

October 3, 2013

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
October 3, 2013

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
Stan Chrzanowski
Brian Doyle
Diane Ebert
Karen Homiak
Charlette Roman
Mike Rosen

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney
Ray Bellows, Zoning Manager
Thomas Eastman, Real Property Director, Collier County School District

CHAIRMAN STRAIN: Now Ray, if you've watched last Friday, Mike was racing to get to that mic before I was so he'd keep me on my toes. So it was a contest.

MR. BELLOWS: I miss your tap, though.

CHAIRMAN STRAIN: I did tap. Yeah, he likes that.

Welcome, everybody, to the Thursday, October 3rd meeting of the Collier County Planning Commission. If you'll all please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you.

And this is a very special meeting compared to where we were last Friday. Last Friday we had a different board than we have today. And I'd like to introduce some new members.

To my right and everyone else's left is Stan Chrzanowski. Stan is our member at large representing the engineering hydrology segment.

And Mike Rosen you know.

Diane has been here from the last board.

Myself and Karen.

And Brian Doyle, a former member of the EAC. He's here representing District 4.

COMMISSIONER DOYLE: Good morning.

And then at the end is Charlette Roman. And she is with -- she actually resides in Marco Island, is -- and represent -- taking the environmental position as a member at large.

So welcome to all our new members.

And part of what we'll do this morning before we get into the cases is a little bit of housekeeping so we all are coming from the actually same position in how we should run the meeting.

So first of all, Karen, our secretary, would you do roll call, please. I think I just did, but I'll let you --
COMMISSIONER HOMIAK: Yeah, I would say, I thought you already did it.

CHAIRMAN STRAIN: -- do it officially for the board.

COMMISSIONER HOMIAK: Mr. Chrzanowski?

CHAIRMAN STRAIN: Stan.

COMMISSIONER HOMIAK: Stan.

COMMISSIONER CHRZANOWSKI: Close enough.

COMMISSIONER HOMIAK: Stan?

COMMISSIONER CHRZANOWSKI: That's close enough.

COMMISSIONER HOMIAK: Mr. Rosen?

COMMISSIONER ROSEN: Here.

COMMISSIONER HOMIAK: Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Mr. Doyle?

COMMISSIONER DOYLE: Here.

COMMISSIONER HOMIAK: Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: You forgot Mr. Eastman.

COMMISSIONER HOMIAK: Oh, geez, I was all confused. I was thinking about Stan's name.

CHAIRMAN STRAIN: That's right, Tom. Welcome back too. You sit there sometimes, and we don't -- just -- don't even know you're there.

COMMISSIONER EBERT: Yes, we do.

CHAIRMAN STRAIN: The sunshine workshop that new members normally have, has that been scheduled yet or are we in the process of scheduling that, Heidi?

MS. ASHTON-CICKO: I have not gotten a date from Jeff yet on the scheduling of it, but do do have a link that I can provide you where you can see a video of the prior Sunshine Law presentation.

And aside from that, if anyone has any questions, feel free to contact me directly.

CHAIRMAN STRAIN: Thank you.

**That was under addenda to the agenda.

And while we're at it, Ray, is there any other changes to the agenda?

MR. BELLOWS: I have no other changes.

CHAIRMAN STRAIN: Anybody on the Planning Commission have any suggested changes?

(No response.)

CHAIRMAN STRAIN: Okay, under the chairman's report, I'm going to do those housekeeping matters, so we'll get down to that in a minute or two.

Planning Commission absences. Our next meeting is October 17th. And does anybody today know if they're not going to be able to make it on October 17th?

(No response.)

CHAIRMAN STRAIN: Okay, approval of the minutes. We only -- the minutes that we have are from the September 5th meeting, and the only members here that were on that panel at the time are Diane and Karen and Mike and myself. So I'm going to ask that a motion from one of those four and those four will be the only ones needed to vote. I don't think you guys want to vote on something you weren't here for.

COMMISSIONER HOMIAK: Motion to approve.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Motion made by Karen, seconded by Diane. Discussion?

(No response.)

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

CHAIRMAN STRAIN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Make the four affirmed and the three abstentions were Brian, Charlette and Stan.

Ray? Ray disappeared.

**BCC recaps?

MR. BELLOWS: I don't have the recaps.

CHAIRMAN STRAIN: We'll just do it next time, okay. It was next on the list, sorry.

Under the chairman's report we have a few things I want to mention. Normally when we have a meeting and we have a case, we have what's called a consent hearing. During the presentation of the case and the actual day the case is discussed we'll make a recommendation. And then what happens, staff makes any changes needed, if there are any, and they come back on the next meeting with what's called consent. And that's really not a time to change your vote, it's a time to acknowledge that what staff in the rewrite included all of our comments and our critique.

And so that's a standard process. It's accepted sometimes when an applicant is pressed for time or if we don't have any stipulations, and then we don't need a consent. But generally that's what will happen after today's two cases. Whatever -- if they go forward with recommendations of approval, they'll come back on the consent.

The other things, we have a couple rules that are helpful, especially for the court reporter. They have to type as fast as we talk, and I'm probably the worst one for talking too fast. But we've got to try to keep our rate of discussion at a lower level so that she can type and keep up with us.

Also, when you need to ask a question, we generally need to be recognized first so that people aren't talking over one another. When that happens, it's also hard for the court reporter to make an accurate record.

And then the last thing I want to mention, this is typically on our first meeting in October, we take a look at the slate of officers for the upcoming year and see what we want to do for chairman, vice-chairman and secretary.

And so I'll -- and this is as good a time as any. Currently I've been chairman and Karen is secretary. We don't have a vice chair; the vice chair left the position about four or five months ago. So we need to kind of see what we want to do with going forward.

Does anybody?

COMMISSIONER EBERT: Mark, I would like to have you continue on as president.

CHAIRMAN STRAIN: President?

COMMISSIONER EBERT: Chairman. Chairman of the planning -- for president.

CHAIRMAN STRAIN: What, will we have MarkOCare?

COMMISSIONER EBERT: MarkOCare care, yeah.

CHAIRMAN STRAIN: I don't have a problem with that. Does anybody else? Is that --

COMMISSIONER HOMIAK: I'll second.

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Okay, motion carries.

We don't have a vice chair. Karen has been secretary for a number of years now and she might -- if she would be willing, would that be something everybody would consider, to having her move up?

COMMISSIONER EBERT: Yes.

COMMISSIONER HOMIAK: Okay.

COMMISSIONER ROSEN: Second.

CHAIRMAN STRAIN: Motion made by Diane, seconded by Mike.

Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries. Thank you.

And secretary. Now that the secretary is the vice chair, does anybody have any suggestions on the secretary?

(No response.)

CHAIRMAN STRAIN: Diane too has been here for a long time. If --

COMMISSIONER ROSEN: I'll make a motion for Diane to be our secretary.

COMMISSIONER HOMIAK: Second.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Motion made and seconded.

All those in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

Thank you all. That takes care of most of the issues in the chairman's report except for one. Now, this is a biggie.

As you may have noticed -- well, everybody new hasn't, but in the last couple months I've converted over to electronic format. There's a lot of reasons why that's been good. First of all, it saves a ton of staff time, it saves applicant submittals. Right now for the planning commission there's over a dozen application -- packages needed to be distributed to a number of people, including this board.

By going to electronic we save not only staff effort, but all the effort we have in the paperwork that has to be displayed and sent to us.

If you notice, some members of the Board of County Commission are using iPads. They're county issued and they have a software on them that allows you to annotate PDFs. And the PDFs can be transmitted by staff electronically and so it's a nice system.

I've gotten used to it. It took a few times. I can honestly tell you, the first couple of times was hard to figure out how to find things. I'm not using an iPad, I'm using a computer I purchased because it has a bigger screen, but it's similar to what the iPad operation is like.

Now, next time we meet, October 17th, if you all would like, I've talked to the IT department, and they'll make a presentation to us about how this would work. And depending on that presentation, you all can make your minds up if we'd like to look at that as a format and then we could solicit the Board of County Commissioners for a budget item to try to convert over to some of it electronically.

Does that sound like something you all would like to listen to?

COMMISSIONER EBERT: Not me, but I like --

CHAIRMAN STRAIN: Diane?

Stan?

COMMISSIONER CHRZANOWSKI: I would prefer the paperless. As long as the screen was big enough to look at plans.

CHAIRMAN STRAIN: Okay. Anybody else got any comments? Because if not, based on that, I'll just have IT come and talk to us and we'll start out there and see if it works. They'll bring an iPad with them and hopefully we'll get an idea and a feel for it.

I have an iPad, but I'm -- I guess my eyesight's not as good as it used to --

COMMISSIONER EBERT: Yeah, that's the --

CHAIRMAN STRAIN: -- so I like the bigger screen. That's why I've got the Mac Book Air. It seems to do a better job for me. But I've had no trouble either way. I've used both and I still use both. So at least we'll give it a try --

COMMISSIONER ROMAN: That would be the consideration, Mark, would be the size of the screen and the clarity --

CHAIRMAN STRAIN: I agree.

COMMISSIONER ROMAN: -- but I could go either way. I think it's worth hearing about.

CHAIRMAN STRAIN: Okay. Well, then I'll confirm with IT for our next meeting, we'll do it towards the end of the meeting and see if we can proceed with that.

Okay, we'll move on to -- we don't have any consent agenda items because we -- knowing last meeting was the last meeting of that board, we did the consents concurrent with the meeting so we wouldn't have to carry anything over because there'd be so many of us that would be new.

We'll roll over into the first advertised public hearing. And after I announce the hearing, the

applicant -- there's an opportunity for all those who have had contact by anybody involving this case to acknowledge that as an ex parte communication.

**So first case up is PUDZ-A-PL20120001593. It's the Bay House Campus CPUD. It's on the Cocohat -- it's formerly the Cocohatchee River Trust PUD on U.S. 41 in the north end of town.

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

(All speakers were duly sworn.)

CHAIRMAN STRAIN: Okay, are there disclosures from the Planning Commission?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Mike, Diane?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Mike you got something?

COMMISSIONER ROSEN: Yes, I had a conversation with Rich Yovanovich.

CHAIRMAN STRAIN: By the way, we need to all keep our mics fairly -- about six inches from our face.

COMMISSIONER ROSEN: I've had a telephone conversation with Rich Yovanovich regarding this.

CHAIRMAN STRAIN: Okay, Diane?

COMMISSIONER EBERT: And I visited the site yesterday, saw Mr. Tierney, and I also talked with Alexis.

CHAIRMAN STRAIN: Okay, and I spoke with the applicant's representatives, Alexis and Richard multiple times, and various members of staff multiple times.

Okay, Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: I had some time to read through this and I circled a few things. I don't know if it's been addressed already, but here it says on Page 5, drainage on --

CHAIRMAN STRAIN: No, this is just for disclosures. This is what's called ex parte disclosure. If prior to today's meeting you have had any conversation with anybody involving that subject matter -- --

COMMISSIONER DOYLE: I have not.

CHAIRMAN STRAIN: -- then that's all you have to disclose right now.

COMMISSIONER DOYLE: I have not.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Yes, I had a conversation with Nicole Johnson with The Conservancy.

CHAIRMAN STRAIN: Okay, thank you.

And the way we operate the meeting, the applicant makes a presentation. At the end of the presentation, we try to ask our questions. Then we go into the presentation by staff. And at the end of the staff presentation, we again ask questions.

We go to public participants, more questions if we want. Then the applicant has a time to rebut or may add any concluding remarks to the things that were previously stated.

We break every hour and a half for the court reporter. And if we are not close to finishing, we take an hour break at lunchtime at noon.

So, okay, Richard, it's all yours.

MR. YOVANOVICH: Thank you. Good morning. For the record, Rich Yovanovich, on behalf of the petitioner.

I have a lot of people here with me to support the presentation, if necessary, and I'll introduce them.

I have Bud Negley and Peter Tierney. They are the owners and operators of the Bay House Restaurant and the owners of the property that we'll be talking about, the hotel.

Alexis Crespo with Waldrop Engineering is the professional planner on this matter; Ryan Binkowski is the landscape architect; and David Willems is the engineer. They're also from Waldrop Engineering.

I don't see -- he's not here. Tim Hall with Turrell, Hall and Associates is our environmental

consultant, and Matthew Craig is the architect working on this project.

I've put on the visualizer an aerial that outlines the property in question. It's outlined in red. It's not quite on the corner of U.S. 41 and Walkerbilt, but it does have access from 41 and Walkerbilt.

The existing zoning is the Cocohatchee River Trust PUD which was originally approved in 1988. And it basically predates today's comprehensive plan that was adopted in 1989.

This particular property, at the time it was zoned, it was zoned for 160 hotel units and 180 restaurant seats. It was determined by policy to be consistent with today's comprehensive plan, so the commercial uses on this property are consistent with today's comprehensive plan.

One of the requirements of today's comprehensive plan is when you rezone the property you can only rezone it to basically a similar use and it can't be more intense. So those are the parameters by which we're going through as we go through the analysis today for what we're requesting in the rezone application.

The existing document, as I mentioned, already allows hotel units and restaurants. It also allows the typical accessory uses you would have for restaurants. And in this particular case it specifically mentions boat docks as an allowed accessory use that exists today.

The request before you today is to basically rezone the property. The existing PUD has partially sunset. Obviously the restaurant was built in full but the hotel has not occurred, so it's partially sunset. So we're going through the process of rezoning the property to allow basically the same permitted uses. However, we are going from a 160-unit hotel to a 50-unit boutique hotel, and I'll take you through those plans and Matt Craig will take you through them as well. And to allow the restaurant to go from 180 seats to 400 seats.

Now, that's inclusive. We were being safe. In the restaurant seats we were also including seats that were -- basically are seats that are exclusive to the residents -- not the residents, the guests of the hotel.

As I said, the plan is to have a boutique hotel with specialty retail that you would typically find in a hotel.

When we look at the PUD document, you'll see we listed basically a lot of retail uses that you would typically find as an accessory use in a hotel, but we culled them out clearly just to be safe. We wanted to make sure that we didn't miss anything as an allowed accessory use in the hotel.

And it would also include meeting rooms, event rooms and workout facilities that you would typically find in a hotel.

What's unique to this particular hotel is the idea of having a small-scale culinary school that will be both an attractor to the hotel -- as an amenity people will come and stay for different length, you know, culinary training events -- as well as it would be open to people in the area to come and also take those classes.

So I would say that that's probably not your typical accessory use for a hotel. And we clearly culled that out.

I would like to put on the visualizer our proposed master plan. And -- now, this master plan varies slightly from what you have in your packet. And I've circled the two areas.

What this master plan shows is two areas of the docks that are beyond our property line. The master plan in front of you really only depicts the improvements on our property.

Recently I had a conversation with the Chairman about another project where we didn't show the extension of the road that's an entrance road to the property. Albeit basically it's a different project than the Livingston Road. But we didn't show that because it was not within our boundary.

Since that conversation I've asked that we show even the improvements that are beyond our boundary. You can tell that they're there if you look at the existing master plan in front of you they would need to connect. So there's a gap specifically on this dock there.

So we can go either way. We can go with the master plan that's in front of you or we could just simply substitute out this master plan that shows the connections of the docks. Whatever the Planning Commission wants to do, we're comfortable either way.

What you'll see on this master plan, which is different from the existing master plan, is the original master plan anticipated one large hotel building and a lot of parking associated with both of the improvements.

The concept is to go to a coastal resort village theme for both the existing restaurant as well as the future boutique hotel. And it's really patterned after the old Naples Hotel that used to exist.

And this is -- these are pictures of the old Naples Hotel that's really being used as the model, if you will, of the type of hotel and theme of architecture that we are seeking to achieve on this particular piece of property. And I can show you front, rear and -- those are other pictures of the elevations of the old Naples Hotel.

What I'm going to show you is how we've -- and Matt Craig can get into the more particulars of how this --

CHAIRMAN STRAIN: You know, that looks a lot like the Rod and Gun Club in Everglades City. Anyway --

COMMISSIONER HOMIAK: Probably were the same, you know.

MR. YOVANOVICH: And that is the rendering that Matt Craig has prepared for the architectural theme related to the hotel building that would be built on this site.

And that -- I'm going a little out of order in my presentation.

One of the issues that came up as to what is the actual height of this structure is believe it or not this flag pole counts towards actual height. And so does this area right here on the roof. That's what causes the actual height to go to 65 feet. And we had originally asked for 60 feet with an exception to go to 75 feet. Later on when we go through the PUD, I think it's less confusing if we go straight to a 75-foot actual height number.

But I wanted, while I had this exhibit up, to show you why we thought it was better to just go to an actual height of 75 feet.

The -- as I said, the concept is to have multiple buildings, smaller buildings on the campus, instead of -- instead of one big large building. And as we go through this presentation you'll see that basically what I consider to be the two principal structures -- and we need some clarification because it will impact I believe a discussion related to the development standards table.

But we have -- this is basically the hotel building where most of the units will be. This is the restaurant. Those are pretty easy to identify as principal uses. We have some accessory structures on the plan as well, and that is represented by these two buildings.

We have plans to put two of the hotel units in this structure right here as well. So my confusion, and we need some clarification, is does that now convert this building to a principal use because we have put two hotel units in that building. If it remains an accessory structure, then some of the setbacks that we've asked for are no longer necessary. But if it stays a principal primary structure because of the two units, then the setback requirements between structures are important. Because this would be a principal to principal use.

CHAIRMAN STRAIN: You know, Rich, this is the first meeting with a lot of new members. You could have picked a simple application.

MR. YOVANOVICH: I could have. And I thought it was simple.

CHAIRMAN STRAIN: Oh, my.

MR. YOVANOVICH: So I mean, those are the major issues.

But as you can see, the concept is obviously much more attractive, much more in keeping with the Naples theme and, frankly, a much better use of the site than the proposed 180-room hotel that would be your typical flag hotel. And it's probably not the right location for a typical flag hotel.

We have included in our materials a limitation on the accessory uses. And you'll see there's a limitation on the 4,500 square feet. And that is intended to only apply to the specialty retail. It's obviously not intended to apply to meeting space, offices, workout facilities. And we just want to make sure that that was clear on the record that that 4,500 square feet limitation is intended to only apply to the retail space.

And I'll take you through the PUD document and show you how we've addressed that as we go through the process.

We've asked for some deviations from the Land Development Code. A couple of the deviations are related to signs. One is a deviation to allow for just one sidewalk along the entry road off of 41, have it on the north side. One is it to address the interconnections with our neighbors. Another interconnection deals with -- I'm sorry, another deviation deals with our request to allow us to have an administrative review of

deviations, architectural deviations for the hotel. And that's become not an unusual request for deviations, so -- because right now PUD's can't go through that process if you're over a certain size building.

And then finally we're asking for deviations relating to parking. And those deviations are based upon the concept that you have a hotel that will be providing -- will be using some of the restaurant seats and the other accessory -- the other uses that -- so there's really not a need to meet the absolute code requirements for the restaurant. There will be some internal capture for the uses that would have separate parking requirements. So we basically asked for a reduction in the required parking, based upon the fact that there's on this campus is both a hotel and there will be internal capture for the hotel.

At this point I'd like to go through some of the changes to the PUD. And we can go page by page.

CHAIRMAN STRAIN: Rich, do you want us to interrupt with questions --

MR. YOVANOVICH: Any time.

CHAIRMAN STRAIN: -- as you go through the pages?

So as we go through, I'll turn to the members, and if anybody has any questions, we'll ask them then.

MR. YOVANOVICH: Okay, good.

This is Page 1 to the PUD. And we'll probably have to zoom in.

MS. DESELEM: Turn it the other way.

MR. YOVANOVICH: Will it work the other way?

MS. DESELEM: I guess not.

MR. YOVANOVICH: It works for me, but I don't think it works for the members of the Planning Commission.

One of the questions that came up in a meeting I had was the reference to SIC Code 5813, and that's basically your cocktail lounge/bar reference. And the question was do we plan on having a standalone bar separate from either the restaurant use or the hotel use.

Early on there was a thought of possibly doing that. At this point that concept has gone away. So we are proposing to move the reference to SIC Code 5813 down to the accessory uses so it would be accessory to either the restaurant use or the hotel use. It would not be a standalone cocktail lounge.

Under accessory uses, under item number eight labeled boats, there was a reference to boat ramps and dockage, not marinas. I think that became confusing. And we have no intentions of having people come and launch boats there. And that was clear in the neighborhood information meeting. So reference to that would be stricken. But we would keep the ability to launch kayaks and canoes from the site because those would be amenities provided to our -- those staying at the hotel.

So just to be ultimately safe, I think we probably should put kayak and canoe launch, if that makes sense to everybody else.

And number 14 is the reference to the cocktail lounges.

So those would be the changes we would propose to the first page of the PUD document.

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Rich, we need to spend a little bit of time on this one.

First of all, clarification on 1.A.1. You reference 50 rooms. In your neighborhood information meeting you've repeatedly said you're going to have 30 rooms. I believe you sent a letter of correction to all the members and attendees of that meeting that it's now 50 rooms, right?

MR. YOVANOVICH: That is correct. And the advertisement was for 50 rooms.

CHAIRMAN STRAIN: Okay. Because this project has an intensity review and it's based on the -- all the uses on the property. And your accessory uses are limited to I believe 4,500 square feet.

MR. YOVANOVICH: The retail portions of it.

CHAIRMAN STRAIN: And that's why I wanted --

MR. YOVANOVICH: And that's the next page. That will be addressed on the next page.

CHAIRMAN STRAIN: Well, for me they're on this page. See the accessory uses where it says B?

MR. YOVANOVICH: Yes, sir.

CHAIRMAN STRAIN: Okay. Let's start with number one. That should be after the word accessory uses.

MR. YOVANOVICH: Yes, sir.

CHAIRMAN STRAIN: Right? I mean, that's an introductory statement to the uses, not one of the uses itself.

Okay, then I want to get staff's verification. Here's what I'd like to do, Ray and Kay. Instead of -- this is abnormal, considering all the way we normally list accessory uses.

I went through -- I've been up since 2:00 this morning looking at this one and the next one, going through old PUDs, and I couldn't find one where we listed accessory uses like this before. Because what we normally do is typical accessory uses are allowed. We've got hotels all over the county and I don't know of one that had an issue necessarily with typical uses. Do you, Ray?

MR. BELLOWS: For the record, Ray Bellows.

I have not had any dealings with code enforcement in regard to hotels operating in such a way that those deemed accessory uses were questioned. So it is a little unusual to list them this way. But I can understand if they felt there could be a concern in the future, but --

CHAIRMAN STRAIN: Well, what I'd like to do right now is walk through their 22 -- or actually 31 accessory uses. And those that you would acknowledge on the record today are a typical use, we will take off the list and boil this list down to just those things that are not typical accessory uses so we also can then determine so there's no argument in the future what uses fall under that 4,500 square feet. Because they have accessory uses in here for like the boats and all the docks. Is that an accessory use that you would look at as part of that 4,500 limitation on square footage? Rather than have that argument go on in the future, let's get it ironed out today.

So let's start with number -- actually number two. Number one, I believe Alexis or Richard, if you guys disagree, tell me. Does number one belong there or should it be after the word -- as part of the introduction to accessory uses?

MR. YOVANOVICH: I think it should be number one. Because we have typically listed that as the catchall of anything that would typically be there.

CHAIRMAN STRAIN: Okay. So then if we leave that and we take out some of the others, that takes care of it.

MR. YOVANOVICH: That means they have been folded in, if you will, into number one.

CHAIRMAN STRAIN: And I see David -- I'll wait for David and Ray to get -- because that may have bearing on what we're doing.

MR. BELLOWS: I think before we get too far into this, it may make sense to make a point of clarification that to be truly accessory uses to the hotel, we would like some clarification. Are these intended to be internal to the hotel building and not freestanding structures on the site?

CHAIRMAN STRAIN: That's a discussion Rich and I got into yesterday, and that's what preceded why we're going to walk through this thing.

There was some confusion on that and so we need to get it clarified. Good point.

MR. YOVANOVICH: Well, therein lies the problem.

CHAIRMAN STRAIN: And by the way, I like your concept. And I'd like to see us find a way to pass this today. But it's got to be clean --

MR. YOVANOVICH: And we agree.

CHAIRMAN STRAIN: -- so that's why we have to go through this process.

MR. YOVANOVICH: And I understand. And that's why it's not as easy as it would appear, because we have multiple structures that we consider to be the hotel, okay? But then you're allowed to have accessory structures that are not physically attached or within the -- typical example, if you had a -- in a house if you had a separate garage it doesn't -- it's not a principal structure, it's your accessory structure. It's similar. We're going to put some of the accessory uses in a standalone building.

CHAIRMAN STRAIN: Well, then I think as we go through these, we need to talk about it. Because if staff, if you guys have a concern, tell us now today. So when he comes in for a permit we're not going into another process because something wasn't discussed here today. That's what the purpose of the meeting is.

MR. BELLOWS: Again for the record, Ray Bellows.

The concern that Kay and I have when we were reviewing these things is that certain uses like drug

store or the camera and photographic stores, that those are freestanding buildings. What would differentiate that from any other commercial retail type of establishment?

MR. YOVANOVICH: We're not advertising it. Remember, we're not --

MR. BELLOWS: But that has no bearing on whether you -- how you operate it. It's a use.

CHAIRMAN STRAIN: But see, I think part of that answer is in what's under that 4,500 square feet. Because they can't do very much, depending on what's under that 4,500 square feet. They're not going to build a self-standing store that's 10 by 10. It doesn't -- you know, it wouldn't make a lot of sense. So they may not end up with a lot. And that's why I want to find out what you all are including in the 4,500 square feet. And then out of that list find out what they would like to see as freestanding so we can resolve the issue.

MR. YOVANOVICH: Let me just tell you that the -- really, what that pertains to, as you know, most hotels have a gift shop or things like that where they do sell some medicines. We were being -- that's what the drug store use really goes to. We don't plan on putting a Walgreen's pharmacy in a hotel lobby. And if you'll look -- just like we don't plan on having a Barnes and Noble. I mean, those are things that are typically found in a hotel either in a separate, you know, gift shop or even a little -- you know, you have apparel shops in hotels. You have those types of uses. And we've listed those just so nobody can come in -- and maybe we were overly cautious. And we probably were. So just when we talk about drug store, that was the intent. It wasn't the intent to have a Walgreen's.

CHAIRMAN STRAIN: I know. And I understand (sic) that when I spoke with you. But unfortunately --

MR. YOVANOVICH: I know.

CHAIRMAN STRAIN: -- if something happens to your client and a bank forecloses, like the next project, and wants something -- or reads things differently, then we have problems.

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: So I don't want to see that happen again.

MR. YOVANOVICH: I agree.

CHAIRMAN STRAIN: So let's start out. And Ray and Kay, your guys are going to have to be part of this step by step.

So number two is the administrative offices. Would you consider that a typical accessory use or is it one -- and/or is it one that comes under the 4,500 square feet?

MR. BELLOWS: Those are typical accessory to any kind of establishment to have administrative offices.

CHAIRMAN STRAIN: And would it be included or not included in the 4,500 square feet?

MR. BELLOWS: I would think that would not be included.

CHAIRMAN STRAIN: Okay. I'm going to try to make notes on this as we go.

Okay, what about ATM?

MR. BELLOWS: That would be a machine, I suppose, and not -- that would not count towards that.

CHAIRMAN STRAIN: That would be a typical? I mean, would you question that when it came in or is that something you normally would allow in a hotel?

MR. BELLOWS: I think we would allow that.

CHAIRMAN STRAIN: David, jump in whenever you feel you need to.

MR. WEEKS: Thank you, Mr. Chairman. David Weeks of the Comprehensive Planning Section. My observation is, and we haven't had a chance, me and zoning staff, to have a lot of discussion on this because it did come up late. I think it's a good idea that we are going through this list and having some specific discussion on it.

The concern I have is that even if we determine that these various uses could be typically accessory to a hotel or motel, it really comes in to what is the size of the use, is it open to the public, and that goes back to where it's located.

I think it is relevant whether it's advertised or not. But also, if it's simply open to the public. If I as a non-guest can go and get my hair cut, if I can purchase items from the gift shop and so on and so on, that may suggest that it's -- is it really accessory.

CHAIRMAN LEFEBVRE: Well, that's why -- I agree with you. That's what spurred a lot of this

questioning. And I had that as one of my final questions to the accessories, okay, after we've now ironed them out, what are they? Are they open to the public? Can -- because you got a pass-by rate that was factored pretty high. And if the pass-by rate means that it's open to the public, then that's more proof we got a different level of concern.

MR. WEEKS: Right.

And I struggle with this, because most of these uses, at my reading of it, do seem like they would -- and I'm not the zoning staff, remember, I'm comprehensive planning perspective. And I'll explain in a moment where I'm headed with this.

The concern is whether it actually functions as an accessory use or not. It's not a question of whether a typical hotel could have a gift shop. Sure they do. Even this one only being 50 units. And some of that comes into the size. You know, for a hotel with hundreds of units, they might can have an accessory use of a barber or beauty shop with half a dozen chairs. How many chairs can you support with a 50-unit hotel or motel? And so that's just my perspective of the size of these and the accessibility of these listed accessory uses.

And where they come in relevant specific to the comprehensive planning analysis that is part of this petition, Rich touched on this earlier, this is a property that has zoning that is not consistent with the Future Land Use Map. This is not an area designated for commercial. However, it is consistent by policy. Policy 5.1 of the Future Land Use Element, Rich touched on this, does allow for a change to the zoning, so long as the zoning intensity is not increased. You know, look at the uses that are presently allowed, look at the uses that are proposed to be allowed. Are they in the same zoning districts or are they trying to upzone the property? That upzoning would not be allowed.

That's the first part of the test of whether or not the zoning change would be allowed.

The second test is the Comparative Analysis of Public Facility Impacts: Roads, water, sewer, solid waste, parks and recreation. I think that covers them all.

The comparison between the existing uses, the 160-unit hotel, I think it's a 180-seat restaurant presently, if I got the numbers right. But what's presently allowed, what would the public facility impact be for those uses, that development. And then what they are proposing, what would be the public facility impact.

You cannot result in an increase in that overall intensity. It is a subjective determination. The Future Land Use Element policy doesn't say if or how we should weight these is various measures of intensity. It doesn't say roads count more than water or wastewater or solid waste. Although historically in this county we have -- roads have been more of an issue for us. And so if anything, I'd say we have weighed the roads more heavily, but it is a subjective determination.

Well, they've identified in their comparative analysis the specific number of hotel units and restaurants seats that they are proposing and then they've included 4,500 square feet of accessory commercial uses. And then more specifically I understand it's now 2,500 square feet of accessory commercial uses and --

CHAIRMAN STRAIN: 2,000.

MR. WEEKS: -- 2,000 square feet of the culinary school --

CHAIRMAN STRAIN: Right.

MR. WEEKS: -- educational service.

And that kind of brings us back to your question, Mr. Chairman, of looking at these specific uses. The current language in the PUD says the accessory square feet applies to accessory commercial uses. Now it's being proposed as accessory retail uses.

So a couple of uses that immediately jump out to me are the barber and beauty shop. Those aren't retail uses, so if those are not counted towards that square footage cap, I'm telling you I don't believe those uses have been accounted for in their public facility impact analysis.

MR. YOVANOVICH: Can I -- let me try to make this less confusing.

CHAIRMAN STRAIN: Well, let David finish his train of thought.

MR. YOVANOVICH: Oh, I thought --

MR. WEEKS: I'm just about there. Because to me I boiled it all down to I think that either the commercial square foot cap should apply to those personal services. I think there's -- probably those are the

only two that I've identified that I think should be covered by the square footage cap or I would say they need to submit a revised comparative analysis to take into count those uses, however small they may be.

MR. YOVANOVICH: Okay, barber shop and what was the other one?

MR. WEEKS: Beauty shop.

MR. YOVANOVICH: Take them out. Take them out. If that's going to be the real issue, let's just take them out. But --

CHAIRMAN STRAIN: Well, it's part of the issue, but go ahead.

MR. YOVANOVICH: What I would say, if you were to go to -- I don't want to advertise for anybody, but I'm going to have to because I don't know another way of saying it. If you were to go to the Ritz, the Waldorf or you were to go to Naples Beach Hotel, I would bet you in some format you would see every one of these uses that we've identified as an accessory use as an accessory use in those hotels.

CHAIRMAN STRAIN: That's not the part we're disputing though.

MR. YOVANOVICH: But -- hang on a second. For purposes of the comparative analysis, I used to have the ability to do 180-room hotel with all accessory uses, all customary accessory uses. So if these uses -- if we can all acknowledge that in some form or another that is not an unusual accessory use to an upper scale hotel, there should be no distinction in the comparative analysis because I'm going down in the number of rooms.

CHAIRMAN STRAIN: But you're going double up in the restaurant --

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: -- and that's probably what offset the concern that narrowed you down to only 4,500 feet of accessory uses.

MR. YOVANOVICH: Because of the concern I believe as to whether or not the retail was really open to the general public. I think that's what David's saying is if people can come in off the street, not guests of the hotel. If we're basically advertising to the public come one, come all, come use these accessory uses, he would want me to do an impact analysis on what that use may or may not do regarding intensity.

Is that fair, David?

MR. WEEKS: That is.

MR. YOVANOVICH: Okay. So the only thing that I'm aware of, and I'm subject to being corrected, that we would invite people who are not staying at the hotel to use is the culinary school. The rest of these uses are intended to be for the hotel -- other than the restaurant, are intended to be accessory to the hotel guests.

CHAIRMAN STRAIN: Now we're going to get really deep into the weeds on this, unfortunately. I wish this had all been accomplished at the staff level before we got into it today. Unfortunately it didn't happen that way.

Because what you just said may change your pass-by calculations in your TIS, because you ran your TIS pretty tight and you had a 40 percent pass-by rate. Well, that pass-by rate in my mind means people can go in and use these facilities. That's part of the reason it's pass-by, but --

MR. YOVANOVICH: That was the internal.

CHAIRMAN STRAIN: You have internal and pass-by. You have two qualifiers. One is I think 15 percent, the other was -- there's two different percentages there. And that's the concern I have.

And I'll ask John to come up and address that, if he wants, but I don't know how you calculated a pass-by rate as high as you did if it wasn't open to the public. I don't know what value it would be then on a pass-by rate -- on a capture rate.

Well, we can turn to it if you want, Rich. But that's --

MR. YOVANOVICH: But that was on a determination of the impacts of the retail uses. So it would have been a conservative overstatement. If these uses really aren't going to be open to the public, there's not going to be traffic coming to it.

CHAIRMAN STRAIN: No, but the pat -- they're not going to be capturing people passing by either.

MR. YOVANOVICH: But it's not -- we're not --

CHAIRMAN STRAIN: The capture rate's not going to be there.

MR. YOVANOVICH: I'm clearly out of my --

CHAIRMAN STRAIN: And John's here. He can --

MR. YOVANOVICH: I know, we're beyond -- I can only go so far on those questions and I'll have to defer to John on that. But I don't think it's going to impact our transportation analysis.

CHAIRMAN STRAIN: Well, if it doesn't, that's fine.

MR. YOVANOVICH: It was really -- in my understanding, it was -- internal capture was for the parking deviation.

CHAIRMAN STRAIN: See, I don't think there's anything here that can't get resolved --

MR. YOVANOVICH: I know, I know.

CHAIRMAN STRAIN: -- eventually, it just would have been better if it had been resolved before it got here today. This is going to take a lot of time and process to go through every one of these. And there's a lot of questions. And not only do we have these to worry about, but there are other sections of this that as you are aware we had questions and others that weren't resolved in our discussion that are going to have to get resolved here today.

MR. WEEKS: Mr. --

CHAIRMAN STRAIN: Go ahead, David.

MR. WEEKS: If I could. I agree with Rich. I know we want to go through specifically the list, but in general I agree with Rich that these are typical accessory uses and that the existing PUD could allow these typical accessory uses and we wouldn't be blinking an eye, we wouldn't be talking about comparative analysis.

I think it really came about with the applicant's submittal of such a detailed list.

CHAIRMAN STRAIN: Right.

MR. WEEKS: In my mind it just started jumping out -- and with SIC codes and so forth it just started jumping out as to the question of whether or not these are going to function as accessory.

I want to pose the question to zoning staff -- well, Mr. Chairman, let me back up. I think one thing you said was you want to go through the list and if staff concurs that all of these are typical accessory uses, maybe we take them completely out of the PUD.

CHAIRMAN STRAIN: That's what I'm going to be suggesting, yes.

MR. WEEKS: I would suggest as an alternative. The other might be was, I think Rich just said this, would be to add language if we do leave the list in here, or some part of it, to add language that these accessory uses are only for the use of the guests of the hotel or the patrons of the restaurant.

CHAIRMAN STRAIN: Right. And that's my note --

MR. WEEKS: Again, it --

CHAIRMAN STRAIN: -- 32, yes.

MR. WEEKS: -- it tightens it up. And maybe even add language, we've done this before in PUDs, that say there'll be no advertising or signage or whatnot for those accessory uses, to help ensure that they function as accessory uses.

CHAIRMAN STRAIN: But see, that brings in two questions: Number one, you're going to be trying to sell these slots to someone to operate. And if you've only got a 50-room hotel, I'm not sure how that will -- I'm not sure you're going to generate enough business, but that's your -- that's more or less your internal issue.

But the other part is the freestanding. Ray's discussion about whether it's part of the principal structure or it's a freestanding, we need to resolve that. Because if we take these off the list as typical but they can't be freestanding, that may have another impact that needs to be resolved.

Now, I do not want to see this project, if it were to get approved, come back in in a few months from now with an SDP and find out you're getting tossed out because something wasn't realized and finalized at these meetings here today.

So David, do you have any position on whether it's a freestanding or part of the principal structure in regards to the intensity uses and the other analysis that you had to make from comprehensive planning?

MR. WEEKS: That was the question. I don't want to criticize the application. I think it was a good application. It's one of the few that I thought the first time around gave us a good comparative analysis. You know, kudos to the applicant. I think I told Alexis this. This is a good application.

But as we're getting into some of these specifics now, I question whether they should have even included -- so the error would be in their favor for including the comparative analysis showing the 4,500 square feet of accessory uses when, as I agreed just a moment ago with Rich, the typical accessory uses for what's already allowed there today would not be part of the comparative analysis. I mean, their analysis that they submitted only looked at the hotel and the restaurant currently approved. In their analysis they could just as well have assumed a certain amount of accessory uses for their use intensity.

So that's what I mean by it's in their favor. They have shown an impact for these accessory uses that was not shown for what's allowed today. So they've tilted it in their favor. They've shown more impact than the existing PUD would generate.

So again, in their favor. If we take that out, that shows an even greater reduction of intensity.

CHAIRMAN STRAIN: So you're saying from a comparative analysis viewpoint in these tables that they provided, they could have just put the restaurant and hotel principal uses and ignored the accessory.

MR. WEEKS: As long as we come to an agreement that these are typical accessory uses, yes.

CHAIRMAN STRAIN: Let's get that done. I like that approach.

What about the freestanding buildings, though? Where do we stand on that one? Who wants to jump in?

UNIDENTIFIED MEMBER OF THE AUDIENCE: Just connect them.

MR. YOVANOVICH: Well, if I connect them by a roof structure walkway, is that one building?

CHAIRMAN STRAIN: Well, that's something Ray's going to go have to jump in on.

MR. BELLOWS: They would not be technically deemed one building.

MR. YOVANOVICH: I had that feeling.

CHAIRMAN STRAIN: But see -- and Rich, you understand why I've got to get this resolved. And I don't mean to drag this out, but if we don't resolve this and you guys come in with an SDP and you get the wrong reading on it, we're going to have a mess.

MR. YOVANOVICH: But that's exactly why we were so detailed. We didn't want that mess.

CHAIRMAN STRAIN: But your detail also begs the question, how is this going to be analyzed when it comes in for an SDP.

MR. YOVANOVICH: If I had -- let me give you another example. The Ritz. I haven't been there since they remodeled so I'm assuming it's the same way. They had a spa. And if that spa is only -- and it was separate from the main Ritz building. If that spa is only open to Ritz guests, that's an accessory use. I don't know how you can say it's a principal use.

CHAIRMAN STRAIN: But you know their spa as well as the others are open to the public.

MR. YOVANOVICH: I'm saying, if it's only open to the guests of the hotel --

CHAIRMAN STRAIN: Then it's accessory.

MR. YOVANOVICH: -- it should be accessory and it would be in a separate building. So I don't understand the fact that it's a separate building. It should be a non-issue.

CHAIRMAN STRAIN: Well, I mean, that's a reading we've got to get from staff. I don't want you coming in for a permit and finding out you get denied --

MR. YOVANOVICH: I agree.

CHAIRMAN STRAIN: -- and everything breaks loose.

Well, let's walk through these uses and at the end of that discussion, Ray, maybe you can give us a reading after we see where these go on how you want to see this handled on its amendment.

MR. YOVANOVICH: You all have access here. I want to put the master plan back up.

CHAIRMAN STRAIN: Well, while you're on -- that plan right there, just on a quickie so I don't forget, how are you putting your main building so close to the preserves. You've got to be 25-foot setback. Are you avoiding that?

Well, it doesn't -- can you slide it down so we can see it?

MR. YOVANOVICH: We will be meeting --

CHAIRMAN STRAIN: Okay, because that's not how it appears here.

MR. YOVANOVICH: Again, these are -- again, Mr. Strain, as I told you, the reason it's not in the package --

CHAIRMAN STRAIN: But you put it on the record by showing it today.

MR. YOVANOVICH: No, these are conceptual plans on how it can be -- these are the plans that can be laid out. They are not the plans that are going to be the PUD level plans. It's to show you why we are asking for different setbacks between buildings. Because this is the concept, there's going to be multiple buildings on this site and we wanted to show you as we're going through this planning process the rationale for the request.

CHAIRMAN STRAIN: You intend to leave some of these copies with the court reporter for the record?

MR. YOVANOVICH: As long as they are not in any way interpreted as part of the PUD document, yes.

CHAIRMAN STRAIN: I think -- and basically if you show something at this meeting today, whether it's photographs or not, it has to be part of the record. So I will request that copies be left for the court reporter.

MR. YOVANOVICH: That's fine.

CHAIRMAN STRAIN: If this is -- and I understand you've got it on record it's a concept, and we'll look at it that way.

Fine, let's move on to where you were going to go next.

MR. YOVANOVICH: We were going through the list I think of --

CHAIRMAN STRAIN: You were pulling all this stuff off the --

MR. YOVANOVICH: I was assuming you were going to ask me what's in the two accessory buildings.

COMMISSIONER EBERT: Yes.

MR. YOVANOVICH: So I thought it would be easier if I --

CHAIRMAN STRAIN: Well, we still got to talk about that principal issue involving the two units you have in the small building --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- which is in the middle of the page. Ray and Kay will probably have to weigh in on that, because that will affect the setbacks you and I talked about with Alexis the other day.

Ray? That principal -- that building they have where they have two of the hotel rooms in it that is separate from the main hotel, how is that going to be looked at, as accessory or as part of the principal or another principal structure? Because that's a setback issue. It's either going to be five feet or whatever they've got, I think it's 10 feet versus five and 30 in the current PUD.

MR. BELLOWS: What's the use of that structure?

CHAIRMAN STRAIN: It's going to have two hotel rooms in it. Why don't you point the structure out on the overhead.

MR. BELLOWS: Then those are principal uses.

CHAIRMAN STRAIN: The hotel rooms are principal uses, yeah. So that would be considered a principal structure. That's why you need the reduced setback.

MR. YOVANOVICH: Yes, sir.

CHAIRMAN STRAIN: Okay. Well, then we have to take a look at heights in regards to the two buildings. A reduced setback from a 65-foot high building to 10 feet is one thing, but to a short single-story building is another.

MR. YOVANOVICH: Sorry, I got distracted.

CHAIRMAN STRAIN: Well, we'll have -- when we get to the development standards table we're going to have to figure out how to deal with that.

Boy, this is -- you guys, a lot of this should have been done before today.

Go ahead, Diane.

MR. YOVANOVICH: We thought it was.

COMMISSIONER EBERT: That's quite large just for two hotel rooms. I thought maybe your culinary school or meeting or something.

MR. YOVANOVICH: No, that will also house some of the accessory uses like the convenience --

call it convenience store, gift shop. Those types of uses would be in that building with two units above. Just like in this building right here, there would be the meeting space. I'll call it the typical -- you know, the convention type space. And then on the second floor is the culinary school. And then you have the main hotel building, which I think we all agree is the principal structure.

CHAIRMAN STRAIN: How big is that culinary school on this page; do you know?

MR. YOVANOVICH: I think it's about 3,000 square feet for the culinary school.

CHAIRMAN STRAIN: Okay, because your analysis showed 20 students and it was about 2,000 square feet, I thought. But if you're at 3,000 square feet from that and that other principal structure, so you -- I mean, you've narrowed down to how much accessory structure you have left. I mean, you're reducing --

MR. YOVANOVICH: Well, right. And I mean, I'm sure it's going to be a nice facility to hold weddings and things like that.

CHAIRMAN STRAIN: All the more reason we can consolidate this accessory list.

Ray?

MR. BELLOWS: In regards to this freestanding structure that will contain some of these accessory uses, I think I'm okay with a freestanding accessory structure if we include a condition that would restrict the advertising of those uses or signage on the roadside that would attract non-customers of the hotel to that facility.

CHAIRMAN STRAIN: When we get into our stipulations, if you'd help us write that and the applicant would review it, that would be a way to approach it then, it would be great.

MR. BELLOWS: Okay.

CHAIRMAN STRAIN: Ray, and one other thought. We've been focusing on the accessory uses listed here as part of the hotel, but at the same time they could be accessory to the restaurant, could they not?

MR. BELLOWS: Unless they're specifically noted. Because the way it's written in the PUD it could be.

CHAIRMAN STRAIN: Okay. Because right now in the restaurant you already have some of those. You have access -- I think you might consider them accessory uses. Are attached outside dining areas accessory uses?

MR. BELLOWS: That could be for either one.

CHAIRMAN STRAIN: Okay. Well, they already have those. How many square feet do you already have in the current structure, the restaurant? The reason being is out back, I just looked at the aerials last night, actually this morning at 4:00, and you have, according to the aerial, I've got a copy of it, it shows a strip of open seating on a deck out towards the bay in the back. And I notice you called for one out front as well. How many square feet are we dealing with there?

MR. YOVANOVICH: I don't think -- we govern the restaurants by number of seats. So if I have -- and I don't know the number. If I have 50 seats out on the patios, on the decks, that's 50 of the 400 seats that have been approved.

CHAIRMAN STRAIN: Okay. And Ray's fine with that.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Okay, good.

Let's go into the number four. We left off on ATM. Aparallel and accessory stores. Would that be a -- Ray, would you consider that a typical accessory?

MR. BELLOWS: For an upper end hotel, yeah, I would say that would be.

CHAIRMAN STRAIN: And would it be included in the 4,500 or not included? I think it would be included because it's commercial, right?

MR. YOVANOVICH: No, no, no. If it's accessory to the hotel and not advertised, David acknowledged we didn't even need to do the impact. It's only if the general public comes in that we need to worry about --

CHAIRMAN STRAIN: Okay. So it's just typical.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Then we'll go through quickly with the typical. And when we hit one that you believe is included in the 4,500 square feet that you've provided, let me know.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: What about number five? Ray, is that barber shops and beauty shops -- of course I think you said you're going to remove those, right?

MR. YOVANOVICH: Yeah, if it's going to create issues, take it out.

CHAIRMAN STRAIN: Okay. What about boardwalks and nature trails, that's a customary -- that's really in your preserves, isn't it?

MR. YOVANOVICH: There are boardwalks that are external to the preserves as well --

CHAIRMAN STRAIN: Ray, are those typical --

MR. YOVANOVICH: -- walkways.

CHAIRMAN STRAIN: -- accessories?

MR. BELLOWS: Yes, they are.

CHAIRMAN STRAIN: All the boat provisions here, I think you're probably better off because you have a need for a number of slips and all that, those would be better off listed. There's no then dispute over quantity.

MR. YOVANOVICH: I agree. And I would say that those are not counted because it's for the guests.

CHAIRMAN STRAIN: And they're not counted for the 4,500 square feet?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Ray, would you agree?

MR. BELLOWS: I do.

CHAIRMAN STRAIN: Bookstores.

COMMISSIONER EBERT: One question.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: Boat rental. This is for hotel guests?

MR. YOVANOVICH: Yes.

COMMISSIONER EBERT: So you're really not going to rent them, it's going to be --

MR. YOVANOVICH: They're going to pay. They're going to pay a fee, so I would say that's rental.

COMMISSIONER EBERT: Because in between in the NIM that's not quite the way it was presented. So you will be renting those then.

MR. YOVANOVICH: To the guests.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: On the bookstores, that's -- did I already ask you, is that typical, Ray?

MR. BELLOWS: I've seen them as part of gift shops and things. Though I think the intent is maybe just having a freestanding bookstore?

MR. YOVANOVICH: No, the intent was to make sure we didn't have someone comes in and picks apart our store and says you can't do these things.

COMMISSIONER ROSEN: Magazines, newspapers.

MR. BELLOWS: Those things are typically allowed.

CHAIRMAN STRAIN: Camera and photography supplies?

MR. BELLOWS: Yes, as part of that same concept.

CHAIRMAN STRAIN: Now this one, two caretakers residences. Are those what you're planning to put in that --

MR. YOVANOVICH: I made a mistake.

CHAIRMAN STRAIN: -- in that building that you're calling principal?

MR. YOVANOVICH: Yeah, I have to apologize to Matt and Alexis. I forgot we did -- I thought we had forgotten it. But those are the two units right here.

CHAIRMAN STRAIN: So the principal building isn't a principal anymore, it's an accessory.

MR. YOVANOVICH: My mistake.

CHAIRMAN STRAIN: Ray, is that a typical -- first of all, is it typical, and -- which it probably isn't, so it probably would be safe to leave it in. But is it part of the 4,500 or not?

MR. BELLOWS: I would think it might be. Or should be. Let's see what David --

COMMISSIONER EBERT: So that's where the resident caretakers are going to be?

MR. YOVANOVICH: Or the owners.

MR. BELLOWS: Okay, caretakers would not count.

CHAIRMAN STRAIN: Would not count towards the 4,500?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Child daycare?

MR. YOVANOVICH: So that is typical -- I'm sorry, I lost track.

CHAIRMAN STRAIN: The caretakers, we can leave it in, but it doesn't count as part of the 4,500.

MR. YOVANOVICH: Got it.

CHAIRMAN STRAIN: Child daycare services, Ray?

MR. BELLOWS: Yes, that would be an accessory.

CHAIRMAN STRAIN: As part of the 4,500 or not part of the 4,500?

MR. YOVANOVICH: I think it's not.

MR. BELLOWS: No.

MR. YOVANOVICH: I mean, it's open to the guests.

How about I tell you when I can open it up to the public I think would make the retail discussion much easier.

CHAIRMAN STRAIN: That's fine. Because we've got to get it on because we're going to drop all the ones that are typical --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- and then we're going to keep the ones in that are part of the 4,500. That way we know how to calculate. Or any ones that are questionable like the boats, because there's a quantity tied there.

David?

MR. WEEKS: I have a question for Rich. As we're going through the list, Mr. Chairman, most particularly the retail uses, I'm wondering if we could change this to gift shop and souvenir shop to include sale of T-shirts, books, the types of things that are listed separately here, instead wrap them all into one. It sounds like what the intent is.

MR. YOVANOVICH: Well, I mean, really, I think that -- I don't know, they may have someone who wants to sell more than T-shirts and sell resort wear and it be in a little -- separate from the gift shop. I don't think -- I'm not sure we want to do that. What I'm just saying is I think all of those -- honestly, the only thing I think on this list that's going to be open to the general public, if you will, is the culinary school. The rest of it is intended for the guests and their guests. I'm assuming you're not going to stop me if I'm visiting a friend of mine who's staying from out of town from going and visiting them at the hotel and getting a cup of coffee with them. I don't think that's the intent when you say guests.

CHAIRMAN STRAIN: Richard, I have no intention of launching a new career and becoming a cook, so I won't be on that property at all.

MR. YOVANOVICH: So I think other than that, and Alexis and everybody else correct me if I'm wrong, I don't think anything is really intended to either not be part of the restaurant or part of the hotel.

And then you -- you know --

CHAIRMAN STRAIN: Okay, well, let me run through this. Out of all of these we can list there, they're all -- I still need to know what's typical so you don't run into a brick wall.

MR. YOVANOVICH: I agree. I'm just saying, I don't think any of them should count to the 4,500 except for the culinary school. And then we could talk about if they're typical or not.

CHAIRMAN STRAIN: Okay. And as far as the culinary school goes, that would fall under number 27?

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: So it's not typical, it would be part of the 4,500, and there's going to be a maximum of 20 students, based on your analysis, right?

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Okay. So that still leaves you 2,500 left to put into some kind of retail that

isn't part of typical. Right?

MR. YOVANOVICH: Under our ultra conservative analysis, yes. But I don't think we have -- those are not our plans. I mean, we're not looking to be an outlet for a drugstore.

CHAIRMAN STRAIN: I just don't want you to come in with something and be turned down, Rich. That's why this is your opportunity to get it on record so we can get this -- and when I spoke to you about trying to figure out a resolution, this was --

MR. YOVANOVICH: Yeah, I agree.

CHAIRMAN STRAIN: -- one of the things we talked about as a process to get there.

Drugstores would be -- so we're looking at -- let's just read them off. And Ray, if you disagree with this, then just tell me, that will make it quicker.

MR. BELLOWS: Okay.

CHAIRMAN STRAIN: Drugstores would be typical; educational kiosks and shelters would be typical; entry gates and gatehouse would be typical; central services would be typical; fences and walls would be typical; food stores would be -- accessory to the Bay House Restaurant would be typical; floors would be typical; gift and souvenir shop is typical; jewelry store is typical; museum and art gallery is typical; parking lots are definitely typical; shops, personal service establishments, all that would be typical; physical fitness, those are saunas and gyms, they're typical; recreational uses and facilities including swimming pools, tennis courts, et cetera, they're typical.

Diane?

COMMISSIONER EBERT: The next one down I have a question.

CHAIRMAN STRAIN: Schools. This is where we have the maximum of 20 students, it's not typical and it's part of the 4,500 square feet.

COMMISSIONER EBERT: Okay. Do you really want to limit it to 20 people? I mean, you're saying it's 3,000 square feet. I would say probably 30, but --

CHAIRMAN STRAIN: Why don't we just -- let's just say leave it part of the 4,500. That limits it by whatever number --

MR. YOVANOVICH: And then we don't have a cap.

CHAIRMAN STRAIN: -- you can cap in the 4,500; does that work?

MR. YOVANOVICH: Fine.

CHAIRMAN STRAIN: David, does that work for you?

COMMISSIONER EBERT: We won't limit it to 20?

CHAIRMAN STRAIN: Time out.

THE COURT REPORTER: Mark, have you had coffee this morning?

CHAIRMAN STRAIN: I've had coffee this morning? I had to, I got up at 2:00. Am I talking too fast? I'm sorry.

Everybody that's new, don't do what I do. David?

MR. WEEKS: Mr. Chairman, I think where we're headed with this is that we've removed everything but the culinary school being subject to the cap.

CHAIRMAN STRAIN: Correct.

MR. WEEKS: And therefore their comparative analysis showed a 2,000 square foot culinary school. Well now it could be I think 4,500 square feet.

CHAIRMAN STRAIN: Correct.

MR. WEEKS: They could use it all devoted to that single use.

CHAIRMAN STRAIN: Correct. In order to remove it all, the applicant in discussions with me yesterday indicated as long as we got it on record that they're typical. That's why I'm still walking through it, so we don't have them go sideways later on.

So I think we're all on the same page. It looks like we're headed in the right direction.

MR. YOVANOVICH: We're going to cap it at 4,500 square feet then.

CHAIRMAN STRAIN: For number 27.

MR. YOVANOVICH: Right. Because everything is either an accessory use, typical or atypical.

CHAIRMAN STRAIN: Right. And the remaining few items that we didn't talk about is signs,

which are typical; water management facilities, which are typical; sporting goods and bicycle shops, to the extent they're accessory, they're typical; and the tobacco stores and stands. So everything is typical except for number 27.

So everything will be listed as typical accessory -- it won't be listed, you'll just be granted typical accessory uses for the hotel operation. And then you'll be separately listed a -- number 27 will become the one separate listing for culinary schools.

MR. YOVANOVICH: Boats as well.

CHAIRMAN STRAIN: And boats, I'm sorry.

MR. YOVANOVICH: And the two caretakers residences.

CHAIRMAN STRAIN: Yes. Okay, so we're down to the --

COMMISSIONER EBERT: Good.

CHAIRMAN STRAIN: Okay, caretaker, boats and schools. Everything else is typical, and that gets us past the first page.

MR. YOVANOVICH: All right.

CHAIRMAN STRAIN: We're moving ahead at lightning speed.

The last thing I want to mention, though, at the end, in the accessory listing, the third item we need to list, or fourth, whatever it will be, is that all accessory uses will be available to the users of the principal uses with the exception of the culinary school.

Is that agreed?

MR. YOVANOVICH: Yeah. Yes.

CHAIRMAN STRAIN: They're not open to the public is what it boils down to. With the exception of the culinary school.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. So people using the restaurant, the hotel, the culinary school get to utilize all the uses, but it's not open to the general public. And there will be no advertising indicating they are open to the general public.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay, Rich, you want to take us to Page 2?

MR. YOVANOVICH: Well, that makes one of my changes unnecessary. I was going to change -- on Page 2 we're going to address the culinary school and the list of accessory uses and we're going to put the 4,500 square foot cap there, correct?

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: Okay. Then I don't think we need to make any change to the development intensity, now that we've resolved what's accessory and not accessory and applies to the cap.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Here comes the easy part.

CHAIRMAN STRAIN: I hope -- you're going to put the development standards table up, aren't you?

MR. YOVANOVICH: I am. So let's do the easy ones first.

The Chairman asked us why we couldn't meet the current 40 feet from Walkerbilt. And we can. And the same thing for the accessory structures, we can meet that.

Water body, there really is no need for that setback.

We talked in my introductory comments about actual height. Instead of making it confusing with a footnote, just go to 75 feet actual height. So that's what we've done there and then we removed the footnote dealing with the -- what can go above 60 feet to get to 75 feet.

COMMISSIONER EBERT: Is just the pole and that little --

MR. YOVANOVICH: That's what we originally were intending to do with that footnote.

And in meeting with the Chairman, and I agree, it becomes a little bit simpler to just have a number for actual height.

So that's the changes we would propose to that page.

CHAIRMAN STRAIN: Anybody else like to talk about development standards?

COMMISSIONER EBERT: No, it was just -- Mark, it was a little confusing, because if you go back

to 2001 where they got the special exception just to go to 68 feet, and that would be the maximum. So that's why I questioned that. It's fine for the pole.

CHAIRMAN STRAIN: Anything else?

(No response.)

CHAIRMAN STRAIN: Rich, let's go back to the setbacks. When I spoke with you, it was 40 feet to both U.S. 41 and Walkerbilt Road. You've corrected it to 40 feet for Walkerbilt Road but you want 25 feet off U.S. 41. Why do you need the 25 feet when your building's set so far back in because of the preserves? And the 40 feet came from the prior PUD.

MR. YOVANOVICH: And honestly it may have been that I missed it when you said 40 feet to U.S. 41. Because my notes only had it on Walkerbilt. I don't think it's an issue.

CHAIRMAN STRAIN: I was just going by the previous PUD. I mean, you've got so much space between 41 and your buildings anyway, I don't see what difference it made.

With the exception of one thing that I saw this morning. Could you go down to the original site plan that you provided to us as the new site plan? It was on the overhead.

I need to see the 41 side. Keep going down a little bit more where your kayak launch is. You see that rectangle?

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: That's up in the uppermost right-hand corner. What is that?

MR. HALL: It's racks.

MR. YOVANOVICH: It's racks for the kayaks.

CHAIRMAN STRAIN: It's racks for the kayaks.

Now, I kayak and I know Tim does. How do you think you're going to get kayak there? I mean, my kayak's one of the lightest on the market but I can't see hauling it from that parking lot all the way over to that rack.

Tim, you need to use the mic. I'm just curious, you intend to park along 41, or how are you getting them there? I just don't know what you're doing with that.

MR. HALL: Well, that's why I put the racks there. They're only for the hotel guests. So the initial loading will be done along the dock with carts, you know, the little kayak carts, they'll be put out there, and then they're kept there.

CHAIRMAN STRAIN: Okay. So that's not going to be some -- the public's not going to keep them docked there and they're not going to be --

MR. HALL: It's accessory for the hotel guests only.

CHAIRMAN STRAIN: Good.

And you don't need -- that is an accessory, so then the setback issue doesn't come in to play on the 40 feet.

MR. HALL: Correct.

CHAIRMAN STRAIN: Good. Okay, now --

MR. YOVANOVICH: We're good?

CHAIRMAN STRAIN: Yeah, we're good.

Your setback from the Cocohatchee River -- you might want to leave that plan on. Is that current -- I know you got a setback from your property line, and therefore you own the submerged lands. And you're going to have to get a submerged land lease I assume for the dock that goes out past the property line.

MR. HALL: I need to stay up.

MR. YOVANOVICH: Do we have a lot of dock questions?

CHAIRMAN STRAIN: I'm just taking it page at a time.

MR. YOVANOVICH: I just want to make sure.

MR. HALL: No, the dock is over submerged lands, over sovereign lands. So whether or not we get a lease will actually be dependent upon the final submerged lands determination and how big that area is. It may be a consent of use authorization instead of a lease.

CHAIRMAN STRAIN: Okay.

MR. HALL: It's the same thing. It just means if it's small enough they don't have to pay for it.

CHAIRMAN STRAIN: Understand. I just wanted to make sure I understood that.

But when you get down by the restaurant -- if you could slide that up a little bit. The restaurant, Tim, and I looked at your delineations in your report. You had contours, and I think they were at 10-foot intervals, but I'm not sure. But some of them seemed to be close to that Bay House Restaurant.

For example, do you see that indentation that looks like it's right up against the deck? I think that outside deck was so it could overlook.

MR. HALL: Yeah, there's a little bay that --

CHAIRMAN STRAIN: Well, how do you keep a 30-foot setback if you're right on top of it? And it's not -- we found out today it wasn't considered accessory because you have tables out there.

MR. HALL: Oh, you mean from the preser -- you're taking about --

CHAIRMAN STRAIN: No, no, look at your development standards table. It says you have a 30-foot setback for principal structures from the Cocohatchee River. I'm worried that your current structures doesn't maintain that.

MR. HALL: Yeah. No, they actually -- well, from the river itself, that little basin is manmade. So it would be a -- that's like a landscape feature almost as part of it. That's manmade. The river boundary is the outside edge of that.

CHAIRMAN STRAIN: Okay. Are you comfortable that your restaurant is 30 feet back from the river?

MR. HALL: Yes.

CHAIRMAN STRAIN: Okay, that's what I wanted to make sure.

MR. HALL: And for the record, my name is Tim Hall, from Turrell, Hall and Associates. David reminded me. I forgot that.

You had also asked about the preserves, and there are going to be differing preserves associated with the county and the Water Management District.

The Water Management District states that the buffer to your preserve is actually included in your preserve calculations, whereas the county has those separate. So we have the 25-foot separation from the county preserve.

CHAIRMAN STRAIN: Okay.

MR. HALL: Which is that buffer to the preserve.

CHAIRMAN STRAIN: Okay. That's all I've got on the standards table. Richard?

MR. YOVANOVICH: My architect -- and I don't think this would be an issue, because we're -- in the next one you're going to have to me take it out anyway. The reference to number of stories --

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: -- can we just delete that?

CHAIRMAN STRAIN: We talked about that, yep.

Reference to number of stories goes out and I think it was --

MR. YOVANOVICH: Height is going to govern?

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: Right.

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: Setback on the western property.

MR. YOVANOVICH: Yes, ma'am.

COMMISSIONER EBERT: When I went to visit yesterday, they -- and I talked to Alexis -- they are the 40 feet back, which was required then? The main restaurant is.

MR. YOVANOVICH: Okay.

COMMISSIONER EBERT: Is there something that there is planned where you're going to go up to 15 feet there for the principal structure?

MR. YOVANOVICH: I believe there is plans for the restaurant to expand, and it would go in that direction. And that direction is closer to the -- where did my aerial go? Here it is. I guess not. Maybe it was

an older version. So can we live with what's existing, the setback?

COMMISSIONER EBERT: I'm going to ask Mr. Tierney a question then. Is --

CHAIRMAN STRAIN: You'll have to use the mic to answer, so --

COMMISSIONER EBERT: I'm really not disputing anything, but is that the kitchen that is towards the back there?

MR. TIERNEY: Where I walked you in the rain with the umbrella yesterday?

COMMISSIONER EBERT: Yes, yes.

MR. TIERNEY: Yes.

COMMISSIONER EBERT: Is that the kitchen?

MR. TIERNEY: Yes.

COMMISSIONER EBERT: Okay. If you're going to put in a 400-seat area, might you need to expand that kitchen area that way a little bit?

MR. TIERNEY: No.

COMMISSIONER EBERT: Okay, so you're sure. Okay, thank you.

MR. TIERNEY: No, not at all.

CHAIRMAN STRAIN: Your name for the record?

MR. TIERNEY: I'm sorry, I'm Pete Tierney with Bay House.

CHAIRMAN STRAIN: How do you spell your last name?

MR. TIERNEY: T-I-E-R-N-E-Y.

CHAIRMAN STRAIN: Thank you. I did one thing right for Cherie' this morning.

Okay, Rich, let's move on to -- I think the site plan's the next thing up. I think we've already talked about that.

MR. YOVANOVICH: Are we done with the site plan or are there more questions?

CHAIRMAN STRAIN: Anybody else?

MS. DESELEM: If I could, for the record, Kay Deselem.

CHAIRMAN STRAIN: Yes, ma'am.

MS. DESELEM: Could you go over what you decided those setbacks are going to be? Because I didn't catch them all. I'm not sure.

CHAIRMAN STRAIN: I've been making notes, so I'll send you my notes anyway.

MS. DESELEM: Okay.

CHAIRMAN STRAIN: The -- we're going to remove the water body line completely.

The actual's going to go to 75 feet.

We're going to add 40 feet from U.S. 41, because he's already volunteered to put 40 feet in for Walkerbilt, which the previous PUD noted.

We're going to remove the line with stories, where the story -- the last line on that diagram.

And I believe that's -- that's it.

MS. DESELEM: So you're not changing any of the accessory, just the principal structures?

CHAIRMAN STRAIN: Just the principal, yeah.

The only other question we had was the minimum distance between structures, and we currently have 30 feet. You guys wanted to go down to 10. You were going to verify whether that was going to -- 30 feet would work, and you've come back today with a conceptual plan. Doesn't look like 30 works there. Is that what you're telling us?

MR. YOVANOVICH: Well, I believe it will work with the determination that --

CHAIRMAN STRAIN: It's accessory.

MR. YOVANOVICH: -- that one structure that houses the caretaker units and other uses is an accessory structure, and you can have your accessory uses in a separate structure. I think then we can live with the 30 feet between principal structures.

Did I say that right?

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: So we need to make that change in the table, correct?

CHAIRMAN STRAIN: I had it on mine but I didn't talk about it. So yes, minimum distance for

principal structures is 30 feet. That's consistent with the existing PUD.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Now, let's go on to -- are there any questions?

(No response.)

CHAIRMAN STRAIN: We went through the site plan. Exhibit D is just the legal description. Exhibit E is your deviations. Are there any questions on the deviations from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: That is actually Page 6 of 8 of the PUD.

COMMISSIONER EBERT: Um-hum.

CHAIRMAN STRAIN: Yes, sir -- I mean, ma'am.

COMMISSIONER EBERT: We have not gone into the parking. Can we save that one deviation, then, number two?

CHAIRMAN STRAIN: Oh, no, if you have any questions on a deviation we're -- now is the time to ask them.

COMMISSIONER EBERT: Come to parking. This comes to parking.

This is where I talked to Alexis yesterday. We're way off on the parking. She was almost 100 short.

MR. YOVANOVICH: Well, let me -- I'm not sure we're 100 short. What we did was we looked at a parking analysis assuming a reasonable development scenario for the property to show how the parking deviation would work, which was our basis for -- and again, the basis for asking for the parking deviation was the uses that would exist on the site, there would be internal capture on the site, thus you shouldn't have to provide a parking space for uses that were already on the site. You shouldn't have to double park it.

So what we suggested is that there be a reduction in the parking requirements as set forth in the deviation. What was in your staff report and what was in our submittal was a reasonable scenario how we thought development would occur. There could be umpteen different permutations of how it could ultimately be developed, but we chose one and that's what's in there.

We were asked to look at how many spaces would we need if we maxed everything out and then with the 10 percent reduction we're asking for. And Ms. Ebert's right, we would need more spaces. But we really don't think we're ever going to max it all out.

But if we did max it all out, and you'll have to trust me unless we zoom out, that if we maxed everything out, which would be 400 restaurant seats, 50 hotel rooms, 4,500 square feet of specialty retail, we would need a total, if you gave us the 10 percent reduction, of 249 spaces on-site. That's what we would need.

COMMISSIONER EBERT: You know our sheet was completely different than that, though, don't you?

MR. YOVANOVICH: I do, and it was a develop -- it was --

CHAIRMAN STRAIN: Concept, right.

MR. YOVANOVICH: It was to give you a reasonable scenario of what we thought would fit on the site. But again, we gave you the maxes, but we got to -- we're going to have to meet the parking requirement minus 10 percent. And if we can't park it, we can't build it.

CHAIRMAN STRAIN: I think what you're asking for, regardless of the calculation --

MR. YOVANOVICH: Is a 10 percent --

CHAIRMAN STRAIN: -- because of the combination of events on the property, you want a 10 percent in parking, which is allowed, which we've allowed before --

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: -- and so it's not that unusual. So, that's what --

COMMISSIONER EBERT: No, I don't have a problem there. The only problem I had was the nine boat slips for parking. You're taking nine away for -- and I just don't see a lot of people kayaking to the restaurant. But --

CHAIRMAN STRAIN: Actually, they can motorboat too. That is a standard reduction in the code, so that one isn't a deviation, that's a code --

COMMISSIONER EBERT: So you want to go down to 249, or whatever?

MR. YOVANOVICH: It is what it is. Whatever we fit. But I just -- we were showing you a justification for why we believed a 10 percent reduction was reasonable. Frankly, if it were a bigger hotel, I would probably ask for a bigger reduction, because I think there would be even more internal capture.

COMMISSIONER EBERT: Well, and I also notice that they do have valet parking there, which is very important too.

Thank you.

CHAIRMAN STRAIN: Anybody else on the deviations?

(No response.)

CHAIRMAN STRAIN: Rich, deviation number three, and maybe is a question for Ray. The last sentence says the requested deviation is to allow a temporary sign or banner up to 48 square feet in area and a maximum of 12 feet in height. How long? It says temporary. So what does that mean? Temporary for 10 years, 10 days?

MR. YOVANOVICH: It's 28. Our justification asks for 28 days. And I had actually written a note on my -- when I was going through this again this morning that we need to add limited to 28 days per year.

CHAIRMAN STRAIN: Okay. I'll make a note too.

The next one is deviation number six. I just want to verify, this deviation is purely for architectural standards, not any development standards. Is that what staff understands it to be, and the applicant?

MR. YOVANOVICH: Right. The LDC already has provisions addressing deviations for non-architectural standards.

CHAIRMAN STRAIN: Right, I just want to make sure there's no confusion on that, so -- okay.

Let's move on to Exhibit F, Development Commitments. Anybody have any issues on Exhibit F, that's Page 7 of the PUD?

(No response.)

MR. YOVANOVICH: When we met, Mr. Chairman, you asked us to clarify in Section 4.1 who deems when a signal is warranted. So we added when deemed by Collier County to that sentence.

CHAIRMAN STRAIN: Okay. Does anybody else on the Planning Commission have any comments?

COMMISSIONER ROMAN: I have a question. I'm not sure, Mr. Chairman, if it's appropriate at this point or not.

CHAIRMAN STRAIN: Sure, always appropriate.

COMMISSIONER ROMAN: I had a question. Good to see you again, Rich.

I was wondering if you could go into a little detail talking about the boat docks just a little bit, the slips and what you envision there.

MR. YOVANOVICH: I'm going to let -- where'd Tim go? There you are. He's the dock guy.

MR. HALL: These -- the slips would be available for people to come up to the restaurant or I guess to the school as well, the hotel, whichever they wanted to do. But because of the limitations of the waterway, they'd be smaller, shallow drafted boats. It's a -- the Cocohatchee River is deemed an OFW, so there's no dredging allowed. The docks would be fixed wooden docks, and then, you know, normal with standard mooring for those. It would be bow-in mooring, so that the motors and everything are in the deeper part of the waterway.

COMMISSIONER ROMAN: That's what one of my questions was also, what is the water depth there?

MR. HALL: It's about two and a half to three feet at mean low water where the mooring would occur.

COMMISSIONER ROMAN: So could you consider maybe limiting the size of the boats that would be using that docking facility?

MR. HALL: Yeah, like with a draft restriction?

COMMISSIONER ROMAN: Yes.

MR. HALL: We could. But we could only enforce it when they got to the docks. If the boats are too deep we'd have to tell them they have to turn around. We can't control who comes up and down the river.

COMMISSIONER ROMAN: And so the slips themselves, what size boat were you planning to

have the slips accommodate?

MR. HALL: The slips themselves are I believe 22 feet -- 22. So you would be looking at a maximum of a 25-foot boat. But with a two-foot draft restriction, it would be more realistic to have probably 18 to 20-foot vessels.

COMMISSIONER ROMAN: One thing that I didn't capture in the package was the height of the dock over the water. Could you explain the dock height over the water? My question goes to the shading of the water from the actual dock itself.

MR. HALL: The standard around that we design to is 28 to 30 inches, which is the decking over the height of the water. If there are sea grasses or submerged resources there, they would go higher and increase the spacing of the deck boards so that you can get light penetration through the dock. But in the surveys that we did there were no sea grasses present at the site.

COMMISSIONER ROMAN: Would you be the same person I would ask something about the retention pond, or would that be different?

MR. HALL: That would be probably more the civil engineer.

COMMISSIONER ROMAN: Okay, thank you.

CHAIRMAN STRAIN: Did you want to ask that question now?

COMMISSIONER ROMAN: Yes, please, yes.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: The retention pond that's on-site, I read a little bit about it, but I would like you to go into more detail on what you're capturing and what your purpose of that pond is.

MR. WILLEMS: For the record, my name is David Willems. I'm a professional engineer with Waldrop Engineering.

The concept is is to catch all the runoff from the site and run it through a stormwater treatment system before we discharge it into the river.

COMMISSIONER ROMAN: Are you using that for irrigation or anything on-site?

MR. WILLEMS: I don't think there's plans to do that. It's not a very large lake, so it would be difficult to do that.

COMMISSIONER ROMAN: Have you planned some enhancements around the retention pond that might provide a more natural environment, such as grasses and things to landscape the banks of that retention pond?

MR. WILLEMS: I don't think we've gotten into the details of how exactly it's going to be designed. That could be something that would be there to make it look a little bit more appealing and also treat the water a little bit better than something that's just grassed.

COMMISSIONER ROMAN: I'm thinking for the habitat too. Maybe if we could consider putting some natural landscape more native to the area around that retention pond it might help with the habitat in the area. Thank you.

CHAIRMAN STRAIN: Okay, and that takes us I think to the last page of the PUD before we get into the balance of it, and we'll probably take a break. But does anybody have any questions through Page 8? (No response.)

CHAIRMAN STRAIN: Okay, let's take a break and come back at 10:45 and resume 'til lunch.

(Recess.)

CHAIRMAN STRAIN: Okay, everybody, welcome back from break. And we left off with a long dissertation by Richard to get through the PUD.

Rich, you want to -- you want to tell us where you want to go next, or where you want me to go next?

MR. YOVANOVICH: I'd like to go home, actually, but I don't know that you're going to give me that option. Go home with a vote in favor.

That concludes basically our presentation, unless you have specific questions regarding the project. And I think we went pretty detailed through.

CHAIRMAN STRAIN: I think when we wrap it up, I'll read you the list of stipulations that might work to solve the issues we discussed.

Other than that, anybody else have any questions of the applicant before we go to the staff report?

(No response.)

CHAIRMAN STRAIN: Okay, Kay.

MS. DESELEM: Yes, good morning. For the record, my name is Kay Deselem and you do have the staff report that is dated last revised 9/5/13. We also have staff members here, as you're aware, John Podczerwinsky and David Weeks.

And we've gone over the changes proposed. Staff is in agreement with them. I won't belabor the staff report unless you have questions, as it is part of the record. We are recommending approval. We have findings of fact in support of our recommendation.

The only thing I would ask in lieu of all the questions and discussions, that since we did talk about the kayak storage on the master concept plan, that that be labeled on the master plan.

And just a note that we need to change references to the Board of Zoning Adjustments to the Hearing Examiner, as that process has changed.

And then we have to add something about no advertisement for the accessory uses except for the culinary school.

Other than that I'm available for questions if you have them.

CHAIRMAN STRAIN: Okay, anybody have any questions of staff?

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: Maybe it's going to be Rich, I'm sorry.

Live entertainment.

MR. YOVANOVICH: We're going to have it.

COMMISSIONER EBERT: It's -- you're going to provide open space outside for --

MR. YOVANOVICH: We have -- the current campus has a green space area where we could have outdoor events. Obviously, it's going to be -- so yes, the answer is we're going to have outdoor events and we'll -- we'll do it as part of the normal county process for having those types of outdoor events associated with the hotel.

COMMISSIONER EBERT: I just --

CHAIRMAN STRAIN: You'll get a temporary use permit is what you're saying.

MR. YOVANOVICH: To be honest with you, I don't know the exact county process. Whatever the county process we would be required to do, we'll follow whatever the process is.

CHAIRMAN STRAIN: Go ahead. If you have any concerns, state them now.

COMMISSIONER EBERT: Well, I just -- I just don't want another Stevie Tomatoes. I --

MR. YOVANOVICH: I'm not allowed to have a bar. It's standalone. I'm not -- I mean, this is -- I don't think in any -- I just don't think that's a likely outcome that you would ever have a Stevie Tomatoes type scenario on this property.

COMMISSIONER EBERT: Okay. And as far as residents, there is quite a distance between -- you've got that five acres in between? Is that --

MR. YOVANOVICH: I'm trying to see where -- you have --

COMMISSIONER EBERT: It's not a problem, Rich.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: Anybody else have any -- this is kind of like a staff question -- a staff report. Anybody have any questions of staff at this time?

(No response.)

CHAIRMAN STRAIN: I have one or two of John Podczerwinsky. John Pod.

Pages 3 and 4 of the traffic TIS analysis, John.

MR. PODCZERWINSKY: Good morning, Commissioners, John Podczerwinsky for the record. And you said three and four?

CHAIRMAN STRAIN: Yes, it involves the --

MR. PODCZERWINSKY: The traffic study?

CHAIRMAN STRAIN: Actually, it's the table, Project Trip Generation, Average Weekly -- I'm

sorry, it's evaluation criteria, not the TIS.

MR. PODCZERWINSKY: Okay.

CHAIRMAN STRAIN: Here's what they did on the evaluation criteria. They came up with an impact to show that they're less than what was previously approved.

Included is the impact is an internal capture rate that was 20 percent and a pass-by trip generation that was 40 percent, based on the 40 percent for restaurant land use and 25 percent for other land uses. So they actually used a -- I'm not sure what the calculation was, if it was an average or not. But they reduced the trips by those two elements.

Would their pass-by rate or internal capture rate change as a result of the restrictions in discussions when regarding not open to the public?

MR. PODCZERWINSKY: It's a little bit of a long-winded answer, but I'll give it to you as briefly as I can.

I looked at this while you guys were discussing it earlier. The way that they approached in the traffic study, the original traffic study, was to maximize their pass-by reduction on the restaurant itself. The remaining pass-by reduction that was applied to the other uses on the site, which in this case was the hotel use, resulted in about a two percent reduction for internal capture on that use alone.

So taking that into context with your question, I think when you consolidate -- and forgive me if I misunderstood this, when you consolidate those other uses under the hotel use, I don't really think it has an effect ultimately.

CHAIRMAN STRAIN: Okay. So your analysis of the TIS originally doesn't change as a result of the things you heard today discussed in relationship to the public uses.

MR. PODCZERWINSKY: That's correct. I was following along. I was trying to follow the uses being moved into that singularity, and I believe you're right.

CHAIRMAN STRAIN: Okay. And you'll probably confirm that before it goes to the board.

MR. PODCZERWINSKY: That's correct.

CHAIRMAN STRAIN: Okay. That's the only question I had of staff.

So with that, we'll turn to public speakers. Anybody from the public wishing to speak on this item? (No response.)

CHAIRMAN STRAIN: That makes it real easy for Richard's rebuttal.

MR. BELLOWS: We had one person, Mr. Chairman, that did sign up. His name was Mike Small. He indicated he couldn't stay any longer, but he wanted to express that he was in favor of this petition.

CHAIRMAN STRAIN: Oh, okay. Well, good. I think with all the effort that went through the first couple of hours, we probably got to a place we can stipulate.

Rich, did you have anything else you wanted to say?

MR. YOVANOVICH: No.

CHAIRMAN STRAIN: Okay. Let me read to you the stipulations that I've written down so the board then can consider what they would like to do.

In our discussions today we have been presented or had the following stipulations:

We've got a new master plan that shows the full dock as they were basically planned. I would suggest that we include that that master plan be the one we use as a stipulation.

Number two, the renderings that were shown as part of the record be retained by the court reporter as for elevations and layout for concept.

Number three, the actual height will change to 75 feet.

Number four, they're going to remove use 5813 and it will be considered a typical accessory use. That's the drinking establishments.

Number five, they're going to remove the ramp and dockage item in the -- under accessory uses but leave the rest of the boat references and kayak references.

Number six, the uses that will be retained separately listed under accessory will be caretaker -- the reference to the caretaker facilities, again, the boats and then the culinary school.

And in talking with David Weeks, Rich, he made a suggestion I think is probably warranted. That instead of assuming all the rest of the uses are typical, to put some general statement in that the retail and

especially -- that the allowed accessory retail and specialty uses shall include, and then list the things that are being taken out. Not as shops but -- not necessarily as SIC numbers, but, you know, you've had a whole list of like all the lists you had -- all the different things you had there, newsstand, whatever it is, tobacco shop, list those so that there is no question in the future if things change.

David?

MR. WEEKS: Mr. Chairman, one minor tweak on that language. The retail and not specialty services, I think you said, but retail and personal services.

CHAIRMAN STRAIN: Personal services? Okay.

MR. WEEKS: That would capture the barber and beauty, for example, if they still want to keep that. There was discussion of removing it, but if they want to keep it, certainly no objection.

CHAIRMAN STRAIN: Okay. The next one would be the uses would not be -- the accessory uses would not be open to the public with the exception of the culinary school. It would be for guests only.

Number eight would be the standards -- in the standards table we're going to remove the water body line item. The actual will go to 75 feet. We're going to add 40 feet to the setback for principal uses from U.S. 41. We're going to remove the line at the bottom of the standards table that references stories. And we're going to add that the minimum distance between principal structures will be 30 feet.

Diane, did you have something?

COMMISSIONER EBERT: I'll just --

CHAIRMAN STRAIN: And the deviations, deviation number three, the temporary use for the signage will be limited to 28 days.

Number 10, we're going to add by Collier County to the deviation of -- oh, no, by Collier County to Item 4.1 under transportation.

Number 11, we're going to label the kayak storage facility as that's what it is on the master plan.

And number 12, there's going to be a change from the BZA to reference the HEX process.

Does anybody have any stipulations or changes that we might want to consider that haven't been listed?

Go ahead.

MS. DESELEM: Mr. Chairman, for the record, Kay Deselem.

I noticed that other than their little caption at the top of their master plan is not dated, so we don't have a revision date. It's always easier for us to have that title block in there with the revision date so we know we had the correct one.

CHAIRMAN STRAIN: Okay, so we'll add a revision date to the master plan.

Okay, does the applicant have any -- accept all those stipulations, have any problem with them?

MR. YOVANOVICH: We're good.

CHAIRMAN STRAIN: We're good, okay.

From the Planning Commission, any further discussion?

(No response.)

CHAIRMAN STRAIN: If not, does someone want to make a motion?

COMMISSIONER EBERT: I'll make a motion. I'll make a motion that we approve PUDZ-A-PL20120001593 with the stipulations just read.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER ROSEN: Second.

CHAIRMAN STRAIN: Seconded by Mike.

Is there any discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you all for your time. It's been an interesting struggle.

COMMISSIONER EBERT: I thought Stan never got to do his hydrology.

CHAIRMAN STRAIN: There wasn't an issue.

Okay, the next item up is PUDZ-A-PL20130000266. It's called the Bradford Square MPUD. It's on the corner of Livingston Road and Vanderbilt Beach Road.

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

(All speakers were duly sworn.)

CHAIRMAN STRAIN: Is there disclosures on the part of the Planning Commission? Start down at the end with Stan.

COMMISSIONER CHRZANOWSKI: I bicycle by this place all the time, but other than that, no, nothing.

CHAIRMAN STRAIN: Guilty by association.

Mike?

COMMISSIONER ROSEN: I had a telephone conversation with Richard Yovanovich regarding this project.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: I've had numerous conversations with Richard and with Wayne and with staff.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

COMMISSIONER DOYLE: No.

COMMISSIONER ROMAN: Brian -- okay. Charlotte?

COMMISSIONER ROMAN: Conversation with Nicole Johnson, The Conservancy.

CHAIRMAN STRAIN: Okay, thank you. With that, Richard, it's all yours.

MR. YOVANOVICH: Good morning. For the record, Rich Yovanovich, on behalf of the petitioner.

With me today is Josh Thorton with Resort Lifestyles Community; Wayne Arnold with Grady Minor and Associates; and Mike Delate with Q Grady Minor and Associates to answer any questions you may have regarding the project.

I put on the visualizer an aerial identifying the parcel of property we're here to talk about. It's a roughly 9.18-acre parcel at the northeast corner of Livingston Road and Vanderbilt Beach Road.

If you look at the visualizer you can see we have the Tiburon Golf Course to the north, we have the Bermuda Isles Apartments and Village Walk community to the south. And to the west we have, I believe, the maintenance facility for the Pelican Marsh Golf Club.

COMMISSIONER EBERT: Tiburon.

MR. YOVANOVICH: I don't know if it's for the Tiburon golf -- maybe for Tiburon -- you're right, Tiburon, sorry. Pelican Marsh is a little bit further to the west.

The growth management plan designation for this particular piece of property is the Vanderbilt Beach Road Neighborhood Commercial Subdistrict.

And by way of a brief history about how that subdistrict came into being, and I guess my -- some people have left that have been involved in that community. It was originally done by Wayne and myself. That parcel, and then if you go further to the east, this parcel, is part of the subdistrict.

We worked with several of the communities around Wilshire Lakes, which is a little bit further to the east. We worked with Village Walk. We worked with at that time WCI. I don't remember if we dealt with the apartment -- we did? We dealt with the apartment complex. So we spent a lot of time working with those communities to discuss primarily what type of retail they did not want to occur on that corner. And that is

where the restrictions that you'll find in the comp. plan were intended to provide limitations. On that parcel there's a limitation of 100,000 square feet for commercial uses. So the focus of that 1,000 square feet is for truly commercial type uses.

We then came through and did the Bradford Square PUD. I did that with Mr. Duane from Hole Montes. The current Bradford Square PUD is a retail-oriented PUD. It allows for mixed use with some residential in that project.

As Mr. Strain alluded to earlier in the other hearing, that property was acquired by a developer. The bank now owns that piece of property. I think it was 2011 we came through and did an amendment to the Growth Management Plan for this parcel, because there's also a limitation on the maximum size of any one user in that district of 20,000 square feet.

We met again with the very same people we worked with the first go-around about what uses could go above the 20,000 square feet, and we came up with I think it was three of them, furniture store, work-out facility and food store I think are the three that could go up to 50,000 square feet. And then we even added more prohibited uses to make sure the right type of retail if retail happened on that property would occur for the neighborhood.

We also recorded in the public records the deal restriction we committed to regarding prohibited uses, and that's been provided to staff.

I want to say about a year or so ago, maybe a little less than a year ago, Josh's group contacted the bank about putting senior housing on that corner. And I see Ms. Ebert smiling. But there's a contract for somebody who actually provides senior housing on that corner. And we went to our neighbors again before we even thought about submitting an application, so that we can ask them if we were to pursue senior housing on this corner is that something that you would support or you would fight? Because frankly, I didn't see any reason to do something that they couldn't support.

I would say that our reception was rather warm. They -- frankly, I think they loved the idea, they thought it was a great use on this property, and they said basically what can we do to help get this through the process as quickly as possible.

We then had our pre-app. We had some discussions with staff as to the limitations in the comprehensive plan, do the 100,000 square feet apply to that particular piece of property? The determination was for that use, the senior housing use, I think the consensus with us and staff was it's not a commercial use, senior housing is not a commercial use, therefore the 100,000 square foot cap did not apply, and we submitted a PUD application for what you have before you today, which essentially modifies the retail portion of the project to be consistent with the most recent GMP amendments and adds as a use 130 senior housing units as the project -- as an option for development under the project.

The reason we're not here purely on senior housing is because the bank, and I think it makes all the sense in the world as the owner of the property, didn't want to give up the retail uses they already have on the property in case the senior housing contract does not close.

So that's why you have before you the PUD you have before you, which is to retain the retail uses, add a 130-unit senior housing project as an allowable use.

We had our NIM, and the same people who we met with previously were very supportive at the NIM. Again, after the NIM was over came up to us and said hey, how can we help? So I believe that the community supports us. I believe it's consistent with the comprehensive plan.

I'm going to have Josh come up in a minute to tell you a little bit about his company, because they're new to the community, but to tell you about what he envisions on that site and the amenities that they provide. But I wanted to put up -- this is a little unique, so we're going to go -- today is the unique day. We have our old master plan for the retail development option and we have Figure 1 that's referred to in the development standards table as how the senior housing would be developed on the property.

I want to put up a little bit more detailed concept plan for you that I think Josh can talk from. But that's the concept plan. It would be -- you know, would be a single building. The middle part is the commons area and the two -- those are the two residential wings on the east and west side of the building and the two access points.

Josh will take you into the greater details. But it will be not the typical buy-in type of senior housing,

it will be rental. And I think the market is not a whole lot of pure senior housing rental units, independent units out there today, most of them require buy-in. This one won't.

With that, I'll turn it over to Josh, because I don't think it's terribly complicated as to the uses that we want to add to the property and the alternative development scheme for the property. I'll have Josh take you through what he does, and then there are a few minor changes to the PUD document that came up in discussion with the Chairman. But not very major changes.

So with that, Josh?

MR. THORNTON: For the record, Josh Thornton. I'm with with Resort Lifestyle Communities based in Lincoln, Nebraska. Appreciate you-all's time today.

Little bit about the history and background of our company. Resort Lifestyle Communities and Cameron General Contractors is our sister company, we've been around since 1989. We develop exclusively senior independent living communities around the country. Currently have nine in operation, two under construction, with another three in addition to hopefully this project here in Naples that will start here in the next few months and growing at a rate of six new communities per year.

As Rich had eluded to and as up here in the diagram, the project that we're proposing to build at the corner of Livingston and Vanderbilt Beach is a senior independent living community, three stories, 130 units. I've had great conversations with the neighbors in and around the site there, dating back to I think January of this year. Started our process initially with them, just wanting them to understand who we are and what we build.

We build the same community everywhere we go with virtually no changes. It's a very highly amenitized independent living community, so different from what's currently in Collier County, in that it's not a buy-in model or a CCRC model. So it's not an entry fee based model, it's purely a rental model. Our residents are with us for around six years on average. Our average resident age is around 80 years old.

Again, with a name like Resort Lifestyle Communities, there's a number of things that come along with that, and from an amenity standpoint.

Our community -- kind of one of our signature items is a 150-seat theatre that we utilize for a variety of different things. We have political debates there, church services. Again, for the residents we'll have rotary club meetings, Chamber of Commerce meetings, things like that. We've got a salon, barber shop for the residents. There's a bank that will typically have limited hours offices on-site, again for the residents, to meet their needs.

We have a small pharmacy, sundries gift shop, similar to what was spoken about earlier in the hotel case, again, for the residents. We'll have a local pharmacy that will typically distribute or deliver prescriptions through the pharmacy to the residents.

Our dining room has a commercial kitchen. We've got a formal and a casual side of our dining room, the formal side being more of a restaurant type experience where you're waited on by the wait staff. The casual side of the dining room is more of a buffet type experience but with a high level of assistance from the dining and kitchen staff. Our residents have food and beverages available to them 24 hours a day, seven days a week, 365 days a year through our grab and go area but also our concierge that's on staff 24 hours a day. And our live-in managers will prepare food for them at 2:00 in the morning. If they wake up and they want something made from scratch, they have a hankering for a pizza or a sandwich, whatever it is, that's prepared for them fresh on-site.

So a big portion of our independent living communities is really a community model, it's not a health or a needs based model, it's really designed to create a social structure and an environment where our residents can enjoy themselves, be well cared for, and carry on with life at whatever stage they are. So it's restricted to residents that are 55 and over.

And that is, you know, in a sense a summary of who we are and what we do. Happy to answer any questions. Also have some images and a power point, if anybody wants to get into this.

CHAIRMAN STRAIN: Does anybody have any questions of the applicant?

COMMISSIONER ROMAN: I have one question.

How many of the residents on average still drive their own cars?

MR. THORNTON: Very few. We have a shuttle bus and community transportation that we

provide. Everything in our communities is all inclusive, from the utilities, the food, transportation, everything. Typically what happens is somebody will have a car when they move in, and typically what will happen is within a very short period of time they find it's more convenient and much safer and better for them to use the community transportation. So oftentimes, whether it's their kids just taking the keys away or them finding from a convenience standpoint, it's just much easier for them not to utilize that vehicle anymore.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Okay, anybody else?

(No response.)

CHAIRMAN STRAIN: I'm not sure who I'm going to be addressing these to, but I don't think you probably would want to answer them anyway, but Richard likes this interaction.

MR. THORNTON: I let Rich take the bullets.

CHAIRMAN STRAIN: That's what he's paid for, huh.

Rich, on the -- and this is just some cleanup stuff for the future, and maybe staff will consider this too. In the NIM report that you guys provided, you did not provide the question and answer session that's ultimately the most important part of that for this board to know, because whatever answers you provide to the public are commitments.

Instead you just provided a statement, said the public asked questions and you answered them, basically. And from now on both for staff and for you guys, and Wayne, I expected he would have known this, we need the detail. We need the questions and the answers.

In that narrative, though, I found where you were asking for a maximum of 130 senior housing units and it's going to be 180,000 square feet. I didn't find the 180,000 square feet in the PUD but I did find it in the kind of brochure you copied that was part of the PUD application.

The reason that's important is it brings in this issue of how do we get there. You basically are asking for group housing for an FAR of .60, which is a deviation from .45. I went through the analysis of the 9.1 acres, and at .45 you come up to 179,946 square feet, which is 54 square feet shy of what you really want to build based on what you said at the NIM. And in discussions with you, we talked about .60 gets you to 239,928 square feet, which is more than I think you even expressed you may need.

I'm suggesting that you ask for FAR, your deviation be revised to a .5 FAR so at least we can cap your square footage then at 199,940 square feet -- and Cherie' just loves all these numbers -- and that will include all principal and accessory uses under the FAR, which means the carports would be covered under that.

Now, Ray, am I right in that assumption?

MR. BELLOWS: Yes, you are.

CHAIRMAN STRAIN: Okay. Does that work for you and your client?

MR. YOVANOVICH: So a carport counts towards FAR?

MR. BELLOWS: Well, it depends on how it's configured. But it's part of a -- the --

MR. YOVANOVICH: If you look at that plan, Ray, it identifies the parking.

MR. BELLOWS: It's off detached.

MR. YOVANOVICH: It's separate from -- I'm just asking, you know, because I don't -- the 199 for the principal is -- for the building, that works, it gives us the flex -- we said approximately 180 --

CHAIRMAN STRAIN: We got 180, so that gives you 20,000 over to fit in four carports.

MR. YOVANOVICH: I'm just asking if it counts or not. I don't know the answer.

MR. BELLOWS: Well, it depends on how it's configured. I didn't know they were detached. If they're open-ended carports, then they would not. But if they're kind of attached garage-like structures, then they would count.

MR. YOVANOVICH: Okay. And that's important so we know what to do to go back design-wise, okay. So .5 is fine.

CHAIRMAN STRAIN: Okay, that gets you at about 200,000 square feet. That's 20,000 more, and I don't know how you could eat that up if your main building is 180 and it includes most all the uses you've got on this thing, so --

But that brings us to how we look at this PUD, and that's been the biggest troublesome part that I've

had with this. The language in the -- I'm going to read it to this panel. And David's here I'm assuming to respond to this.

This is parcel one, it says: The parcel is located at the intersection of Livingston Road and Vanderbilt Beach Road. A maximum of 100,000 square feet of gross leasable floor area for commercial uses may be allowed. Allowable uses shall be the following, except as prohibited above.

And it lists retail and restaurant and office and other uses as allowed whether by right or by conditional use in the C-1 through C-3 zoning districts.

And further on it goes down to say there are additional uses that are not found specifically in the C-1 through C-3 but are limited, and that is general and medical offices, government offices, financial institutions, personal and business services, limited indoor recreational uses and limited retail uses and mixed use development, residential and commercial.

Then it says the maximum floor area for any single commercial user shall be 20,000 square feet.

Now, when you take that and you look at what they're asking for today, we're looking now with an FAR of .5, your looking at double the potential square footage. So my question to staff was how did we possibly get there. If we capped the square footage on this property, as we have capped square footage on -- most recently for those on this panel from the last few weeks -- Buckley, the Estates Shopping Center, Hacienda Lakes and many others that I've been looking at since early this morning.

If we have caps, how are they breached? How do we get to a point where it is breached without changing the GMP, since the language on the cap in this particular one is specifically in the GMP?

When I asked that question, I got an answer that I wanted this board to hear and I want it for the record. And I also asked staff to research as best they could prior to today, and I've actually done some of it now, where else we've applied this breach of that cap in Collier County. So that we have either a consistent application that we've provided to everybody else or a unique situation where this doesn't open the door for a precedent that we have to now apply backwards to projects we thought had caps.

And so, David, I'll let you try to explain it to us.

MR. WEEKS: Okay. Again, for the record, David Weeks of the Comprehensive Planning Section for the county.

Commissioners, the key as you were reading, Mr. Chairman, was: For commercial uses. These caps apply to commercial uses.

As many of you are aware, there are some uses, such as ALF nursing home, CCRC, the uses being requested here, that are listed in certain commercial zoning districts, including C-1 through C-3 but they're also listed in non-commercial zoning districts. They're allowed by conditional use in the agricultural zoning district and by conditional use in the various residential zoning districts. And we also have what's called a community facility zoning district which is a non-commercial zoning district that also allows this particular use and some others.

The comprehensive plan, specifically the Future Land Use Element's urban designation, allows for a variety of different lands uses including commercial uses which have to fall within certain subdistricts, allows for residential uses, and we have a density rating system to control or determine what density is allowable. And we have a variety of uses that are generally allowed, and those include essential services, safety service facilities, recreational and open space uses, and community facilities. And that grouping of community facilities includes things like private schools, public schools, churches, child care centers, social and fraternal organizations and these uses here, the ALF nursing home, CCRC type uses.

Those uses, those community facility uses, are allowed almost without exception throughout the urban designated area. So now coming down to this particular subdistrict, this subdistrict allows the C-1 through C-3 uses with a few exceptions. So the use they're discussing here, again the CCRC -- the senior housing as a group heading, senior housing use, which is allowed in the C-1 through C-3 zoning district but is also allowed in other zoning districts that are not commercial. And then again, the urban designation is allowed outside of commercial zoning districts.

So the staff position is the senior housing use is not a commercial land use, therefore it is not subject to this square footage cap that is specified in this subdistrict.

CHAIRMAN STRAIN: So anywhere in any of the PUD's or the overlays where we have a similar

commercial cap on commercial uses, that is only -- if those -- because C-1 through C-3 includes senior housing, then they all could have senior housing to whatever limit the FAR would limit them to.

MR. WEEKS: Mr. Chairman, I'm reluctant to agree to such a broad statement, because I have not looked at PUD's, but I have looked at each of the subdistricts in the Future Land Use Element and also the Golden Gate Master Plan. And the language varies. Some do specifically say commercial uses are capped at a certain square footage. Others will say the entire subdistrict uses are capped at a certain square feet. Some provide a list of land uses and say these are the uses allowed in the subdistrict and here's the square footage cap.

So if we narrow it to where we're saying commercial land uses have a square footage cap, then I would agree, Mr. Chairman, that that cap only applies to the commercial uses and not the senior housing uses, not a church, not a child care, not these other community facility institutional type of uses.

CHAIRMAN STRAIN: Even though the GMP says allowable uses shall be the following, then it lists the ones there plus C-1 through C-3, and that the maximum of those allowable uses is 100,000, and senior housing is one of the allowable uses in C-1 through C-3. But because it's already considered a CF, it doesn't have to abide by that standard of the cap.

Where else and have we ever done this before in Collier County? Do you recall any project where this has applied in this manner? Any overlay? Have you ever come across this before? I mean, I've been on this panel 12 years, I've never seen one where we've broached an -- in the 12 years I've been here and we've set caps, I have not understood this exception and I do not understand it today.

So I'm looking for a uniqueness to this, because I do like this project. It's a better project for that site than the commercial. And for that reason I think it should be approved. But I'm having problems with a precedent-setting issue and consistency as we go forward and what it means for some of the other projects that I found, and I will bring those to your attention, that have similar situations that the public surrounding them now, instead of looking at 150,000 square feet could be looking at 200,000 square feet.

And in this particular case if what you're saying is true, then not only do we face 200,000 square feet of this use but it doesn't depreciate or take away from the 100,000 already allowed in commercial. I know the restrictions at the site will to some extent, but theoretically they could have this plus the 100,000 commercial if they could fit it on the site.

MR. WEEKS: Right.

CHAIRMAN STRAIN: Okay. And then also in the CF uses, under permitted uses you have child care centers, churches, cultural and civic facilities, museums, the senior housing, parks and playgrounds, schools, social and fraternal organizations and educational services.

Now, if you take all those and apply the same standard you just said, that means they're all exempt from the cap. Under this one alone, if you go just to Bradford, number seven, child day care services, you could have those without affecting the cap. You could have number 19, which is Elks lodges, Moose lodges, things like that, membership organizations, they wouldn't fall under a cap. You could have museums and art galleries, which is number 22, they wouldn't fall under a cap.

Now, I agree, those are more benign uses, but because they're listed as the commercial uses requested and because they're listed under the C-1 through C-3, I think for full disclosure to the public, I doubt if anybody else has understood that this 100,000 cap meant 200,000 or 300,000 or whatever else we could come up with by this -- the way you're looking at it now, David. And I'm trying to figure it out, because I'd like to see this project approved, how this can fit in, we can buttonhole this thing into a unique position that doesn't open us up to a precedent as we go further in the future.

And -- go ahead.

MR. WEEKS: Let me see if I can remember what your first question was.

I don't recall a PUD or a zoning petition coming forward for any of these subdistricts that have these specific caps that ask for more square footage than the stated cap. I'm not aware -- this is the first one that I'm aware of.

CHAIRMAN STRAIN: Okay, so am I, so -- and you've been here longer than I have, so --

MR. WEEKS: This is the first one. So if we're setting a precedent, my thought is so be it. I don't think it's a bad precedent.

I don't think the intention, I don't -- in this particular case, I'm not going to speak in generalities for all those other subdistricts out there, but in this particular case I don't think the intention was for it to apply the commercial uses. Part of my rationale for saying that is because I was here, I was involved in that hearing process when the subdistrict was approved, when it was amended, when the PUD was approved. And it I think was amended once since then as well.

At the time that this subdistrict was approved back in 2005, I think, there was already an existing PUD for the easterly property, easterly property that's a portion of this subdistrict that we're not discussing today. And that PUD specifically was for the senior housing type uses. And there was discussion during the subdistrict hearing where in the creation of the subdistrict that easterly parcel that had the PUD for the senior housing uses was also going to be allowed commercial land uses. And my recollection is that's where most of the concern arose from surrounding properties, because they knew that a senior housing use was approved but now these commercial uses were being introduced as well.

That's why I also believe that this subdistrict specifically sets forth a FAR provision and square footage provision -- excuse me, number of units I think it is, provision for that easterly property but doesn't have the same specific language for senior housing on this subject tract. Because if it was known that senior housing was already allowed over there, and again, my recollection from the -- of the history of it was the focus was more on that tract as far as the impact on surrounding properties.

But I do believe that it is appropriate not to consider the commercial square foot cap to apply to these community facility uses. And I agree, Mr. Chairman, that the potential is there for the 100,000 square feet of commercial to be developed and maybe some additional square footage be devoted to one of these community facility type uses in excess of that 100,000 square feet, but I believe that it would be a limited amount. It's going to be self limiting. There's only so much you can place -- development you can place on a given piece of property. Once you get your 100,000 square feet cap and the associated parking, water management, and so forth, in my mind there's just not going to be a lot of room left for the community facility development.

Furthermore, as a generality, these community facilities uses are less impactful than commercial uses, the retail, personal service and office types of uses. The impacts as far as noise, hours of operation, traffic generation or attraction, et cetera.

There, try to make my answer as long as your statement.

CHAIRMAN STRAIN: No, that's fine. And David, I agree with a lot of what you said. I think this is the right project for this corner. And I always -- and since I've been here so long, I try to recall what we have done in the past and make sure we apply it consistently and fairly to all property owners as we go forward.

So, since Richard has done other projects in the county that are noteworthy, let's take one called Hacienda Lakes. As a --

MR. YOVANOVICH: Can I just -- before we go there, just correct one thing. The PUD we're requesting is an either/or option. It is not a combination of the two. So I just want that clarified on the record. It's either the retail or the senior housing. It's not -- I can't do both.

So I just wanted -- and that's on Page 1 of 15 in Exhibit A where it says a maximum development intensity of A, 100,000 square feet or B, 130 units. So I just wanted to clarify that.

CHAIRMAN STRAIN: So you're saying Page 1 of 15.

MR. YOVANOVICH: Uh-huh. Under permitted uses, the first sentence. I didn't read the whole thing, I paraphrased it.

CHAIRMAN STRAIN: Or, yeah, I see it now, okay, I see that now. That's fine, thank you. I appreciate it. But that does bring up a question, though, on what I'm now going to say.

One of your other projects called Hacienda Lakes. Tract C, commercial permitted uses: up to 327,500 square feet of gross floor area of retail land uses and up to 70,000 square feet of gross floor area of professional medical office.

You get into number 26, senior housing for persons of age 55, limited to independent and assisted living facilities, CCRC's and nursing homes. This housing is included in the retail square foot limitation and no greater than 450 senior housing units shall be developed in this entire MPUD.

Now there it's part of the cap.

MR. YOVANOVICH: We specifically discussed it.

CHAIRMAN STRAIN: Okay, and so -- but what we didn't discuss because of this interpretation, in that same PUD, you have child care services, schools and educational services, and membership organizations, political organizations, professional membership organizations, public-private parks and playgrounds. So what you're saying in Hacienda for you in in the future, you would not have to restrict the 327 depending on if you used any other uses that were approved.

Is that what we're taking out of this? Because the same thing applies to your other project which was real popular, the Estates shopping center. That one has a limitation of 150,000 square feet but it also has in its allowed uses some of the exceptions to the CF that David is now telling us about.

MR. YOVANOVICH: Mr. Strain, the one that's burned in my brain is the Estates. And that was an absolute cap. That was an absolute cap. I don't remember the details of Hacienda Lakes on that language, and you read it too quickly for me to do that and I'm not really here to address Hacienda Lakes. But there are distinctions, and I remember the Estates like it was yesterday. That was a hard cap.

CHAIRMAN STRAIN: I remember it too, Rich, unfortunately.

MR. YOVANOVICH: It was a hard cap.

The distinction here, Mr. Strain, is we are going -- a couple of different things on this project. If you don't want me to talk now, I won't, I'll wait.

CHAIRMAN STRAIN: No, you can talk. I've not more examples, though, so --

MR. YOVANOVICH: I'm sure you're going to come up with a bunch of examples that there may be issues out there, but --

CHAIRMAN STRAIN: Well, it's concerning, Rich, because I know you. You've come before this panel for 12 years.

MR. YOVANOVICH: That's all?

CHAIRMAN STRAIN: I'm not saying it's bad. But if you're -- if this is the process that we set, you're not going to forget it. And I understand your absolute cap. Well, the 100,000 to me was an absolute cap because it was put in the GMP. We went to the detail of including things in the GMP so they could not be changed easily. Yet the whole time we didn't know this interpretation was out there.

Buckley, which we just finished with, has 162,000 cap supposedly, but it has the same kind of language, C-1, C-2 and C-3. So I'm assuming Buckley can have the 162,000 plus whatever .45 FAR they come up with for group -- senior housing.

So I'm real concerned about where this stuff is going to go as we go down the road. Not prospectively, because anything coming forward now that this has been made a point of I can assure you we'll look at all these uses differently. But going back, I'm worried about what we've told the public versus what they can now expect.

MR. YOVANOVICH: I kind of object, if you don't mind, to saying this came up just now because we know factually that's not correct. It came up in the discussion regarding Hacienda Lakes. The issue was asked, based on what you read me unless I misunderstood it, does the square footage associated with senior housing count against the cap?

CHAIRMAN STRAIN: Yes, but not --

MR. YOVANOVICH: But that's over a year ago.

CHAIRMAN STRAIN: Interpretation is what's come up now.

MR. YOVANOVICH: That's fine. I just want to make sure we're not talking about the discussion.

Secondly, in this particular PUD and GMP amendment, I think we have to take a step back as to why the other parcel spoke in greater detail about independent living than this one. At the time that parcel was being included in the Growth Management Plan amendment it had an existing PUD that I believe allowed the 200 units. Now, that parcel is roughly eight acres, if I remember correctly. That would be 25 units per acre.

Back then we had a formula for converting a standard residential unit to a senior housing unit of four to one. So that would have resulted in a maximum density of a senior housing project in a normal urban area where you can go four units per acre of 16 units per acre. That's less than the 25. So that's why we specifically addressed the 200 units on that piece of property, because we knew it exceeded the standard

conversion formula that we used at that point.

The county has evolved and sometimes we call -- I mean, I'll be honest with you, and I'm sure you could pull it up. I've probably done senior housing PUD's with different letters in front of the word PUD, because we've gone to that concept, which I still don't understand why we have to decide whether we have a commercial PUD, a mixed PUD or a residential PUD.

In the good 'ole days back before the 12 years that you've been on here, we used to come through and call them PUD's and you had your list of uses.

CHAIRMAN STRAIN: I didn't make that change, don't blame it on me --

MR. YOVANOVICH: I know, I know, I'm just saying. But now -- because I just don't want anybody to say, well, Rich, you got one approved as a commercial PUD. I did. And I got one approved as probably as a CFPUD. I probably got one done as an RPUD. The use has always been characterized since we've gone from the four to one conversion as an institutional use. I don't think we've ever called these things a commercial use.

Yes, they may be allowed in some commercial subdistricts, but the use is in commercial. C-3 allows a church. Now, depending on your beliefs, I don't think a church is a commercial use.

So I think in this particular comp. plan amendment I think that David's correct in the interpretation. We are going through this process right now as part of the PUD to discuss it is appropriate under the -- do we meet the zoning criteria for this use on the piece of property. Take out, if you have a concern about GMP consistency for a second. I don't think anybody that I've talked to yet thinks it's an inappropriate use on this piece of property and we don't meet the zoning criteria in the LDC.

CHAIRMAN STRAIN: Richard, I told you right from the beginning, I'm not saying that either. I'm not worried about this project, I am worried about the precedent that we are setting by allowing this interpretation to apply like we're suggesting. It hasn't been applied before. I have no examples of where it's been applied in the past. That's what my concern is.

MR. YOVANOVICH: You know, unfortunately or fortunately, sometimes there's got to be a first, okay, and this is the first. This is the first where you're confronted with this interpretation. But I think the legislative history supports staff's interpretation.

I can't go back and look at the past, and if there's an issue with the past there's an issue with the past. We can only deal with now or we can deal with the future. I think it's a reasonable interpretation, and I was personally involved. Wayne was personally involved. I know that 100,100 square foot cap was not intended to apply to institutional type uses.

CHAIRMAN STRAIN: David?

MR. WEEKS: I just wanted to mention that the interpretation that we're talking about is for the GMP language, the future land use element language specifically. How it is implemented occurs through a hearing such as we're having right now through the zoning process.

Individual PUD's could treat it differently, and I think you gave some examples, Mr. Chairman. In some cases a given PUD may have what's being proposed here. It's one or the other, you either get 100,000 square feet of commercial in this case or you can have X number of ALF -- or senior housing type uses. Some have a sliding scale, a ratio for each square foot or a thousand square feet of commercial, you forgo a certain number of senior housing units or -- and vice versa. Some segregate into specific tracts, you know, this tract can have the commercial uses, this tract can have the senior housing uses.

So my point is, through the zoning process where we actually implement the GMP language, it is a case-by-case site specific determination as to how to implement the specific GMP language. This apparently is the first time, and to my memory, knowledge it is the first time that we've had a PUD coming in where there's this cap, this issue of this cap that we're talking about exceeding. But it's a case-by-case.

My point is ultimately that whatever you decide here doesn't necessarily apply the next time. I'm well aware that the next agent standing up there will probably point to this one if this gets approved and say you did it for them, I want the same thing. But I think it's a case-by-case determination as to the compatibility, the appropriateness of use, the intensity of use that has occurred if you don't have some types of restrictions. But in this case in particular because Rich is -- in their PUD they've provided the either/or scenario. It's not the combination that that concern about the overall intensity is done away with.

CHAIRMAN STRAIN: Thank you, David, appreciate the further clarification. Well, let's move on through the document and see what other changes we have.

And the particular issue we've been talking about is on the very, I think it's the first part of Exhibit A. So does anybody have anything else on that, within the PUD, they'd like to bring up? We'll just go -- it's a short PUD, so are there any other issues that the staff -- that we have?

(No response.)

CHAIRMAN STRAIN: Anybody want to ask of the applicant?

MR. YOVANOVICH: Are we going page by page or total?

CHAIRMAN STRAIN: Why don't we just go through it. I mean, it's up to the board.

MR. YOVANOVICH: I wasn't sure, I didn't want to jump ahead.

CHAIRMAN STRAIN: Let's just go through the whole thing. Does anybody have any other issues? There's 15 pages to the PUD.

MR. YOVANOVICH: Mr. Chairman, you and I discussed a couple of revisions on Page 6. I don't think --

CHAIRMAN STRAIN: Page 6 is your Exhibit B, it's the development standards table.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: And there were -- yes, there were three --

MR. YOVANOVICH: Yeah, and essentially it was under the commercial mixed use column, under minimum distance between structures. It currently reads -- under accessory uses it reads minimum distance between structures, it says 10 feet. That should have stayed like it was previously, same as principal structure. We were not changing the development standards for the retail alternative.

And then in the group housing column under principal structures, maximum building height under zoned, we have 43 feet, not to exceed three stories, and I think we agreed to just get rid of the not to exceed three stories and just have the cap as 43 is 43 feet.

And then going down to minimum floor area, we were going to get rid of 1,000 square feet and put not applicable for individual unit sizes.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: And then I believe that was it in the PUD. And I would request if there are no other changes and those are the only ones, if there's a way we can avoid a consent hearing, that would be --

CHAIRMAN STRAIN: Boy, you love pushing the envelope today, don't you.

COMMISSIONER EBERT: Today he really is, isn't he? He's got to come back anyway, don't --

MR. YOVANOVICH: No, I won't be here, I'll be, unfortunately, traveling.

COMMISSIONER EBERT: You're not coming back for the other consent?

MR. YOVANOVICH: I'm traveling, unfortunately. Not for pleasure.

CHAIRMAN STRAIN: Okay, so right now we're at the two different standards to be changed -- three different standards to be changed in the development standards table.

We're going to change the FAR to .5 instead of .6.

MR. YOVANOVICH: Oh, yeah.

CHAIRMAN STRAIN: There's some details on the commercial master plan that need to be corrected, but they're not critical and I know you guys didn't do that. So we'll just -- it's existing so we'll leave it alone.

I had asked staff this. Exhibit F, which is Page 13 of 15, and Stan, the water management section there, 4A and B, that's redundant. Our code really takes care of that. So I had suggested that we drop number 4A and B. Did you see any problems with that?

COMMISSIONER CHRZANOWSKI: I noticed that. I'm curious, is this project going to be reviewed by the Water Management District?

MR. YOVANOVICH: According to Mr. Delate, we already have the permit.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: From staff's perspective, do we need 4A and B?

MS. DESELEM: No, sir, they can be removed.

CHAIRMAN STRAIN: Okay, then let's remove those.

And I think that's what I have. Pretty simple at this point, I guess.
Anybody from the Planning Commission have any other questions?
Stan?

COMMISSIONER CHRZANOWSKI: The discharge point from the water management system is to the southeast corner? Into the roadside swale on the north side of Vanderbilt?

MR. DELATE: Good morning. For the records, Mike Delate from Grady Minor Engineers. Actually, the discharge location's the northwest corner.

COMMISSIONER CHRZANOWSKI: Northwest corner.

MR. DELATE: Yeah, it used to be the southwest, but with the widening of Vanderbilt it blocked that off. That swale doesn't really go anywhere.

COMMISSIONER CHRZANOWSKI: I know.

MR. DELATE: The northwest corner, when Livingston Road was widened -- or constructed, actually, they put a cross drain underneath so that all the water goes there to the FPL right-of-way, then back through the Tiburon system.

COMMISSIONER CHRZANOWSKI: Good, because that's also the low point of the site, too. That works.

No other questions.

CHAIRMAN STRAIN: Okay, staff report?

MS. DESELEM: For the record, Kay Deselem, Principal Planner with zoning.

And we also as you know have David Weeks here and John Pod's here as well.

Again, I won't go into the details of the staff report. It is a document submitted on the record dated revised 9/4/13. Staff is recommending approval, finding it consistent with the Growth Management Plan. And we have provided the finding of fact in support of our recommendation. And if you have any other questions or any questions, I'd be happy to address them.

CHAIRMAN STRAIN: When these projects come in and they're really complicated, they send them all to you?

MS. DESELEM: Seemingly. It's all Ray's fault, yeah.

CHAIRMAN STRAIN: It sure seems that way.

Anybody have questions of staff?

COMMISSIONER HOMIAK: Yeah, I'd like to -- what was put up on the visualizer that's underneath this sheet of paper? Was that to give us an example of something from staff?

No, the -- I think you have it in your hand, Rich.

MR. YOVANOVICH: That's the comp. plan language.

CHAIRMAN STRAIN: That's the GMP language.

MS. DESELEM: Yeah, that's the comp. plan --

COMMISSIONER HOMIAK: Okay, you just put it up for the -- okay.

CHAIRMAN STRAIN: Okay, anybody else?

(No response.)

CHAIRMAN STRAIN: Are there any public speakers?

MS. DESELEM: Yes, we have one registered speaker. And I apologize if I murder the name, but it's Paul ***Feuer, I believe.

CHAIRMAN STRAIN: He left.

MR. YOVANOVICH: But he did leave a letter with me.

CHAIRMAN STRAIN: I mean, I know they're in favor of it, as I am. So just back to the precedent thing is my only issue, Richard.

MR. YOVANOVICH: I won't read it into the record although it speaks glowingly of Mr. Arnold and I. I just wanted to note that for the record.

CHAIRMAN STRAIN: It's hard sometimes to differentiate the truth, isn't it? Thank you.

Okay. Well, with that, we will -- do you have any rebuttal to nothing?

MR. YOVANOVICH: No, I'm going to oh for two you on rebuttal today.

CHAIRMAN STRAIN: Okay, then we'll wrap it up. We'll close the public hearing. There's some

stipulations that we might want to consider. And the sixth one will be the consent. Well, let's start -- first of all, then, instead of the .6 FAR, we'll do a .5 FAR.

Building height will be 43 feet instead of the reference as it's now stated with stories.

Third will be the change in the accessory distance to SPS to match the original PUD.

Fourth will be the minimum floor area will change from 1,000 to N/A under the new use.

And in the PUD to remove Items 4A and 4B involving the water management because it's redundant language.

And then part of the motion, will, if the panel is okay with it, we'll do consent, since it's rather simple. So they don't have to come back on consent for this one because the language changes are real easy to make at this point.

So let's go ahead and entertain a motion from somebody? Anybody?

COMMISSIONER ROSEN: I'll propose a motion, Mr. Chairman. Propose a motion to approve PUDZ-A-PL2013000266-Bradford Square PUD with the stipulations as just stated.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Diane seconded. Mike made the motion. And that included a waiver of consent?

COMMISSIONER ROSEN: Yes, sir.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Okay. Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you. And appreciate the very trying day you provided to us, Richard.

MR. YOVANOVICH: See you in a few weeks.

CHAIRMAN STRAIN: Okay, that takes us to the end of our agenda. I did find out during the break that we have time after the next meeting, which is the 17th of October, to have a sunshine orientation for the new members, if the County Attorney's Office is available. So you'll know when you see your addenda packet for those new members that want to stay for that. It will be workshop format. It wouldn't necessarily be part of the meeting. So after we'll close the -- we would close the formal meeting and entertain to have the workshop after that. Just to let you all know. And we'll confirm as the agenda gets published.

Does anybody else have anything before we want to adjourn?

(No response.)

CHAIRMAN STRAIN: I sure do thank all of the new members for your attendance today. I think we're going to have an interesting panel as we go forward. And it's much more -- very comprehensive, so it's well appreciated.

With that, is there a motion to adjourn?

COMMISSIONER EBERT: I make a motion to adjourn.

COMMISSIONER ROSEN: Ms. -- Diane made it.

COMMISSIONER ROSEN: Second.

CHAIRMAN STRAIN: Second by Mike.

All in favor, signify by saying aye.
COMMISSIONER DOYLE: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER CHRZANOWSKI: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER ROMAN: Aye.
COMMISSIONER ROSEN: Aye.
CHAIRMAN STRAIN: Aye.
We're out of here. Thank you all.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:50 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK P. STRAIN, Chairman

ATTEST:
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 11-7-13, as presented _____ or as corrected .

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