Well, the intention was to be walkable, and it's difficult to walk across six-lane road.

CHAIRMAN STRAIN: Okay.

MS. GUNDLACH: It just segregates the community.

CHAIRMAN STRAIN: And I just needed your synopsis on that. Second paragraph of that section says some of the deviations contained in the Rivergrass Village SRA development document, town, decrease walkability of their SRA village. The result is a compact suburban-style development similar to many Planned Unit Developments located in the urban area of Collier County.

So you're saying this is more like a PUD than what you expected as an SRA?

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Based on your understanding of the LDC?

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Next paragraph: Staff believes that five of the proposed deviations are not consistent with the development standards of the RLSA zoning overlay regulations contained in the LSD -- LSD -- LDC as previously stated in the GMP consistency review. So you're on board with their previous position as the zoning reviewer?

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Okay. Does that mean you're still making recommendations on those items? While they may be subjective in the GMP, are they more nonsubjective in the LDC, meaning are they more regulated? Are they more required?

MS. GUNDLACH: They're more regulated in the LDC, correct.

CHAIRMAN STRAIN: The LDC prohibition of no parking lots in front of buildings, a key element of a walkable community has been eliminated. The "LDC prescribes maximum lot sizes of four acres" has also been eliminated, creating the potential for super blocks areas which destroy vehicular and pedestrian connectivity. Is that your writing?

MS. GUNDLACH: That's my writing.

CHAIRMAN STRAIN: Now, in your previous, kind of, lightening up on your position on your recommendations, are those not your recommendations now? Are you still concerned about those things or not?

MR. BELLOWS: For the record, Ray Bellows.

In regard to the four-acre that's in the LDC -- and I believe that's part of a deviation now.

CHAIRMAN STRAIN: Right. Didn't you guys just say --  
(Simultaneous crosstalk.)

CHAIRMAN STRAIN: -- one of the ones that you approved? And I'm trying to wonder how that approval corresponds with the statement I just read that you wrote.

MR. BELLOWS: Well, when I was reviewing this, my opinion is that a developer can combine these four-acre parcels into larger parcels. So I didn't see that there was a practical benefit to holding onto that position. So that was my call.

CHAIRMAN STRAIN: Okay. So the reviewer didn't like it, but as her superior you're okay with it.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: And the same with the no parking lots in front of buildings, because now we're reversed, and that one is one that you're now saying you don't -- you're approving, but it wasn't.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Okay. I'm just checking to make sure I got all my questions from the -- that's all the questions I have from the staff reports. And, you know, I don't know -- we'll probably -- we're going to -- I'm going to make every attempt possible to wrap this up today. I'm going to need your help a little bit by telling us what recommendations on your staff report will remain when it goes to the Board of County Commissioners. And then we will go from there --

MS. GUNDLACH: Okay.

CHAIRMAN STRAIN: -- during our debate and discussion up here, and that will help us out a lot if you could do that.

And that -- anybody else have any questions from the staff reports?

(No response.)

CHAIRMAN STRAIN: That takes us to LDC/GMP questions. Anybody have any specific questions on those documents and your reading? I know, Ned, you've already expressed your concerns. If you have more, now's a good time to bring them up. It's up to you. If not, then we will move on to other things that I may have or anybody else.

COMMISSIONER FRYER: The only thing that I would say further is at the end of the staff report there is a section called County Attorney's Office review, which I thought was very helpful in identifying the scope of our review of this and examination of it, and so thank you for that.

CHAIRMAN STRAIN: And I'm looking through the questions I have. Anybody else have any other? If not, I'll just quickly go through what I've got and see if there's anything here that hasn't been discussed. And I don't have anything.

So we've -- in the GMP we're thoroughly -- I can talk to staff about that.

In the GMP -- I'm going to move through those real quick. I had questions on the ALF, but that was about the fact that they needed to give us a size on it, because from the LDC it seemed necessary. And now we've got that; that cures that problem.

The density one, we seem to have concluded that, so I don't have anything else on that.

And I think that takes us to the end of it. I don't have anything left on the two. They were resolved with the discussions we've had, so I can pass on any more discussion on that.

I have a question of the applicant. Rich, I took a look at the Rural Lands West town proposed. I took a look at a development to the west called Hyde Park. Hyde Park is at the corner of Oil Well and at the edge of the Estates from DeSoto over to that point. Your project has a corner right up against them separated by the future extension of Big Cypress Parkway and Oil Well to the south, and then to the south you have your commercial center in that northeast corner. In fact, I think I put it on a little drawing to better understand it.

Ray, could you put this on the overhead? You need to zoom out a little bit to get all those squares in.

Rich, what I was trying to do is figure out how could you make a more cohesive village, and I took the fact that you could have developed the town on the areas you previously were coming through for, I'm assuming you could have, and I tried to approximate by the time you take out the excess open space and the preserve areas and all that, what you'd end up with for a couple of villages. Because you've got the villages to the left, which is the Hyde

Park village that's proposed, and the red of each one of these could indicate potential commercial. And I'm just wondering why didn't you do villages in a manner where you've got one to the north of Oil Well and one to the south? Because Oil Well Road is a big divider. And I'm looking at the developability of the one to the north, and the fact that you could have had some really nice housing with the amenity of that preserve or WRA in the center as a view amenity or something would have been a good asset. Likewise, on the south, you could have had a championship golf course across from the preserve areas and working down there. I'm just curious, why did you divide the village -- why was the decision made to divide the village in half; do you know?

MR. YOVANOVICH: Mr. Strain --

CHAIRMAN STRAIN: I mean, I'm not trying to do you're planning. I'm just suggesting, here's a couple scenarios. I just don't know why it was look at like it is.

MR. YOVANOVICH: And you know what, we've evaluated many scenarios and arrived at the scenario that was -- made sense and is consistent with the Growth Management Plan. And let me know when I'm allowed to go beyond that response, or do I hold the rest of my comments to --

CHAIRMAN STRAIN: No, no.

MR. YOVANOVICH: -- to my rebuttal and close because --

CHAIRMAN STRAIN: I'm going to go to the Planning Commission next. I don't think -- anybody have any more questions on anything at this point?

(No response.)

CHAIRMAN STRAIN: You're more than welcome to have a discussion, and you can go into rebuttal after that. I'm not trying to hold you up on time. I'm just -- this thing has gotten --

MR. YOVANOVICH: I'm not worried about time. I'm worried about subject matter, because your question leads me to a comment that I think's appropriate here. You'll tell me to stop if not.

CHAIRMAN STRAIN: No. Go ahead, Rich. Get it all on the table.

MR. YOVANOVICH: The Rural Land Stewardship program is a voluntary program for landowners to put into SSAs for the benefit of the environment and the benefit of agricultural lands in return for being able to develop open lands.

The option and permutations of how to divide up those open lands is probably hundreds of different options that can occur. You may have an idea like that plan right there that you think's a great plan. It's consistent with the program.

You don't have to like our plan, but our plan is consistent with the program, and the program has multiple aspects to it. And what I've heard people say is we don't like your design. That's not one of the review criteria, whether you like the design or not. And I feel like when exhibits like this get put up and it's not -- and I know you had good intentions of talking about it. And when we start talking about Rural Lands West -- and I could show you the countless comments from your Transportation and Planning staff saying why they hated Rural Lands West, including where we had decided to put the two million square feet of office and retail and business park and all the reasons why they didn't like that. But they come up here and they show you that and say, hey, this is what they were originally proposing. What they didn't tell you is that they were originally throwing up all over it and didn't like it.

So I find it a little bit -- I'm trying -- I'm looking for a different synonym for disingenuous, but I can't think of one right now, to get up there and put that exhibit up there and say this is what we want when I can show you hundreds of pages --

(Simultaneous crosstalk.)

MR. YOVANOVICH: That's what Transportation staff is saying. This is what they want, interconnectivity. They want all these things, but they didn't tell you -- they didn't tell you they were recommending denial of that town.

So don't -- it's wrong what they're doing, and it's wrong to say there are other options, and that's why you should deny the project, because there are options. I'm going to tell you there are options. There are many options that are consistent with your Growth Management Plan.



And I'll stop on that topic right now, because I think that's really what you were talking about, and I'll go into other things later. But there are other options. You may like other options, but that's not the measuring sticker are "are there other options."

CHAIRMAN STRAIN: And I wasn't trying to say they were. As you had pointed out earlier, I was on the development side of the table for a while, and I saw some assets there that would have been valuable to maybe consider. And I just was wondering why you thought the best avenue was to split that village like it is --

MR. YOVANOVICH: And all of those --

CHAIRMAN STRAIN: -- when it may not have had to be. That's all.

MR. YOVANOVICH: Well, you know, there are other factors to be considered, and they were all considered as to, what's the market? What do people want? What's the best location for the village center? How many rooftops can, in fact, support a village center before you start dividing this up?

And, you know, those -- all of those factors were, in fact, considered in arriving at this configuration of this village as well as the other villages, and including Hyde Park's village.

It's not -- it's not like you have a perfect square for a section and you have a blank canvas. This whole program recognizes that there's flowway areas, there's habitat areas, there's WRAs. So you have some physical constraints on how to make the program work, which one of the most important parts of the program was the preservation of Habitat Stewardship Areas and other sending areas, Flowway Stewardship Areas. All of that was part of the program. And as David pointed out, there are constraints in how to make it work, and that all was factored in.

CHAIRMAN STRAIN: Okay. Thank you.

Is there -- now, as far as Planning Commission goes, do you have anything -- do you want to ask anybody before we go into -- first we'll do Rich's rebuttal, and then we'll decide where to go. Do you have any more rebuttal you want to --

MR. YOVANOVICH: A little bit.

CHAIRMAN STRAIN: Pardon me?

MR. YOVANOVICH: A little bit.

CHAIRMAN STRAIN: Okay. Why don't you go forward.

MR. YOVANOVICH: Let me answer one question first before I get into rebuttal.

I told Mr. Fry that we -- it turned out that we actually have committed to splitting a minimum of 125 multifamily both on the north and south side. It doesn't mean we won't do more, but we have an absolute commitment to 125 multifamily north, 125 multifamily south.

I want to go through a couple of -- and Jeff and I go round and round on this, so I would appreciate if you'd just let me say what I'm going to say and try not to rebut me too early into the process.

CHAIRMAN STRAIN: Okay. Have I ever rebutted you?

MR. YOVANOVICH: No. I said Jeff.

CHAIRMAN STRAIN: Oh, okay.

MR. YOVANOVICH: Because I have a different legal opinion as to what your Growth Management Plan does and what your Land Development Code does and what it can't do, and one of the things it can't do is it can't be ambiguous; you have to have laws that have objective and measurable standards.

I fundamentally disagree with the concept that your Growth Management Plan is subjective; it's not. You have measurable objective standards that have to be met for villages. We showed you the checklist, and I'll show you that again when I finish my rebuttal.

You're also here in a role -- we're in a quasi-judicial process. Quasi-judicial process means you're the judge.

You leave your personal biases out and you listen to the evidence that's presented as to whether or not we meet the criteria in the Growth Management Plan and the Land Development Code.

You may dislike this project in its entirety. Some of you have said some pretty strong statements about it.

You're not to apply your personal opinions. You're to look at the code and whether or not we meet the objective standards.

And you're to look at the code based upon the evidence that's presented to you. What is the evidence that's been presented to you? The evidence as presented to you has been our professional staff, or our consultants, that have

prepared documents, TIS, the environmental report, Mr. Mulhere's analysis. That's evidence that's into the record. Your staff is evidence that's in the record. It's got to be competent substantial evidence.

I think I pointed this out in my opening, but that was so long ago that -- it was.

CHAIRMAN STRAIN: It was. No, you're right.

MR. YOVANOVICH: It was so long ago that perhaps it was forgotten over time. But in order to submit a master plan, which is up on the -- well, it went away.

CHAIRMAN STRAIN: Yeah. Put theirs up so we know as he speaks what to look at. There we go. Thank you. Can you zoom out just a little bit so we can get the top and bottom. You don't know how to do that either, huh. I don't know either, so...

MR. YOVANOVICH: Anyway, that's fine for purposes of where I am and what I want to say. But I'll wait.

CHAIRMAN STRAIN: The only reason --

MR. YOVANOVICH: Actually, that's sufficient enough for the point I want to make.

CHAIRMAN STRAIN: Ray, that will work. That's good.

MR. YOVANOVICH: The point I wanted to make was your Land Development Code requires that the plan be prepared by an urban planner who possesses an AICP certification together with at least one of the following: One is a professional engineer licensed in Florida or a qualified environmental consultant per Chapter 10 of the LDC, or a practicing architecture.

So your Land Development Code recognizes that you have to have a specialty in order to prepare the master plan and testify to the criteria of whether or not you meet the Land Development Code requirements through the -- through this design of the master plan.

Mr. Mulhere is even further qualified because he's a fellow -- do I have that right, Bob? That's even a more limited set of people who have the AICP required credentials. So you've had testimony from an AICP planner who prepared this plan together with Mr. Amico who is a professional engineer in the state of Florida, and they've all testified that we meet the Growth Management Plan provisions and the Land Development Code provisions. You haven't received any testimony from the public that we don't meet those criteria from people who have the right credentials, and those credentials are they have to be an AICP planner or any of the others.

You didn't have a professional engineer get up here, you didn't have a qualified environmental consultant pursuant to Chapter 10 get up here, or a practicing architect get up here and provide any testimony that our master plan is not consistent with your Land Development Code and your Growth Management Plan.

That's competent substantial evidence, and that's the standard. Your own research, your own feelings is not competent substantial evidence. It's what's in the record before you over these last three days. And I submit to you that the record before you proves that we meet all of the required criteria.

You've heard Mr. Passarella testify to all the environmental requirements and the types of lands that can be qualified. Heather also testified to that. They all have the required credentials. They've applied the rules. Your environmental staff applied the rules. You've heard testimony from some groups that had previously supported the adoption of this program. I showed you the quotes. I don't back down from those quotes. They said this was a great program. It was a compromise.

They don't like the program anymore, and all they did was provide you testimony as to what should be changed in the program. That's one of your roles -- and you'll be going through that role -- what changes need to be made to this program, in your opinion, and through recommendations to the Board of County Commissioners after you have public testimony on that issue.

But under the rules that are adopted today, we meet all the environmental rules. And you've seen that testimony both through your staff and our expert testimony.

Transportation, Mr. Trebilcock testified to -- that we satisfied all of your requirements. I've asked Trinity, and I'm assuming -- because she hasn't provided a provision as to how they can require interconnectivity of some future villages through SSA lands, where that exists in the Land Development Code. She hasn't provided it to me. I can't find it. I've word-searched it, you know. I don't think it exists.

And if you remember, David Weeks even said there's nothing in the Growth Management Plan that requires interconnectivity of villages. He got up there and he showed you the provision, and I'll show you again. It

November 7, 2019

defers interconnectivity to the Land Development Code. When it's appropriate is in the Land Development Code. And it talks about it with PUDs. It doesn't talk about interconnectivity with regard to SRAs. It doesn't exist. There's no requirement.

You can't impose requirements that don't exist just because you'd like to do it. That's not how Land Development Codes work. You can't require us to give you the entirety -- or set aside the entirety of the Big Cypress Parkway when we have no relationship to the need for the Big Cypress Parkway, and we've given you that testimony.

You don't need -- this project doesn't need Big Cypress Parkway for it to meet any of your criteria. We have said to you on more than one occasion, and we've committed to you that for the length of the Rivergrass Village, we will set aside that right-of-way. And then when we come in with the two other villages that we've shown you, we will set aside the right-of-way for Big Cypress Parkway for those villages as well.

We've never said we're going to get in your way on Big Cypress Parkway. In fact, I think Trinity said Big Cypress Parkway's not coming any time soon.

The county has a lot of powers to get Big Cypress Parkway if for some reason we decide to not go forward with the next two villages or those villages are denied. It's like every other project that Collier County has for road right-of-way. If they need to, they can use their eminent domain powers to get Big Cypress Parkway.

We know it's a public purpose and a public benefit. We can't fight the eminent domain. We just talked about how much does it cost the county to buy it at that point.

So to characterize us as being unwilling participants in the ultimate provision of Big Cypress Parkway is not accurate.

I personally like Cormac a lot, and I wouldn't want Cormac's job for anything because having to try to get affordable housing from property owners is a difficult task. It's even way more difficult when there's no legal basis to ask for it.

And he's really trying hard to say, do a housing needs analysis even though I've got nothing to hang my hat on to require a housing analysis. And that was the one thing that was resolved. I don't know if you understand the process. We submit. We get a round of comments. Then we get all the reviewers in a room, and we go through all the comments, and we chip away at which comments are valid, which comments are not valid.

And in that very first meeting where everybody was there -- I think even Mr. Cohen was there at that very first go-round -- it was clearly stated on the record by Cormac and others, I can't make you do a housing needs analysis. There's nothing I can hang my hat on it, yet I get a recommendation that I need to do a housing needs analysis.

And we meet the diversity requirement. The word "diversity" means multiple types. Single-family, multifamily, check the box. We meet diversity. We meet the diversity requirements. Nobody's saying we don't. They'd like to -- they'd like to come up with a new requirement that somehow affordability needs to be factored in.

If they were relying on the DRI statutes for villages, that's not what the Growth Management Plan says because, as you know, we all know, you don't have to trigger a DRI for a village. So perhaps the way they really intended to deal with it was if a DRI comes in, that's when we're going to make you deal with affordable housing. If you come in at something less than a DRI, we don't -- we're not going to make that a requirement.

So I think you could take -- we're not a DRI, we don't trip any of the thresholds to be a DRI, and the fact that DRIs are basically gone anyway doesn't matter. This project was never intended under anything you have in your code to require affordable housing. In fact, your code gives bonuses above the 4, however you calculate it, if you decide to do affordable housing. It doesn't require it as part of your base. We meet those criteria.

There are three founding principles in that final order that became part of your Growth Management Plan and Land Development Code: To protect prime agricultural areas; that's being done through the RLSA program and, in fact, we've assured that by selling some lands that were formerly in the town to an agricultural company.

Check the box.

Directing incompatible uses away from upland habitat in order to protect water quality and quantity and maintain the natural water regiment -- or regime, I'm sorry, as well as to protect listed animal and plant species and their habitats. I showed you the code and Comp Plan provisions that say you do that through the SSA process and

through the SRA process by prohibiting development on anything that scores greater than a 1.2. Check the box. We meet the requirements.

And then assess the growth potential of the areas by assessing the potential conversion of rural lands to other uses in appropriate locations while discouraging urban sprawl. I showed you the provisions in the Growth Management Plan that said that this RLSA program is not urban sprawl, and the governor and cabinet and the Department of Community Affairs, now the Department of Economic Opportunity, agreed that the Growth Management Plan provisions that I showed you the very first day we were going through this do not -- they are not urban sprawl. So whoever keeps saying we're doing urban sprawl, go back and read the order and read the provisions. We're not urban sprawl.

As I do this longer and longer and as I get older and older, I have fonder memories of law school than I did as I was experiencing it. And one of the things that we had in law school -- and, frankly, the bar exam, it's a pass/fail. I had some classes in law school I just had to pass. There was no A, B, C, D. It was a P or an F. That's what the RLSA program is. It's a pass/fail analysis. And I pass; I get approved.

These are the requirements that are in your Growth Management Plan and in your LDC, and we meet them all. You may like us to meet them a different way, and you may just say you get a P. I really wish you got an A, but you got a P. And that's all I have to get is a pass, and we've passed them all.

Mr. Weeks got up here two weeks -- was it two weeks ago, whenever we did it the last time, and he got up there and said, it's a grading scale. Same analogy, pass/fail. We passed. According to your staff, we passed all of your criteria.

I stood up here the first day and I said, the only issue that I'm aware of that there was a disagreement on was the interconnectivity of the villages and when we needed to give you Big Cypress Parkway or set it aside.

And one thing that wasn't mentioned was we got the staff report, and we sat down with staff and addressed all of those recommendations. And when I left that meeting with your staff, they said, we're in agreement. You meet diversity of housing, you meet the requirements of the Growth Management Plan, you meet the requirements of the Land Development Code based upon the changes we made, which included maximum size of 25 acres now for multifamily.

That's when Mr. Bellows said, you know what, I can live with it. Before it was -- it could have been 100 acres. He didn't like that. He liked the 25 acres. He liked the fact that we agreed to the half-a-mile requirement for where multifamily would be to show the grade of more dense to less dense. Mr. Weeks was in that meeting, and so was Mr. Cohen.

We had that meeting, and that's why there was a change in their recommendation. David's already said -- he's told us that, you know, if he had a different -- if he had the ability, the wherewithal, the financial -- the ability to do it, he might lay it out differently, but we meet the criteria. That's all that matters is, do we meet the criteria? And if we meet the criteria, we're entitled to a recommendation of approval.

We meet every one of the criteria. That's the testimony from your staff, that we meet the criteria. There's only one criteria that -- and I don't know where it is, because Trinity hasn't provided it to me, the interconnectivity, and she hasn't provided me anything in your code that says you could make me set aside road right-of-way beyond my project when my project doesn't even cause the need for that road right-of-way, and I'm willing to give you the road right-of-way through the Developer Contribution Agreement or, I'm sorry, the Landowner Contribution Agreement along the entire boundary of this project.

There are people who clearly are not happy with the current rules and regulations. There's a process for that to change, and you're starting that process. That's -- if you see flaws in the current code, deal with it in the process. You can't deal with those flaws because you want to change the rules at this time.

So my rebuttal is over. We've met the criteria that are established today, and we're entitled to a recommendation of approval from the Planning Commission.

CHAIRMAN STRAIN: Okay. And with that, it's noontime, and I think we've got a lot to think about. I'd rather we take a break for lunch now, come back, have our discussion, any comments and questions we have of Mr. Yovanovich or follow-up with staff that we may need, and then go into final discussion and vote.

So with that, we'll come back at 1:00 and resume the meeting on Rivergrass at that time.

November 7, 2019

(A luncheon recess was had from 12:00 p.m. to 1:00 p.m., and Commissioner Dearborn is absent for the remainder of the meeting.)

CHAIRMAN STRAIN: Okay, everyone. Welcome back from the lunch break. We're going to resume the meeting.

The first announcement is Patrick Dearborn had to leave for a meeting that he got called away to, so he won't be here for the rest of the afternoon. That means the rest of us will deal with the remainder of the time on the -- we've got Rivergrass and finish up today's agenda.

We left off with discussions -- with the rebuttal by the applicant. And I want to know if the Planning Commission has any questions they have of anybody else before we close the public hearing and go into our own discussion. Do any of you have any questions of anyone?

(No response.)

CHAIRMAN STRAIN: The only thing I'd like to ask, is Trinity here? Poor Trinity. She knew she might be called.

Hi, Trinity.

MS. SCOTT: Hi.

CHAIRMAN STRAIN: There was some discussion about the need for -- the ability for you to ask for the Big Cypress Parkway. How did you fit that condition into your responsibilities?

MS. SCOTT: As noted within the staff report -- and I didn't bring my staff report up here with me, sorry -- we looked at the commitment based on the Big Cypress Stewardship District when that was going forward within the Board in 2003 and 2004, and the commitment for an interlocal services delivery agreement, which was never executed. And so that is -- as shown in our staff report, that was -- thank you -- that was why we were requesting the right-of-way within the entire Big Cypress Stewardship District.

CHAIRMAN STRAIN: Okay. And remember when they -- that exhibit where it showed the stewardship district lined out in greens, and then the potential location of Big Cypress. It was Exhibit H. I think it was one of those exhibits that showed it connecting to I-75. Do you remember that one? We talked about it last time.

MS. SCOTT: Yes, we did talk about it last time.

CHAIRMAN STRAIN: How did that originate? Did you -- you might have said it before, and I just can't remember.

MS. SCOTT: That -- where I actually found that exhibit was as part of the I-75 interchange justification report. It was an attachment with the memorandum of understanding. That particular exhibit was produced by Collier Enterprises, I believe, and then it was -- the snippet we had was taken from, it looked like, a *Naples Daily News* article.

CHAIRMAN STRAIN: Okay. Thank you. I don't have anything else.  
Ned?

COMMISSIONER FRYER: Mr. Chairman, I'd like to ask a representative of the Conservancy if she might come up and perhaps reply to statements that had been made by counsel for the applicant concerning the original planning for this effort, if they care to.

CHAIRMAN STRAIN: At the request of a Planning Commissioner, that's appropriate.

MS. OLSON: Which one?

COMMISSIONER FRYER: Whichever one you want. Since you were referred to earlier today, I thought, in fairness, we ought to hear from you, if you have a different recollection of history.

MS. OLSON: For the record, April Olson with the Conservancy of Southwest Florida.

Just two points to make regarding Mr. Yovanovich's statements about, first of all, the Conservancy's support for the RLSA program. We did support the program at the time it was being created when the public was told that only 16,800 acres could be built, but then we found out five years later that it was a whole different program, and we no longer support -- we support the fundamental goals, but we feel there are a lot of fundamental flaws within the program. So I just wanted to clarify that.

The other statement that Mr. Yovanovich said was that because the program is set up to basically direct development away from the SSAs or the WRAs, HSAs, FSAs, that that means that the program automatically

creates compact communities, and DCA had actually stated that. DCA was in agreement.

But I have a quote here from DCA that they wrote during -- at the same time of the five-year review that they also reversed their opinion that -- and they believe that the 93,000 acres worth of open space is actually sprawl. And I can put this quote on the prompter if you'd like to see it.

COMMISSIONER FRYER: Sure.

CHAIRMAN STRAIN: Okay.

MS. OLSON: Okay. It's right in here.

CHAIRMAN STRAIN: Nancy, would you orientate that properly. Everybody misses that.

MS. OLSON: Okay. It says that the large 93,000 acres eligible for designation of receiving areas which also allows the conversion of land uses to the underlying low density uses is the exact opposite of a plan to direct growth to the most suitable areas.

This may lead to fragmentation of natural areas, wildlife habitat, and agricultural areas. The overall rural character of the area is under threat from the potentially large amount of urban development. And here is the citation right there from the DCA 2007 December RLSA annual report to the legislature is where that comes from. So they did reverse their position on that, okay?

COMMISSIONER FRYER: Thank you very much.

CHAIRMAN STRAIN: Thank you, April.

MS. OLSON: Okay. Thank you.

MR. YOVANOVICH: I get to rebut the public.

CHAIRMAN STRAIN: You get to rebut the rebuttal of the rebuttal? I mean, you opened door for this activity, so what is it --

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: So let's not take another 20 minutes.

MR. YOVANOVICH: I don't need 20 minutes.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: But I do want -- a couple things for the record. First of all, she showed you the Conservancy's analysis of what the DCA did. That was not the DCA's full report. It was a footnote of what they picked that they thought was important to include in their memorandum; "they" being the Conservancy.

Those are the Conservancy's actual words when this program was adopted. You can --

COMMISSIONER FRYER: Could you move it in.

MR. YOVANOVICH: I don't know how to do any of that, so...

Those are the Conservancy's actual words. It doesn't say anything that Ms. Olson just said on the record. It says, we think it's a great program and we think it's a compromise. And I'm not quoting verbatim, but not everybody gets what they want. You have to compromise.

The program it going through a review process, and the review process will change the program. Until the program is changed, you have to apply the standards that exist.

You don't get to simply say we don't like it now, apply a different standard. You have to change the standard.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of anybody at this point?

Go ahead, Karen.

COMMISSIONER HOMIAK: I'd like to ask Trinity again.

MR. YOVANOVICH: Oh, I have one more thing about that. Thank you.

MS. SCOTT: I'm getting my steps in today.

COMMISSIONER HOMIAK: Do you or did you have locations for interconnections from Rivergrass to Longwater or any other communities?

MS. SCOTT: Yes. I have ideas of where they could be.

COMMISSIONER HOMIAK: The connection roadways?

MS. SCOTT: Yes.

COMMISSIONER HOMIAK: Do you have them?

MS. SCOTT: And I'm actually going to pull up Mr. Yovanovich's prior presentation, because I think it

November 7, 2019

shows -- well, maybe I will. There it goes. So this was the exhibit that Mr. Yovanovich showed that showed open stewardship area. Oh, it's coming up. Let's see if I did it right. Yes.

Of the pink areas that were open stewardship area that could be developed in the future, this -- on the north side of the property, I understand this is a large WRA area, and interconnection could occur here. An interconnection could occur in this location. And in prior submittals -- and I understand that they were that of the town -- there was another interconnection shown in this location as well. Those were the three interconnections that I was referring to.

COMMISSIONER HOMIAK: That was discussed in the --

MS. SCOTT: In the staff report we were asking for potential interconnections in the north, the east, and the south.

COMMISSIONER HOMIAK: And that will alleviate a lot of the traffic impacts in the future 10, 20, 30 years from now if that were to happen.

MS. SCOTT: In my original presentation we talked about the Master Mobility Plan and that the Master Mobility Plan specifically did a subarea model with regard to these interconnections and that based on that subarea model, that there would be a reduction in vehicle miles traveled.

COMMISSIONER HOMIAK: Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Nancy? Did you summarize the remaining recommendations of staff?

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Okay. Could you --

MS. GUNDLACH: Happy to do so.

CHAIRMAN STRAIN: -- tell us which ones. I think there were -- let's see. There were 11. Which ones of the 11 are we still staying with from your view?

MS. GUNDLACH: Okay. Do you want me to go through them one by one, or I can just generally --

CHAIRMAN STRAIN: Tell us the numbers. I think that's all we need to know.

MS. GUNDLACH: We're going to be keeping No. 1, 4, 5, 10, and 11, and we are just -- are going to be revising No. 6 to state SDP and PPL. Those are the ones we're keeping. All the others we are removing.

CHAIRMAN STRAIN: Okay. So the ones that you're removing are --

MS. GUNDLACH: Okay. We're removing.

CHAIRMAN STRAIN: -- 2 and 3. Two is about the SRA statement of suitability criteria. Three is the ratio of multifamily to single-family that was brought up by -- originally by Comp Planning.

MS. GUNDLACH: Four and 5 remain.

CHAIRMAN STRAIN: Six.

MS. GUNDLACH: Six has been revised. Seven has been removed; 7, 8, and 9 have been removed.

CHAIRMAN STRAIN: Okay.

MS. GUNDLACH: Ten and 11 remain.

CHAIRMAN STRAIN: Okay.

MS. GUNDLACH: And that's it.

CHAIRMAN STRAIN: Thank you. That's the summary I was looking for.

As far as the deviations go, I know we walked through all those, so I think we're comfortable. You've got a list. You know which ones -- you've got that all organized now. So, wherever -- if this gets recommended, those deviations will be concise when they go to the Board. Accurate.

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Okay. And let's -- yeah, I knew you were going to say correct. No, they're not going to be.

That takes us to the end, I think, of any questions. Anybody else have any questions of anybody before we close the public hearing?

(No response.)

CHAIRMAN STRAIN: Okay. We'll close the public hearing on this matter, and we'll go into discussions from the Planning Commission. Do you guys have anything you've got to say? Ned, go ahead.

COMMISSIONER FRYER: Thank you.

I have the utmost respect for Rich Yovanovich. He's a great lawyer. He's an advocate, and he's doing a great job as an advocate, and I always listen carefully to what he has to say; however, our lawyers are the County Attorney's Office, and they come to us not to advocate but to explain to us what the law is.

And we were favored with 14 points of consideration that we were -- that was explained to us that we could utilize when we apply whatever it is we apply to this process before we vote.

And No. 10 said, consider conformity of the proposed SRA with the goals, objectives, and policies of the Growth Management Plan.

And No. 12 said, consider the SRA master plan compliance with all applicable laws of the RLSA district regulations.

So what I take away from that is the sense that our responsibility is not a totally objective or pass/fail check-the-box kind of endeavor. If it were, I don't think we would need a planning commission but, rather, I think we have to bring to bear a number of skill sets, if you will, or points of considerations, including what I would call our own common sense to the analysis.

And when I apply my common sense in relation to the many thousands of words that have been put before us on behalf of the advocate on the issue of connectivity, my common sense tells me that the standard of connectivity has not been reached, and with Oil Well Road in there and with 15 dead ends, I don't see how you can responsibly get to a conclusion of connectivity. Thank you.

CHAIRMAN STRAIN: Anybody else? Karl, then Stan.

COMMISSIONER FRY: Do you want to go first, Stan?

(No response.)

COMMISSIONER FRY: So I'm just happy that I waited to speak after Ned today, as he always elucidates things so well.

I guess in the question that we posed to Jeff earlier, I would agree it does appear we have latitude and I think even responsibility to look at the objectives of the RLSA and see if this project as a village supports those objectives.

So as of now I'm -- I guess I'm -- my great question is, we have four villages ahead of us. I definitely view this whole process of the RLSA only working if it's a partnership between the applicants, the developers, landowners, and the county in working together to come up with a solution that not only gives them a profitable -- a viable project, but one that also supports the objectives of the RLSA to create something different in the east, seize the opportunity to focus the development, preserve natural areas, preserve key agriculture, protect natural resources, but create a different dynamic where we don't have the same thing we have in the west where we have gated communities and everybody is forced to travel only main roads in most cases to get where they want to go.

So there are a few objectives of the RLSA that I do think are key. I lament the fact that although we know Rural Lands West is not before us now, that a lot of the vision of the RLSA I felt was encompassed very well in the master plan that I saw for Rural Lands West, which was there was interconnectivity.

There were public roads through the middle of what are now becoming villages with interconnections between what are now the villages and outside of the villages. There were pathways. There was a large commercial section that was a destination, which I think was one of the objectives, and maybe not formally. I don't know if Ned would know better than I if it was formally part of it, but the idea being so that the people in the eastern RLSA did not have to travel back far to the west to get essential goods and services.

I'm not sure how I see a Publix and a couple of outparcels in 60- or 80,000 square feet as keeping people from having to make the long trip to the essential services. I note that there are some PUDs in our -- in the western side that do have public roads through them that seem to offer alternate routes to travelers but not at the detriment of the development. The Vineyards being one, Lely being another.

I look at this application -- and I have great respect -- Rich is a great attorney. Far better arguer of his points of view than I ever will be, so I always feel a little outgunned if I'm even attempting to express a different sentiment than, perhaps, you're stating up there. But I really would like to see these four village as they come through, and



November 7, 2019

this one being the starting one -- and I think it has no less responsibility than the others to support a success for the RLSA program.

And my opinion is more could have been done on this village to support the goals of the RLSA. Definitely, the great win here, which I think is inherent to the RLSA program, is that we're preserving over 5,000 acres to develop a thousand acres. That's a wonderful win, and I think that's kind of the foundation of the RLSA program.

Some agricultural land was sold after the town was withdrawn, thereby preserving some key agricultural, so preventing the premature conversion from agricultural to developed lands.

But when I look at some of the tenets of the RLSA, creative land planning techniques, I don't find that -- the mere fact that we're using credits and preserving land in order to focus a thousand acres of development, I don't find that in itself to be an example of creative land planning techniques.

I'm not able to see a lot of creativity in this plan. To me, this plan looks as if it's a gated PUD -- actually, two gated PUDs that are very similar to what would be in the western part outside of the RLSA that have simply been moved east and added to it a little bit of commercial as a requirement of the village.

I actually see this -- I don't know why this is not two villages. This is, to me -- it's hard for me to -- while I'm willing -- if there were other components that were present in order to satisfy the -- what I think are the objectives of the RLSA, I would be okay with the village center being south of Oil Well Road and really not easily pedestrian friendly or bikeable for the people to the north. Is -- crossing a two-, four-, or six-lane road to get to what is supposed to be a village center to provide internal capture, is that really bike and pedestrian friendly? Is that really an integrated single village with an integrated village center that serves all the people equally?

Certainly, it favors the people to the south side, and it becomes a little bit of a challenge for the people on the north to get to. So I really don't see the creative.

When it comes to bike and pedestrian friendly, I guess that -- this is on the subjective side, as we discussed.

I -- the position seems to be taken that we have neighborhoods with roads and driveways and that you can walk the sidewalks, you can bike down the roads, you can bike down the sidewalks. And that, in itself, is bike and pedestrian friendly. I guess I have a different vision of that; speaks to what Ned would say maybe is common sense.

Personally, I think you could -- it's a hard case to say that it's really a friendly biking environment to ride through 100 driveways and have cars backing out, pedestrians, kids playing. You know, who-all has golf carts, perhaps, in this case going down the street?

Bike and pedestrian friendly to me means you walk and you're really not at risk of being hit by a car, you're not at risk of being hit by other types of activities.

A bike path -- separated bike path or walking trail is bike and pedestrian friendly. I don't see why there couldn't be some accommodation for that in the thousand acres where there's a trail around the perimeter or through the center of it that is not competing with automotive traffic to get where you want to go. So I don't see that as bike and pedestrian friendly.

Diversity of housing types with a progressive urban-to-rural continuum as you move from the village center outward. I appreciate the commitments to split the multifamily between the north and south halves. I noticed in the economic plan there are over a thousand multifamily units that are predicted and proposed, but only 250 being committed to and only -- and no committed mix of whether they are apartments, condos, villas, townhomes, this type of thing.

I think that in order to build the case that is -- meets that criteria, there should be more definition about where these -- where these areas go and what the mix of diverse housing types might be in there. That is only two-and-a-half percent. Twenty-five acres is two-and-a-half percent of a thousand-acre proposal. And if we're supposed to have a propensity of the density toward the center, I don't see how you really meet that objective with that undefined footprint.

The increase from four-acre parcels to 25 acres, which has been requested, I don't have an issue with that on its own, but it does raise the possibility of one multifamily development that's in one small corner, one small area of this thousand-acre development. And by that, the whole requirement for this progressive urban-to-rural density

continuum is met. I don't feel it does meet that criteria.

And I think -- and this, I do not believe, is an official requirement, but to the extent that the RLSA is intended to create destination-type commercial areas where there really is -- there are enough services where people don't have to make a long trip somewhere, I'm not sure how we get there with the collection of villages with a minimal commercial footprint that really only provide a grocery store. There are many other reasons you have to travel other than a grocery store, although that is definitely a main one.

So I really -- I see this as almost two villages rather than one. I sure wish we were talking about a town here. I was excited at the prospect of being part of the group that gets to preview the next RLSA development for a town. I think it's really important in terms of being a precedent for future developments, and I just find myself -- and I believe the applicant spent millions of dollars to develop the town. So I just find it unfortunate that we're here talking about a village. And I believe the reaction, understandably, is that the town, for whatever reasons, was economically not feasible. And so let's draw back and let's go for what we think we can get through. I believe we need to meet further in the middle to achieve the objectives of the RLSA.

CHAIRMAN STRAIN: Okay. Stan.

COMMISSIONER CHRZANOWSKI: Yeah, thanks, Mark.

One of the first things I do when I get a project like this, or most projects, is I ask for a LiDAR of the site because I can tell a lot from the flow of the water and the elevation of the ground. And I looked at this, and then I looked at the historic aerials. And I'm looking at the shape of the parcel.

I heard comments that nobody -- people don't like the idea of developing south of Oil Well Road. You could do the whole thing north of Oil Well Road. That's going to make an even worse situation than what you two guys are describing if you moved everything up to the north side. Just be more people. Well --

COMMISSIONER FRYER: I didn't say that.

COMMISSIONER CHRZANOWSKI: Okay. It's the impression I got. But, okay.

Anyway, I've looked at the shape of the parcel, and what could you do with it? The north parcel has a very bad shape for development. You know, too many thin areas. The south one is a little nicer. It's probably more easily developed into something that might look like one of the towns you guys are talking about.

But as I look at the plan they prepared, to me it looks like a logical alternative to -- a logical solution to what they're stuck with. They're pressed up against Golden Gate Estates. They're pressed up against an excavation -- you can see the -- on the LiDAR you can see the holes there -- that, eventually, I'm told, is going to become a PUD of some kind. They're probably going to fill in all the excavations, and that's difficult to do properly, but, okay, I believe it.

And the other side you have an area that's natural, part of a slough that starts up at Lake Trafford that is never going to be developed. So it's kind of isolated in there, and looking at what I see, I thought they did a pretty good job, and I'm not sure what else they could do.

Yeah, it would be nice to have a bike path, and it would be nice to have a pedestrian overpass so people could go from one side to the other, but I'm not sure that would accomplish that much. So I'm probably going to vote yes on this.

COMMISSIONER FRY: May I just clarify. If I mistakenly gave the impression that I only thought the development should be to the north of Oil Well Road, it really wasn't my intention.

It was more that -- I even -- with the village center south of Oil Well Road, I think, considering this parcel, which is all farmland, it looks like a very good place -- it makes sense for development overall.

I would even be able to look past the Oil Well Road cutting in in the middle if some of those other criteria were met to meet the objectives of the RLSA.

COMMISSIONER CHRZANOWSKI: Yeah. You never said no development south, but what you said was -- there were other people that said no development south of Oil Well Road. And what you said was you wanted all these amenities, and if you take everything that you want to do south of Oil Well Road, don't develop that and move everything north of Oil Well Road, your amenities are going to be a lot less, and your density's going to be greater, and your design is going to be a lot harder than if you spread the thing out north and south. It's a difficult parcel to design to.

You know, if you really want to kill it, I guess, not a problem, but...

CHAIRMAN STRAIN: Okay. Karen, did you have anything you wanted to say?

COMMISSIONER HOMIAK: No. I think they've pretty much said it all.

CHAIRMAN STRAIN: Okay. I have just a few comments. You know, there's been a -- we have a program that's going to come through for a restudy, and there's some things that should be addressed there. One of them that I understand is going to be addressed, it's something that was raised by one of the environmental groups about not having the original documents to understand how the NRI values became to be initiated, base issue apparently with the RLSA, and that's the piece that has disturbed me with this. I asked for a working document for the fiscal neutrality, fiscal impact analysis, and I was told no.

That helps me understand how you got to where you needed to be. When you can go in and see when the multipliers change, if they have an impact, that sure raises questions, which may be why it was not given to me. But if you don't have an impact, it settles questions. So I'm really disappointed that that document couldn't have been provided. I did it not out of a concern to find something wrong but to understand how the neutrality was proven. Without that document, I certainly have no faith in the analysis for fiscal neutrality, and I certainly don't know how the consultants we hired, if they didn't have that document, could have done the same thing. So that's a big issue with me, and it's one that I'm very disturbed over.

The second one is, I think the village interconnections can be made. They were part of the Rural Lands West submittal. There's no excuse not to make them. They were there, they can be made, and it's an opportunity to take some traffic off the road and keep interconnectivity among those villages, especially when that golf course is probably going to have members of a village nearby that maybe want to join it.

The diversity for the housing was insufficient. Yes, they're going to -- they say, well, we're going to 250 (sic) and we're going to have a mix of single-family. Well, that really isn't telling us how diverse it is. I think there could have been a better opportunity to show adequate diversity by the types of mixes, the types of units that they're going to have and provide what was referred to as a gradient density that would flow through the town. Even Comprehensive Planning says that was something that they had expected to see, and it's not there.

The issue of Big Cypress Parkway, I firmly believe the county has a right to ask for some reservation of that land. It was part and parcel to the basis for the approval of the Big Cypress Stewardship District, and it should have been -- the county's remiss, just maybe as the developer is. It should have been addressed decades ago or years ago, whenever it was. It wasn't -- it's not bad to ask for it now. We're not saying we're not going to pay for it or we're not going to work out provisions, but it would be nice to know we can count on planning a road system that that system's going to be part of rather than say, well, we're not sure where it's going to go, but it's going to impact a lot of other areas if it doesn't go north and south. And that part bothers me. We can't have enough of a commitment to count on it on a long-term planning basis.

The village center not being centralized because it's split by Oil Well Road. I mean, it's center, but it's split by a six-lane freight road, soon to be six-lane. That will do exactly what was referred to is probably end up with two separate gated communities. That's no different than all the PUDs we have in the urban area. And if -- I was the only one on this panel sitting here when the RLSA came through. It was supposed to be the new town concept, more of the Ave Maria style for what they came through and were asked to be.

Walkable communities. We were supposed to have a certain density, a certain quantity of everything. None of that seems to be sticking like it was when it was first presented. And this does not give us anything more than the PUDs we have in the urban area. I was expecting more out of that eastern area.

The deviations. I think it's interesting that we're stuck to the language in the code as not being a requirement in something that they have -- they're entitled to, but yet they have, at one time, up to 19 deviations. Now it's down to a different number. I think it's 14 or 15. So they don't have to stick to the language, but we're supposed to.

So for those reasons, I cannot go along with this plan, but at the same time, I'm not saying they don't have a right to develop. I just don't think this is the right plan for the way they've approached it. And I can't support it.

So with that, if anybody has any other comments or questions. Karl?

COMMISSIONER FRY: A question for you, Mark. When you mentioned the interconnection between the villages, that would also mean that the road -- at least one road through the village is a public road, correct? An

interconnection to a private gated community, is that really an interconnection, or does that meet your criteria?  
CHAIRMAN STRAIN: No. What I -- their original town plan on the south side showed two interconnections between the east and west portions. Those interconnections were there. We know they can be made. They should still be there. They should connect those villages.

Now, how they operate them to let people through and use them and converse, that's something that would come out during further review once we know we had them. But they would have to be open to the residents in some manner or form, kind of like -- we've got a similar problem going on with the -- I think it's the Orchards and some other place up in the north end of the Vineyards, and another problem going up like that in Heritage Bay that's potential.

So those things don't need to happen. We can fix them now. And I think that's part of what we're supposed to do for better planning for Collier County.

So, anyway, I hope that --

COMMISSIONER FRY: It does. I guess I wonder -- I wonder what the future of the RLSA is since we had a town that was very dynamically designed that did not survive, and now we have four independent villages coming, don't know what would come after that.

It seems to me -- I was reading through the RLSA restudy white paper, and it seemed like that -- this reality might have been the reason for an item that is to create an aggregation rule for villages if adjacent and under common or related ownership or control and judged to be part of a uniform plan of development, town standards should apply if aggregate size exceeds maximum village acreage.

So by coming through with all these one-thousand-acre maximum size villages but just slightly underneath the town requirement, all the advantages of the town with the larger commercial areas, the interconnections, the -- you know, just the more diverse housing, all those benefits of the RLSA go out the window, and I'm very concerned about that.

COMMISSIONER HOMIAK: I agree with you.

CHAIRMAN STRAIN: Okay. Well, enough said. Then is there a motion by anybody?

COMMISSIONER FRYER: I'll move to deny the application.

CHAIRMAN STRAIN: Based on the discussions that we've just had?

COMMISSIONER FRYER: Yes.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Second by Karen.

Any further discussion?

(No response.)

CHAIRMAN STRAIN: All in favor for the motion of denial, signify by saying aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Okay. Motion carries 4-1 for denial.

Thank you, all, for the three days' worth of effort and the 3,000 pages we received.

\*\*\*And that will take us to the next remaining item on our agenda, which is 9.3. It's PL20180002741, 3600 Radio Road CPUD located just east of the intersection of Airport-Pulling Road and Radio Road.

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

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

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

MR. EASTMAN: No disclosures other than what's in the public record.

CHAIRMAN STRAIN: Stan?

November 7, 2019

COMMISSIONER CHRZANOWSKI: None other than what's in the public record.

CHAIRMAN STRAIN: Karl?

COMMISSIONER FRY: The same.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: Same.

CHAIRMAN STRAIN: The public record, plus I spoke to representatives -- and I don't even remember who -- a couple times about they were having problems getting through the system. So we talked about the process and the time frame it takes and things like that.

Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Okay. Sir, if you don't mind identifying yourself for the record, it's all yours.

MR. GALLANDER: Yes, Mr. Chairman. My name's Ken Gallander. I'm a certified planner with RWA Engineering. Thank you for your time.

So we've got a petition in here. It's probably the complete opposite of what you've been dealing with, but each are important on their own face.

CHAIRMAN STRAIN: It will take about three days, you know.

MR. GALLANDER: I'm here on behalf of the owner and applicant for this item before you. I have owner representatives here and also members of the project team.

I do have a brief presentation for you. I'm more than willing to go through that for efficiency purposes. I don't know if you have any other thoughts on that, but --

CHAIRMAN STRAIN: Well, let me see how many questions we have. The presentation may help. Does anybody have any questions on this project?

COMMISSIONER FRYER: I have a comment.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER FRYER: I favor the project. And one thing that's -- that I noticed, though, and would point out to you and other applicants is there was reliance on the 2016 AUJR, and we've got the 2019 one in front of us. Now, I realize that maybe when the work was done, that was maybe more current. But when I look back which, of course, I'm going to do, to your credit, the 2019 numbers are more favorable to your position than the '16. So I don't have a substantive beef with that. I guess that's because some construction was resolved elsewhere. But I just -- in the future I'd prefer that we use the most current. And if you have to come in -- if your traffic expert has to come in and do an amendment or just an update, that's helpful.

MR. GALLANDER: Understood.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Well, you know what? You don't need to do a presentation. I think we've all read it. It's a pretty simple project. But we'll see if there's any public speakers. And if there are, you have an opportunity to rebut.

MR. GALLANDER: Yes. If I may, we are concurrent with the staff report and recommendations, so I just wanted to end with that.

Thank you for your time.

CHAIRMAN STRAIN: Thank you.

Are there any members of the public here for this item? And, Ray, you probably don't have any public speakers.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Okay. You certainly don't need rebuttal. But let's try a staff report. And, Jeremy, I want to compliment you. That was a very well-done staff report.

MR. FRANTZ: Thank you.

CHAIRMAN STRAIN: Whatever you did to figure out how to do it so well, congratulations.

MR. FRANTZ: I have one minor change to the -- to point out in the PUD document. Other than that, the

application is consistent with the GMP and the LDC, and we recommend approval.

CHAIRMAN STRAIN: What's the change?

MR. FRANTZ: The change is on -- is to the Tract P preserve in the PUD document. Under the accessory uses, there is -- there's a reference to the LDC but no actual LDC citation, and I think that that should be referencing Section 3.05.07.H.1.H.

CHAIRMAN STRAIN: It doesn't hurt anything, and it helps clarify it. Does the applicant have any objections to that?

MR. GALLANDER: No, sir.

CHAIRMAN STRAIN: Is that all, Jeremy?

MR. FRANTZ: That's all.

CHAIRMAN STRAIN: Any questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. No public -- there's no public speakers, and you don't need to rebut anything, so we'll close the public hearing. Is there a motion?

COMMISSIONER FRYER: I'll move approval of the PUDZ as presented.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made and seconded. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

That was as quick as it could possibly be, and it's a relief after the last one for several days, so thank you very much.

MR. GALLANDER: We appreciate staff and your time. Thanks.

CHAIRMAN STRAIN: That takes us to the end of our agenda. I believe -- make sure -- I think -- there's no new business that I can find on here. There's no old business. There's a no public left for comment.

Is there a motion to adjourn?

COMMISSIONER FRYER: Let's be out of here.

CHAIRMAN STRAIN: Okay. We're out of here.

COMMISSIONER FRY: Second.

CHAIRMAN STRAIN: Seconded that. We're -- all in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

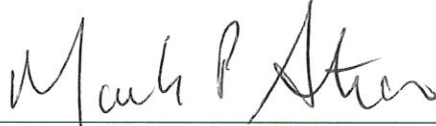
CHAIRMAN STRAIN: We're out of here. Thank you, all.

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November 7, 2019

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 1:40 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

These minutes approved by the Board on 12-3-19, as presented  or as corrected \_\_\_\_\_.

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