

January 2, 2014

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, January 2, 2014

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

CHAIRMAN: Mark Strain  
Stan Chrzanowski  
Diane Ebert  
Charlette Roman  
ABSENT: Mike Rosen  
Karen Homiak  
Brian Doyle  
Tom Eastman

ALSO PRESENT:

Raymond V. Bellows, Planning Manager, Zoning  
Nancy Gundlach, Principal Planner, Zoning

PROCEEDINGS

CHAIRMAN STRAIN: Happy New Year, everyone, and good morning. Welcome to the January 2nd meeting of the Collier County Planning Commission. It's January 2, 2014. First time I've been able to say that.

Everybody please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you. Will the secretary please do the roll call.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman is absent.

Mr. Chrzanowski?

COMMISSIONER CHRZANOSWKI: Is present.

COMMISSIONER EBERT: Mr. Rosen is absent.

Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak is absent. Mr. Doyle is absent.

And Charlette Roman is here.

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Thank you.

And we do have a quorum, barely, and I appreciate Ms. Ebert being here today. I know originally you weren't going to make it, but I'm glad that you did. Thank you.

Addenda to the agenda. Ray, do we have any changes from your side?

MR. BELLOWS: No changes from zoning.

CHAIRMAN STRAIN: I don't think there's anything else that I know of.

Planning Commission absences. The next meeting is January 16th. Does anybody know if they're not going to make it to the January 16th meeting?

(No response.)

CHAIRMAN STRAIN: Okay. Well, at least we'll have a quorum plus, hopefully, the rest.

Approval of minutes. They were the December 5th minutes of 2013. They were sent to us electronically. Does anybody have any changes?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Motion to approve the minutes.

COMMISSIONER ROMAN: Second.

CHAIRMAN STRAIN: Made by Stan, seconded by Charlette.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

Chairman -- or BCC report. Ray, they didn't have -- has there been a meeting since?

MR. BELLOWS: Well, on December --

CHAIRMAN STRAIN: That's right, right after our last meeting.

MR. BELLOWS: Yes. And there were three items heard at that meeting; two PUD amendments. One was for Bradford Square, the other was the Cocohatchee River Trust, and both of those were approved on the summary agenda.

CHAIRMAN STRAIN: Oh, good.

MR. BELLOWS: And then there was a rezone. That was the Bear's Paw rezone, and that was approved on the summary agenda as well.

CHAIRMAN STRAIN: The Bear's Paw, the Landings, you mean?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: And did that get approved with the amount stipulated for mitigation for the off-site preserves?

MS. GUNDLACH: Yes, it did.

CHAIRMAN STRAIN: Good, thank you.

Chairman's report. We don't have any today.

Consent-agenda items. We don't have any carryovers, so we'll go -- well, we do, but it's not going to come back to us until the next meeting, if I'm not mistaken.

\*\*\*So the first advertised public hearing is 9A, and it's been continued from December 5th. It's the PUDA-PL2013000052. It's the R. Roberts Estate PUD in Immokalee.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. (The speakers were duly sworn and indicated in the affirmative.)

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

COMMISSIONER CHRZANOSWKI: I talked to Bob Mulhere about this before the first time it was supposed to come in.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: None.

COMMISSIONER ROMAN: Nothing to report.

CHAIRMAN STRAIN: Okay. And I, too, talked with Bob, and I know we've had a lot of staff conversations as well.

And so, Bob, it's all yours. Go right into it.

MR. MULHERE: Thank you. Happy New Year. I'm glad there's four of you in attendance this morning.

As you said, Bob Mulhere, for the record, here on behalf of the Boys and Girls Club, which is the applicant on this PUD, this PUD amendment for the R. Roberts Estate PUD.

With me this morning is Blair Foley, who's the civil engineer on the project, and Rich Yovanovich, who's the attorney.

The property is located -- and there's a location map on the visualizer -- in Immokalee.

Testing. That's not on. The battery's dead. Okay. Never mind. Yeah, that one's working, but it's all tangled up, and I don't have time to unwind it.

MS. GUNDLACH: I'll untangle it.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: Hey, welcome to the new year.

MR. MULHERE: It is located in Immokalee. The R. Roberts Ranch PUD is located on the visualizer. The Boys and Girls Club is purchasing the existing Tract A, which I'm pointing out on the visualizer, and adding to it and including within the PUD an approximately three-acre parcel just to the east of Tract A.

I don't think there's anything significant as it relates to this request. Perhaps it might be best if we just went through the -- I know that I've met with Mr. Strain, and he's got some changes. There were some typos in the conversion of this document, and there was also some minor changes that I know he has to make. Perhaps it would be best just to go through the document and look at those changes.

CHAIRMAN STRAIN: That's fine. Did you want to walk through -- there was a series of typos. I saw that you guys tried to convert the old PUD to the -- from a PDF to a Word document.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: And in doing so, the conversion created a few things that aren't words scattered throughout the document.

MR. MULHERE: Yeah, I can go through those.

CHAIRMAN STRAIN: Okay. The only reason, I wanted to make sure we got them all. We'll just

start with Page 1, and let me know if you have any for the first few pages. I don't have a question until we get to Page 8 or 9.

MR. MULHERE: I think Page 9 was the first one that I was aware of.

CHAIRMAN STRAIN: Okay. Well, that's the one that I'm probably looking at, and that's in your table.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: You've got "roadway tract," and it's blank. You need to put the amount in so that you have a total that's consistent with the total of the project.

MR. MULHERE: Yes, that's 1.3 acres.

CHAIRMAN STRAIN: Right. You crossed it out, but actually the original had it in. And you still have a roadway tract, I believe, don't you?

MR. MULHERE: There is no roadway tract depicted on there, and I don't think there really was on the original one. Hold on one sec.

CHAIRMAN STRAIN: There had to be something, because they allocated 1.3 acres to it, and I thought it was that road going down the middle until it was dedicated.

MR. MULHERE: Yes, you're correct. You're correct, yep.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: So we'll restore that 1.3 acres.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: And then there was a question about the multifamily tract which allows -- which has 79 units in it, and the -- in the table it referenced nine dwelling units per acre, and also under 2.4(A) a little further down on the page it had a reference to 6.9 units per acre. Obviously those don't match. Neither one is correct. The dwelling units per acre is 8.78.

CHAIRMAN STRAIN: Right.

MR. MULHERE: So I've proposed -- and I can show you on the visualizer -- can you see that?

CHAIRMAN STRAIN: Yep.

MR. MULHERE: So I've proposed to make that change here and also here.

CHAIRMAN STRAIN: Okay. Do you have anything on Page 10 or --

MR. MULHERE: No.

CHAIRMAN STRAIN: Next one is Page 11.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: And I don't know if Ray or Nancy --

MR. MULHERE: Nancy told me.

CHAIRMAN STRAIN: -- got in touch with you about the word "professional."

MR. MULHERE: Yes. Actually, Nancy spoke with me. And I had felt that we had covered that by limiting the office use to those uses that were office uses that were allowed in C1 through C4, but that's really not a problem. I took that language out, and I put in specifically SIC codes, so I'll show you that.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: What page is that?

MR. MULHERE: Page 11.

So under 2, professional office, I listed the SIC codes, and those are really professional office-type uses; accounting, attorneys, medical office, those kinds of things.

CHAIRMAN STRAIN: And, Nancy, is that consistent with your review of what a professional office would be, since we don't have a term defined for professional office? I mean, because staff's going to have to make a call on this if it comes in as an application.

MS. GUNDLACH: Can we just review the SIC codes real quick on the LDC? This is the first time I'm seeing the proposed language.

CHAIRMAN STRAIN: Okay.

MS. GUNDLACH: But I think it probably would work, but we could confirm it real quick with the LDC.

MR. MULHERE: I was going to say, trust me.

COMMISSIONER EBERT: No, no, no.

MR. BELLOWS: For the record, Ray Bellows. The SIC codes is what I thought would be the appropriate way to deal with it, and we'll verify those before the board meeting.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: It's very limited. It's all professional office.

Was it Ron Reagan that said, "Trust but verify"? Thank you, Ron.

CHAIRMAN STRAIN: Okay. And the next page is -- where you probably have some is, what, 14?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: That was to add a Tract B to the top since you reference the titles with tracts on all the rest.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Right here.

CHAIRMAN STRAIN: Yep.

MR. MULHERE: And I'm not sure why I highlighted that.

CHAIRMAN STRAIN: Because at the end of that sentence, when you converted to Word, it added the 4 -- the number 4.3 --

MR. MULHERE: Oh, yes. We took that out.

CHAIRMAN STRAIN: -- which really was a prelude to the one down below.

MS. ASHTON-CICKO: There was another change on Page 11. Did you want to go over that one?

CHAIRMAN STRAIN: Sure. What was it?

MR. MULHERE: I've got it right here. I'm sorry. Yeah. Thank you, Heidi.

CHAIRMAN STRAIN: Oh, yeah.

MR. MULHERE: We -- actually, I think when I met with Commissioner Strain, he had reviewed that there was a grant application in place for the Boys and Girls Club, which in the grant it referenced a commercial kitchen because the Boys and Girls Club does provide meals to the children.

And so just to be on the safe side and make sure that we included that, we put it in as a permitted accessory use. And then Heidi raised an issue about making sure that it was limited accessory to that use, to that institutional use.

So I think that covers the commercial kitchen and food service facilities accessory to any institutional permitted use. So we're not going to have -- you know, we're not going to have a restaurant, we're not going to have a food service purveyor who's primarily that business. It's strictly accessory to those institutional uses.

CHAIRMAN STRAIN: Good. I think that works.

Heidi, does that work for you?

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Thank you.

MR. MULHERE: On -- staying with Page 14, or going back to Page 14, I just -- there were some provisions throughout the document that we hadn't really changed. They were old LDC citations that no longer -- the numbers no longer are appropriate because, obviously, the Land Development Code provisions have changed. Rather than go through there and specifically cite numbers of sections, we've done what typically is done, and that's simply to cite that it has to be consistent with the Land Development Code provisions.

In most cases there's more than just the section that was cited anyway, so -- we've done that throughout the document, but I just wanted to point it out to you here.

CHAIRMAN STRAIN: Okay, thank you.

And, Ray, just out of curiosity -- I don't know if it's something you want to clean up now or we can -- No. 7 that he just showed there, I think I'd mentioned this to you. It shows multifamily dwellings up to four, five, and six stories, but then the next page, under development standards, it says the maximum height is 30 feet. They've got to be really short people to fit in those stories.

MR. MULHERE: And I guess that -- I guess that tract is developed --

CHAIRMAN STRAIN: But the only thing it says is that -- on No. 3 it -- I mean, I'm just trying to figure this out. It says, as otherwise approved by the county for conditional use, multifamily structures over three stories as permitted in 4.3(C)(7) preceding. So what does that mean? I mean, I don't know if we can clean it up because the applicant -- this isn't part of the applicant's property, but --

MR. MULHERE: That's why we didn't --

CHAIRMAN STRAIN: I'm just curious, how did --

MR. BELLOWS: Yeah. We'd have to look into it, but the applicant is not in charge of that.

CHAIRMAN STRAIN: I know. I was just -- I read the whole thing, and I --

MR. MULHERE: It was developed. It's developed.

MR. BELLOWS: Yeah, and there's not much we can do about it.

CHAIRMAN STRAIN: Okay. Where's your next changes, Bob?

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Mine are on Page 19.

MR. MULHERE: Yep. Thank you.

CHAIRMAN STRAIN: The paragraph up on top, yeah.

MR. MULHERE: Yeah. If I can make that a little bigger. It seems hard to read.

CHAIRMAN STRAIN: There's two typos in that paragraph.

MR. MULHERE: That's it. I got it. I think that's big enough. I think they can see that.

CHAIRMAN STRAIN: Yeah.

MR. MULHERE: Yes. We corrected -- there was a couple of typos. It's corrected.

CHAIRMAN STRAIN: The word "will" is the word instead of the -- previously it was point VI-1, whatever -- however that got translated.

Next one's on Page 21, Bob.

MR. MULHERE: Yes. On these, the highlighted section, No. 4, there had been -- the word "business" had been deleted, so it didn't read properly. It said, "detached residence in conjunction with a," and then "one per business," with a business - one per business" is the way that it should read.

And on the second -- No. 6, there was also a typo there that's been corrected. And then, again, at the bottom of the page, we struck through the reference to a particular division and just generally referenced the Land Development Code.

CHAIRMAN STRAIN: The next one I have is on Page 25. Is that the same with you? Actually --

MR. MULHERE: I have one on 24. As I went through the document, I -- and you and I had discussed that I take a look at it. I found a few other old LDC references or old code references.

So, for example, in the first paragraph this said, "the official county zoning and subdivision regulations," and I changed that to read, "county's Land Development Code as amended and other applicable regulations should apply."

CHAIRMAN STRAIN: Okay. That's on Page 25, I believe, on our version.

MR. MULHERE: Oh, yeah, that could be. The numbering, since I've made changes, may be slightly off. I apologize.

And then below it, I just struck through the reference, again, to Section 2.7.2 and generally referred to the Land Development Code.

CHAIRMAN STRAIN: Okay. On the PT3D, it was changed to PUD.

MR. MULHERE: Yes.

Twenty-six, Page 26. This, again, is just striking through ordinances that no longer exist or have been amended or have new numbers and providing for a more general reference in 7.8(C) and 7.9(C).

I did want to mention, since we're there, on -- in the conditions, in speaking with Reed Jarvi, Condition No. 3, which reads -- this is a transportation condition on Page 25 -- access between Tract A and Roberts Avenue shall include an eastbound right-turn lane and a westbound turn lane should expected volume exceed 250 vehicles per day.

Number one, that volume is no longer an accurate volume; it's higher. Number two, we don't exceed it. And number three, this is usually dealt with at the time of Site Development Plan now. So Reed suggested that this condition could be struck through.

CHAIRMAN STRAIN: I don't have any problem with that.

Reed -- and Reed's nodding his head yes, so he's in agreement, so okay.

MR. MULHERE: On my Page 27, I don't know if it's exactly -- it's under 7.14, polling places. Again, that's just a cleaning-up the language which referenced the old 2.6.30. And I apologize, the last part of that phrase should be underlined, and we'll make sure that that does get underlined because I added that language which reads -- this is existing language. "Polling places shall be provided," and then I would add, "if a request for such is made by the Collier County Supervisor of Elections." And I think that's the standard language or pretty close to the standard language that we use.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: There is one other change. And I'm looking for my copy of the master plan. Here it is. We're not exactly sure how, but somewhere in revising this master plan several times, the northerly access point and in your -- in your package the northerly access point to the tract was eliminated, we made some changes to the landscape buffer. I think maybe that's when it happened.

Anyway, that already exists. That's in the existing master plan. And, obviously, we do want to retain that access point. So I just wanted to point out to you that we've revised the master plan to restore that access point, and we did discuss that with Reed as well.

CHAIRMAN STRAIN: Reed, do you want to shake your head yes or no? Yes, that's an affirmative. Thank you.

MR. MULHERE: That, to my knowledge, is all of the changes. I know that you do have some public speakers, so --

CHAIRMAN STRAIN: One other change, though. The master plan that we had in our packets is the -- not the one you showed.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: The one that -- in our packet needs to have the reference to the building envelope removed from it --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- because the building envelope can be flexible based on the setbacks that you've got on it.

MR. MULHERE: Sometimes it's hard to identify. And what we typically do, if we're forced to identify a building envelope, is go to the worst-case scenario. It's a little bit difficult in this scenario because it's based on building heights, so -- the setbacks are based on building heights. So we did remove that.

CHAIRMAN STRAIN: Okay. Any questions of the applicant from the board?

(No response.)

CHAIRMAN STRAIN: One more thing, Bob, not part of the PUD, but in your -- it's Page 167 in our packet, but it's on Page 9 of your TIS. You refer to a level-of-service standard for Collier Boulevard. You want to explain how relevant that is or --

MR. MULHERE: Yes. And Ted's here, Ted Triesch with TR Transportation Consulting. And that is a typo, or it should not have referenced Collier Boulevard. The analysis was done correctly. And we did, again, talk to Reed as well. But as punishment we made Ted arrive here an hour early.

CHAIRMAN STRAIN: Just out of curiosity, though, so the record's right, if it wasn't supposed to be Collier Boulevard, what was it supposed to be?

MR. MULHERE: State Road 29.

CHAIRMAN STRAIN: Okay. And you're -- and, Reed, are you comfortable with that?

MR. JARVI: Yes.

CHAIRMAN STRAIN: It doesn't change anything?

MR. JARVI: I looked at it. It doesn't make any difference.

CHAIRMAN STRAIN: I know he's talking without a mike, but he is okay with everything. So thank you, sir.

With that we'll go to staff report.

MS. GUNDLACH: Good morning, Commissioners. For the record, I'm Nancy Gundlach, principal planner with the zoning department.

And staff is recommending approval of this PUD amendment, as it is consistent with the Land Development Code and the Growth Management Plan.

If you have any questions, it would be my pleasure to answer them.

CHAIRMAN STRAIN: Anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. Are there any public speakers registered, Ray?

MR. BELLOWS: No speakers have registered.

CHAIRMAN STRAIN: Anybody in the public wish to speak on this item?

(No response.)

CHAIRWOMAN HILLER: Okay. We have no public speakers. With that, we'll close the public hearing and entertain a motion. I don't believe any stipulations are necessary because they are all being incorporated as mostly grammatical, as we went through. Also, I'd like the motion maker to consider waiving the consent agenda on this one because it doesn't have any stipulations written with it, and there's no need for it to come back at this point.

So with that, is there a motion or recommendation? Diane?

COMMISSIONER EBERT: I make a motion that we approve PUDA-PL20130000052, the Roberts Estate PUD.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER ROMAN: I'll second it.

CHAIRMAN STRAIN: Seconded by Charlette.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0 (sic). Thank you all.

MR. MULHERE: Thank you.

COMMISSIONER EBERT: 4-0.

CHAIRMAN STRAIN: 4-0, I'm sorry. Where did that other person come from?

\*\*\*Okay. The next item up is Petition 9B. It's PUDZ-PL20130001352. It's for a 7-Foodmart CPUD located on the east side of Santa Barbara Boulevard north of Golden Gate Parkway.

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

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

CHAIRMAN STRAIN: Disclosures from the Planning Commission?

COMMISSIONER ROMAN: Site visit.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Nothing.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: No, nothing? And I had numerous communications with staff. I attended the preapp. I've had communications with two of the civic leaders out there, Kaydee and Russell Tuff.

And with that, Tim, it's all yours.

MR. HANCOCK: Good morning, Chairman, members of the Planning Commission, Mr. Chrzanowski, Ms. Roman, congratulations, condolences, whatever else may be appropriate, but thank you for your time and service.

I'm the director of planning with Davidson Engineering, and I'm representing the owners of the property subject to this rezone, Mr. Kevin and Anand Deonarine.

The location map, as you see before you, shows that the rezone consists of three parcels of land totaling just over one acre lying immediately east of Santa Barbara Boulevard, being about 300 feet south of 22nd Place Southwest, and I've got it turned there kind of left to right so you can see a larger area there.

But to the north of the property is 22nd Place Southwest. About 800 feet away is Coronado Parkway. The property does lie about a thousand feet north of Golden Gate Parkway.

It does lie wholly within the Santa Barbara Commercial Overlay. This is a unique designation that was placed into the Land Development Code in 1999. It had a specific intent of eliminating the multifamily development pattern that was preexisting in this area, mainly in part to duplex and quadplex style development, and it was -- it resulted from a large community effort within Golden Gate City with a lot of the stakeholders present and crafting specific language to chart a course, if you will, to give commercial opportunities as an incentive to discourage long-range multifamily development in this area. It was not developed overnight. It took some time but was instituted in 1999.

There have not been a lot of projects that have come in in this overlay over time, and we find that this particular project actually meets the specific intent of the district quite nicely.

One primary difference between this district -- and you may have heard of the Golden Gate Parkway commercial office overlay. That is intended to focus more on office uses.

This district actually includes uses that go not just from a C1 or C2 intensity but some uses included in C3 and C4 zoning also. So the two are different in that respect.

The small-scale commercial development that is promoted in this area is intended to give it some commercial viability and incentive. And the things that the overlay require are, number one, that the project buffer and protect nearby residential areas.

As you can see, the subject property's located between Santa Barbara Boulevard and has, to the rear of the property, Tropical Way, which is a viable access alleyway. The combination of the building placement and landscaping for this project, as you'll see on the master plan, in addition to the physical separation provided by the alley, achieves that buffering requirement.

Additionally, the properties immediately to the east are within the Santa Barbara Commercial Overlay; therefore, they could be, at some point in the future, rezoned for commercial use also.

Another element of the SBCO is that aggregation of lots is strongly encouraged. One of the concerns along Golden Gate Parkway and also Santa Barbara is a proliferation of driveways every 100 feet or so. And so the Santa Barbara Commercial Overlay encourages aggregation of lots into a single project.

Again, as you'll see on the master plan, these are three separate platted lots combined under a single plan of development, and only one driveway. So, again, meeting the intent of the SBCO.

The SBCO also contains a list of commercial land uses that were vetted extensively in the community for this location. The commercial PUD before you simply lifts those from the Land Development Code and places them into the PUD document. We don't vary in the land uses in any way from what is contained in the LDC.

One important element that needs to be pointed out -- because I've received a couple of phone calls from people who live in the Estates, which is across Santa Barbara Boulevard from this property -- and that is -- and I think it's, in part, the name 7-Foodmart conjures up images of 7-Elevens or convenience stores with gas stations and so forth.

And there's been some concern expressed that the rezone would allow a gas station and convenience store in this location. I want to be very clear that gas stations are actually prohibited in the Santa Barbara Commercial Overlay, and that prohibition is also contained within the PUD before you today.

It is the intent of the application to own and operate a specialty grocer and butcher shop in this location. Anand has a similar business on the east side of Golden Gate. It, however, occurs within an existing strip center. This would be a stand-alone building that would contain that business use.

The PUD, however, is designed to implement the SBCO standards and provide additional clarity and site-specific elements but also maintaining the flexibility of land uses already approved in the Land Development Code.

I know that copies of the exhibits are available in your packet, but what I thought I would do is focus primarily on the deviations that are contained within the PUD, walk through those with you, then address a

few of the comments that we've heard and open it up for any questions you may have.

The PUD you see before you basically is proposing a single building construction with one or more uses within that building. These lots are very, very limited. And I've dealt with a number of projects on Golden Gate Parkway and now this one where you only have 125 feet of depth. That doesn't give you a lot of flexibility in how you go about developing these buildings.

As you can imagine, if you put a row of parking along Santa Barbara Boulevard, you have a 15-foot buffer, a 60-foot width to have an aisleway and two areas of parking, you then have a buffer in front of the building. Before you know it, you've chewed up 80 to 85 feet of your 125 feet, and all you have left is a 45-foot strip, except you have a 15-foot buffer to the rear.

So, you know, you're not going to get -- if you try and get parking between the building and the roadway, candidly, it just doesn't work. You need a little more depth to make it work, so that drives any type of a plan that basically uses a building envelope with parking adjacent to it instead of either being in front or behind.

Very limited office applications may be able to use that type of design. But once you go into any type of a retail design, you're going to have to have a little more depth than 40 or 35 feet, and this is indicative of that.

The two other elements that are critical here is, obviously, as you squeeze down and you start impacting the parking, you find that the available square footage gets driven by your ability to have parking on site, and that's the case here.

So we felt the most efficient way of designing the site is what you see here. It gives you a developable envelope of up to 10,000 square feet. Realistically, we're probably going to be seeing something in the -- 8,000 or 8,500 square feet by the time we get done with the required building articulations.

And we also found out, as we're going through the zoning process here, while this project lies within the Florida Gulf Utilities Association -- or Association -- Authority, excuse me, service area, the services for water and sewer are not readily available to this site. They're over a thousand feet away. And the cost of connecting to them for a building of this size are prohibitive; therefore, we will have to provide interim facilities here until such time as FGUA extends those lines closer to that property. That will further shrink the buildable envelope beyond what you see here.

So the limitations are getting a little bit greater, but we think the project still has viability as proposed.

The deviations we're seeking all really tie to the lack of depth on this lot. The first one, for example -- well, actually, the first one is probably the only one that doesn't -- is requesting a deviation from LDC Section 5.05.08.(C)(9)(B), which requires that free-standing buildings within a PUD, in essence, have multiple-sided architecture.

While this is a free-standing building, and it is within a PUD, I think that criteria really applies to multiple buildings or projects that are of a size where you have a number of free-standing buildings.

So what we're trying to do here, again, is -- a 5- or 10-foot deviation makes a big difference on a building of this size, but on a parcel of one acre, your buffers on each side are 15-foot Type B buffers. That's a hedge that achieves 6-foot height and 80 percent opacity within one year. That's trees every 20 feet on center that, after three to four years, the crowns grow together. So you're really not ever going to see much of the narrow sides of these buildings. So spending money on a small project like this to architecturally improve something that will have limited visibility, to me, was something worthy of a deviation.

The facade of the building facing Santa Barbara, however, will be subject to architectural standards. So, if you will, our most visible face will be addressed appropriately.

Deviation No. 2 from LDC Section 5.03.02(H) is to eliminate the requirement for a masonry wall to the rear of the property. Anytime you have commercial to residential, a privacy wall is typically required.

Here the elements that we have present are the building itself acts as a privacy wall, built to the rear setback. To then have a wall four feet from the backside of a building doesn't have a lot of practical sense.

So the only thing we're really doing then is we're walling off a parking area. And, again, small project, limited scope. We have required dumpster areas that are already included inside a walled dumpster enclosure.

And the 15-foot Type B buffer, again, with the trees and hedging we discussed, will -- you know, the parking area will not be visible to the rear, plus we have the alley to the rear, Tropical Way.

So what we've requested is we have requested that the wall along the rear of the property not be required. The site with its depth and design as you see here seems to eliminate that as being something extraneous and not providing any real benefit to the rear properties.

The third deviation is simply along Santa Barbara Boulevard. We're asking that the width of the buffer be reduced from 15 feet to 10 feet, not that the plant materials be reduced. So you'll see the same vegetative buffer as you drive along Santa Barbara. We're just asking for a reduction in width and, candidly, that was because that extra five feet knocks out about four parking spaces, which equates to a thousand square feet of buildable area. And if no benefit accrues to the community with that additional five feet, we'd like to have the opportunity to use that for the site.

The fourth deviation is -- actually applies mainly just to the dumpster area to the rear. We've located the dumpsters off of Tropical Way. And if you've ever driven down Tropical Way, you'll see there's trash collection along Tropical Way. This isn't a new concept.

By doing so, the dumpsters, because they're accessed from Tropical Way, actually sit where the landscape buffer would be. So what we've done is contoured the buffer around the dumpsters and reduced it from the 15 feet to 5 feet.

Again, this five-foot buffer is only for the width of the dumpsters that you see, and it's going to have a dumpster enclosure wall behind it. So that's what the purpose of this deviation is.

Again, to have a 15-foot vegetative buffer adjacent to a dumpster enclosure wall seems a little extraneous and doesn't really apply appropriately in this situation.

Most of these deviations are really tied to the size and scale of the project being on the small side comparatively. Our LDC is kind of a one-size-fits-all, and I don't think it typically contemplates parcels with this shallow a depth.

A few feet here and there does make a significant impact on the site. That's the primary source of the requested deviations, and they all are done in an attempt to meet the intent of the SBCO while ensuring that the project remains viable.

Ms. Gundlach also shared with me some items raised by the chair in a meeting that they had. And if you will, Mr. Strain, I'd like to go through a few of those and maybe address those that we can.

CHAIRMAN STRAIN: Yeah, we're going to go through all of them, for sure, but, any way you want to do it. We can go through it page by page if you want, or whatever's easiest.

MR. HANCOCK: Well, why don't I knock off the ones that I'm aware of, and we'll see if there's anything that I missed in the process.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: On Page 5 of 11 of the CPUD, the accessory uses listed are redundant and should be removed. So those -- we agree those should be stricken.

On Page 6 of 11 of the CPUD document, a question was raised about the minimum lot width and whether it should even be there, since it's really showing one plan of development.

My only concern in eliminating a lot width from the CPUD development table is if five years down the road the owner were to split the building, if you will, through a common wall and create two ownerships on the parcel.

If you go to do that or if you go to replat the property to effectivity have two owners on the parcel, you have to have a minimum lot width or else you're going to have to come back and amend the PUD in order to be able to have multiple ownerships on the site.

CHAIRMAN STRAIN: But if you're required to have a one-acre site for a PUD, how do you have multiple owners?

MR. HANCOCK: Well, it's one acre for a PUD.

CHAIRMAN STRAIN: Right.

MR. HANCOCK: That's correct.

CHAIRMAN STRAIN: And that's what you're doing is getting a PUD, right?

MR. HANCOCK: That's correct.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: However, it doesn't require -- for example, the Park East PUD on Golden Gate Parkway exceeds one acre, so it could apply for the PUD zoning; however, there are multiple owners within the PUD.

CHAIRMAN STRAIN: So you're going to condominiumize the building or something?

MR. HANCOCK: It's not the intent, Commissioner. My concern is by eliminating any lot width whatsoever, it precludes future condominiumizing of the building, and I don't see a benefit to that.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: So that's my reason for having a hesitance about eliminating the lot width.

Also, on Page 6 of 11, it was noted that there are no internal drives and, therefore, having a setback stated for internal drives is unnecessary. That should be removed.

For clarification on the master plan, you will see two dashed lines running around the perimeter of the site. One of them, the most consistent one --

CHAIRMAN STRAIN: The heavy black one is your property line; is that right?

MR. HANCOCK: That's correct, going from the top down. The heavy black one is property line. The next one in represents a 6-foot utility and drainage easement that is currently platted. It is called out on the PUD master plan in the upper left-hand corner, but somehow the arrow indicator from that verbiage to that line is not present, and that will be added to clarify what that line means.

The next line in that you see, which varies as it goes around the site, is the building setback line, and that is called out on the PUD. But I can certainly understand, without the first line being called out, that there could be some confusion there. We will clear that up with having that indicator for the utility and drainage easement at the 6-foot line.

So those are the two dashed lines around the property. Going inside of that, that is called out as LB or landscape buffer is the next line that you see.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: On Page 11 of 11 of the CPUD, Mr. Strain, you noted that the typical language required for monitoring reports and sunset provisions talks about tracts, and we're not showing tracts in this project. But I think it goes back to the earlier conversation we had. If there were ever to be multiple owners, they're on notice that they have to comply.

CHAIRMAN STRAIN: That's fine.

MR. HANCOCK: So we leave that as the intent.

The last item raised by Ms. Gundlach dealt with the potential uses where maybe there -- a wall would be beneficial as contained in the PUD versus -- we're talking about a -- you know, a specialty grocer and butcher, so, you know, that's not something you see a lot of noise being generated from.

As I went through the list of uses in the LDC, there really weren't a lot of them that I could point out freely as saying this is something where I think a privacy wall would be beneficial.

If there are those that this body feels would be served if they were in place and a privacy wall made sense, I'm certainly open to considering that. But I think we're driven here somewhat by site design, too. I think no matter what use goes in here, you're going to see some type of a design similar to what you see here because of the physical limitations of the site.

We went through multiple iterations on this site trying to find the different ways in which we could physically locate building and parking. This is the most efficient and practical use of the property. I don't see a lot of ways to develop it outside of what you see here.

Staff is recommending approval of the CPUD and the deviations contained therein. We ask that the Planning Commission consider a similar recommendation to the board. And I'd be happy to address any questions you might have.

CHAIRMAN STRAIN: Okay. Anybody? Stan?

COMMISSIONER CHRZANOWSKI: Just curious.

The reason that -- under Deviations 4 and 5, the reason they're both called Deviation 4 is that they both pertain to the dumpster.

MR. HANCOCK: Or it could be because I made a numbering mistake.

CHAIRMAN STRAIN: They're two different sections of the code. The Deviation 4 is for Section 4.06.02(C)(2), and Deviation 5 is for 5.03.04(A)(2). So that --

COMMISSIONER CHRZANOWSKI: My copy calls them both Deviation 4, but --

MR. HANCOCK: That's correct. Number -- on Page 9 of 11, Item No. 5, it should read Deviation No. 5.

CHAIRMAN STRAIN: I'm sorry. The one I was looking at had it 4 and 5.

COMMISSIONER CHRZANOWSKI: Okay.

MR. HANCOCK: Thank you.

CHAIRMAN STRAIN: Diane, did you have something?

COMMISSIONER EBERT: Yes. Since when does Collier County name alleys, I mean, give a name to an alley?

MR. HANCOCK: Well, actually, this area was platted a long time ago. And it's not typical. And, actually, there aren't a lot of places where these alleys are in use. Many of them are platted, and they were never paved. They just kind of exist on paper, but --

COMMISSIONER EBERT: Is this paved?

MR. HANCOCK: It is paved.

COMMISSIONER EBERT: The neighbors to the east -- in my looking at this -- I did not do a site visit, but in looking at this, it looks like single family and some maybe duplexes, multifamily. And you're going to put all the truck traffic and everything back there?

MR. HANCOCK: It is primarily multifamily to the rear. Most of those properties fenced themselves off from the alley. If you'll look at an aerial, very few of them do not have fencing to the rear. They kind of block off the alley themselves.

The purpose of the alley is to provide a secondary access for vehicles and get them off of Santa Barbara Boulevard.

One of the problems you have, Commissioner, with properties along Santa Barbara is they're fairly small in nature. And if you begin requiring all traffic to come off Santa Barbara, you have to start putting in turn lanes.

The minimum width of a turn lane or length of a turn lane with taper is about 185 feet. And so I think Tropical Way -- we have the opportunity to split the traffic, if you will, and put some traffic on Tropical Way. Many properties already have their trash picked up on Tropical Way. It does serve existing as a commercial alley.

And so we had our neighborhood information meeting. We did not have any neighbors express concern over that. It was discussed at the meeting. And I believe that's the purpose of the alley, is to provide an opportunity for service vehicles.

COMMISSIONER EBERT: Well, I just think -- I mean, everything is so shallow in there, and you're just trying to put in 10,000 square feet in a very small area with -- how many parking places do you plan on having there?

MR. HANCOCK: On a -- based on a retail component, 10,000 square feet would require 40 spaces.

COMMISSIONER EBERT: And you can comfortably fit 40 in there?

MR. HANCOCK: We're going to be shy of that. That's why I said the actual building size is probably closer to 8,000 or 8,500 square feet because parking is the limitation.

As a general rule of thumb, if we're dealing with land throughout Collier County, retail development occurs at approximately 7,500 to 8,000 square feet per acre.

We placed a 10,000-square-foot cap in here primarily for the purpose of being able to provide a traffic impact statement with some source of reliability and limitation.

So for us to get over 7- or 8,000 square feet of commercial in here, we'd have to go multistory, and that's not the intent. So this really is no more intensive than any one-acre commercial site you will see elsewhere in the county.

COMMISSIONER EBERT: And what about the future of Santa Barbara Boulevard being widened here?

MR. HANCOCK: Actually, the widening will come out of already acquired right-of-way and the

median. The existing median and the right-of-way was acquired primarily on the west side, I believe, for the widening of Santa Barbara.

The impacts to this site will probably, in all likelihood, be the closing of the median opening in front of the project when the boulevard is widened.

COMMISSIONER EBERT: So they will be taking the property from the Estates residents?

MR. HANCOCK: It has already occurred. And, I'm sorry, I mentioned the closing of that median. That has not been determined. It's still in design.

Is that correct, Reed?

MR. JARVI: (Nods head.)

MR. HANCOCK: Reed's indicating that that's correct. It's a possibility. They're not sure which ones will remain and which ones will go. It's still in design. But the right-of-way has been acquired, ma'am.

One also -- one thing also to remember on the other side of Tropical Way, that property also lies within the Santa Barbara Commercial Overlay. And speaking with Kaydee and Russell Tuff at the neighborhood information meeting, you know, their hope in doing that was that projects would come in and consume the entire depth on both sides of Tropical Way, that that would all become commercial.

As you noticed, it's a patchwork quilt of vacant properties and existing duplexes and some single-family homes in the area. So whether that actually happens or not, I don't know. But these properties have been designated commercial and actually already zoned commercial.

If you'll notice in the Land Development Code under the SBCO, it says, the following uses shall be permitted in the SBCO. That raised a question for me whether we even needed to do a rezone.

We have a Land Development Code that says these uses are permitted in this zoning designation, and it's a designation we have. And I had that conversation with Ray, and it's a little nuance in there. But the point being that the SBCO was written much like a PUD itself in establishing these uses, and they came from the community.

So I understand your hesitation, but I -- we are complying with not just an intent but with a specific letter of the SBCO in land uses.

COMMISSIONER EBERT: Okay. I'll just wait and ask Reed some questions.

CHAIRMAN STRAIN: Okay. Anybody else?

COMMISSIONER ROMAN: Yeah.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: My concern is, is that if this project would go forward, how do we transition it responsibly with the neighborhood? You know, I drove down Tropical Way. I looked at the adjoining properties. Some have bushes; some were open to the alley; others did have a fence. It was inconsistent in terms of the backyards facing that property.

It appears that the proposed project would benefit the neighborhood in that if they do walk primarily to get different things as far as groceries or to take advantage of the butcher shop, that that might be an enhancement for the neighborhood, as you propose.

And if all of these properties are, in fact, destined to be commercial at some point, my question would be, how do we transition this responsibly? Because I know myself, if I was living in one of those houses and now all of a sudden I had delivery traffic and dumpsters being emptied, it would certainly impact my quality of life on the alley, and that's my biggest concern for this project.

MR. HANCOCK: Two elements, if I may. The first one you hit on, which is exactly the reason why the owners picked this property, and that is that -- their experiences with a specialty grocer in Golden Gate City. There is a lot of foot traffic, bicycle traffic, people coming from the immediate area.

And they've been so successful with their existing operation on the east side, they're basically expanding it. And so we have a track record of success for this particular business owner with this type of business.

And you're absolutely right, it's a community where people walk. They go by foot. So that, in part, is why this location has been chosen.

As far as the transitioning goes, this district has been in place for 14 years. The creation of this district and the creation of this commercial area was initiated by the County Commission, and the community

was heavily involved in the development of the standards and land uses that you see in this PUD.

The transition has already somewhat happened. There are already some commercial components along Santa Barbara backing up to residential that are far more intensive than what we're proposing here.

For example, to the north is a Circle K with a gas station. There are some offices and whatnot that do take deliveries by Tropical Way. I think what we're doing is we're inching forward, if you will, to the area becoming more what it's designated to be.

One of the problems we have, if you read the LDC language about this is, this doesn't just say you can go be commercial. This says you cannot be residential. Even though this property is zoned RMF12, I cannot develop it as multi-family. I'm prohibited by the SBCO. That's exactly what the SBCO was intended to do.

We have no choice in using this property but to use it consistent with the SBCO, and that requires commercial.

So whether we want to or not, and we do want to use it as commercial, that was the intent was to phase out the multifamily residential and to replace it with commercial.

All we can do is follow the standards that are in place. And I think what helps is, when you look at a 15-foot buffer between our property and the alley, with the exception of where the dumpster location is, and that buffer has a 6-foot hedge within one year of planting with 80 percent opacity.

Every 20 feet we've got a tree that, at time of planting, is a minimum of 12 feet in size that will grow together over time after a few years. That's a buffer you don't see existing anywhere along Tropical Way today.

And so I think what you will see is an improvement to the area, not a detriment, and hopefully a pattern that will be continued.

COMMISSIONER ROMAN: And do you see that the alley would be the primary way that all deliveries to this store would be accomplished?

MR. HANCOCK: Yes, I do. And I think that's -- it's advantageous to separate commercial delivery traffic from customer traffic when you can, and this happens to be a commercial area that has an alleyway for that purpose. So, yes.

As a matter of fact, in the PUD it states that we will direct all deliveries to use Tropical Way. And, in addition, at the time of SDP -- we've discussed with staff, and I think that was part of our discussion with transportation -- is having signage at the entryway along Santa Barbara that tells deliveries to use the rear of the property.

So, yes, ma'am, I do foresee that.

Deliveries these days -- a store of this size doesn't get an 18-wheeler pulling up, backing in, and doing deliveries. Most of what you're going to see -- the largest thing you're going to see is a box truck, about a 24-foot, you know, static, non-tandem truck.

Most deliveries are actually coming by ground UPS and FedEx these days. So we're not talking about diesel engines sitting back there running for extended periods of times like you might have at a grocery store that is much larger. It would be a smaller-type vehicle, and not a high frequency. Again, limited by size.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER EBERT: I do have another one. What -- this is just going to be a grocery store and a butcher shop? Is that what --

MR. HANCOCK: That is the primary intent. If there's additional space not consumed -- sometimes you might see, for example, a cell phone provider might also be inside the space. You know, we want to leave that flexibility. He doesn't need 10,000 square feet to do, you know, the one use, so there may be multiple uses within the building, and that's where we come to the list of uses in the PUD.

COMMISSIONER EBERT: Would this be more like a town center on Immokalee Road?

MR. HANCOCK: I think by itself it's too small and limited to look at it as a town center. I think the intent is for all of these properties to be linked in such a way that you do have that commercial, you know -- an aggregate of a variety of commercial activities here that serve that purpose for the residents of Golden Gate City. But, by itself, I can't really call it a town center.

COMMISSIONER EBERT: Well, inside he has a bakery, he has a sandwich shop, he has, you

know, post office.

MR. HANCOCK: That's a -- that is consistent with the concept the owner has identified. I just don't know exactly which of those uses are intended. And that's why we included the SBCO uses is -- you know, we weren't nailing down just one. We felt it was important to leave the door open for some degree of flexibility without having to rezone the property.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: As a follow-up --

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: Yeah. I'm just a little confused one point. If the board turned this down, could you come in and submit for a commercial project on this parcel?

MR. HANCOCK: According to staff, no. We have to rezone the property in order to use if for commercial. I was pointing that as a little bit of a nuance that --

COMMISSIONER CHRZANOSWKI: Okay. No, I'll -- you don't have to go deeper. I'm just curious.

CHAIRMAN STRAIN: Anything else?

(No response.)

CHAIRMAN STRAIN: As a follow-up to one of your comments to Charlette, you said you weren't going to be using 18-wheelers. So do you mind a stipulation saying that?

MR. HANCOCK: No. There's no place for one to park.

CHAIRMAN STRAIN: Well, no. That's fine. I just -- I'd want to make sure that you're going to be limited to single axle box trucks and not anything larger than that, because that's a big difference in size.

It's odd to see an applicant not here. Why is your applicant not here, just out of curiosity?

MR. HANCOCK: He is out of the country for the holidays.

CHAIRMAN STRAIN: I have some questions that pertain to specifically what he may be able to answer, but I'll give it a shot at you. You could put the page -- the first page of your staff report up under the overhead. This --

MS. GUNDLACH: Would you like me to --

CHAIRMAN STRAIN: Yeah, if you've got it, Nancy, just slide it on there. I've got to show you some -- I've got to get some clarifications from the applicant/owner. All the way to the top. Oh, that's the last page. There you go.

I went into public records to try to figure out -- like I always do for every applicant -- both the name and the company and everything else, and none of it matched. Do you know his name is not Kevin? It's Kelvin, K-e-l-v-i-n.

MS. GUNDLACH: Commissioner, I think that's my typo.

CHAIRMAN STRAIN: It doesn't matter. I'm just -- I don't know whose it is. I'm just saying, we've got to get the record straight.

The third line down, it's not 1600 40th Terrace Southwest. It's 1680. And the Inc. is not Inc. It's in quotation marks, and it's in quotation marks at sunbiz.org, which is the state's federal -- or state's registry for corporations. So I think it needs to read that way on here.

Also, the property appraiser lists Deonarine Anand Enterprises as spelled with an I instead of an E. Do you know why that is? Because I couldn't find that anywhere, but I do know the property appraiser has it down that way.

MR. HANCOCK: I cannot explain that difference.

CHAIRMAN STRAIN: Okay. Any of those comments I just made, though, and the other corrections, do you have any objections to them?

MR. HANCOCK: No, sir.

CHAIRMAN STRAIN: Okay. Your discussion about the intent of the district was correct. The intention was to convert this area to commercial, but it was to do so with the standards we put in place, of which you're asking deviations from.

So based on the fact you're asking for deviations, your application is not necessarily consistent with

what the intention was, and that's why I was concerned when I saw your trying to do away with some of the protections we tried to offer to the neighborhoods as this property -- as these properties would have evolved in the form of buffers and design, yet you want deviations from both in numerous cases to get what you want on this PUD.

So I'm not sure that's the right way to approach it, Tim. I mean, I was chairman of the committee that did all this work, so I know the intent probably better than you do, and I don't believe that our intention was to provide some of the intensity you have here with no protection to the neighborhood, in particular, the wall.

You acknowledge you're going to have deliveries off the rear. Well, whereabouts in the rear? If you want to put the site plan back on.

So the rear end would be -- the rear of that project will be all in -- if you're going to have -- whether they're roll-up doors or any kind of doors there -- and that's probably why you don't want the facade in the front and the rear because you can't have roll-up doors, the deliveries would be the noise that would be created for the neighborhood behind it, which is still single-family -- or not single -- multifamily. It's still residential, right?

MR. HANCOCK: Deliveries will come in via Tropical Way; however, the required loading space by LDC standards is within the parking lot or will be within the parking lot, not on the alley.

CHAIRMAN STRAIN: Okay. So where are the deliveries going to be? Go back then. Where are you going to park the delivery trucks?

MR. HANCOCK: In the required 10-by-20 loading space.

CHAIRMAN STRAIN: Okay. So how -- what are they going to do then? Are you going to have a door back there where they're going to dolly around to it?

MR. HANCOCK: We haven't -- we don't have a building design, Mr. Strain. I can't fully answer that questions whether they will come in -- for example, a lot of food stores, the delivery is a bread truck, for example, will come in the front door. There's not a back stock area or a rear stock area. If you've ever been to a convenience store --

CHAIRMAN STRAIN: I know they will.

MR. HANCOCK: -- you know, you'll see the trucks come in the front door. A lot of the smaller deliveries are handled that way.

CHAIRMAN STRAIN: So -- and I don't see the problem with the facade being taken away if the wall's up, but if the wall's not up, I can't understand why you need the facade -- the two facades -- not to have two primary facades.

The -- some of the restrictions in the primary facades would prevent what I'm concerned about is trucks pulling up to the rear of that property with no wall there with just a hedge. They could -- I mean, what's going to stop them from walking through a hedge?

MR. HANCOCK: I don't have a problem with including language that says no deliveries shall be made directly from Tropical Way. That keeps that from happening in the PUD.

CHAIRMAN STRAIN: Well, let me work my way through this, Tim, and we'll see where it's going to go.

You have a lot of uses; you took all 84 uses from the overlay and said, basically, you want to put them on this property, yet you're telling us that the applicant only wants to put a -- basically a food store there, a butcher shop, but that doesn't mean you could walk out of here today, he could sell this property with a new entitlement, and build an amusement and recreation service area, could build a veterinarian shop, could build an auto -- a home and supply store, child daycare service centers. You could put civic and fraternal associations there. He could put in an eating place, such as a restaurant, which could have a percentage of alcoholic beverage. He could put other food stores like a convenience store, and there is no restriction, if there's a convenience store, about having gas pumps until you volunteered that in the beginning of the meeting, so I wrote that down. You looked at the LDC. If you look in the GMP, it excepts out the provisions for -- I'll read it to you, if I can find it.

MR. HANCOCK: Commissioner, if the SBCO and LDC prohibits them and we replicate that language in the PUD, then I believe it's addressed.

CHAIRMAN STRAIN: Good. Well, it says so -- within one year of the effective date of the adoption of the revised subdistrict boundaries, the Land Development Code shall be amended to provide specific uses and development standards to implement the revised subdistrict.

These shall include, but not necessarily limited to, landscaping and buffer requirements, which you're asking for deviations from, water management provisions, architectural design standards, which you're asking for deviations from; and, four, prohibition of automobile service stations and similar repair facilities. This does not preclude convenience marts with gasoline pumps.

Now -- and I'm glad, because I was going to stipulate you weren't going to be allowed to have gasoline pumps anyway, but you said it, but I wanted to correct you. I don't think it's -- I don't think they're prohibitive under the foodmart operation that you might propose on this site. That's the only reason I'm mentioning it, not that I want to see it.

Some of the other things that could go in there is hardware stores; laundries and dry-cleaning facilities; membership organizations; personal supply services, which is a full range of different things; retail services; miscellaneous, including fireworks -- fireworks store, retail nurseries, lawn and garden supply stores, social services not elsewhere classified, which is 8399, which is your catch-all for just about any kind of social service, and those will have different types of generated, you know, parking, people coming and going; surveying services, which I know start early in the morning.

There are a lot of issues there that may work if there's walls and buffers as originally planned for this area and intended, but when you come in and start depreciating those, taking some of those out, I'm not sure all those uses then fit into your ability to have this site as much as you want it with all those uses on it, Tim.

So I'm a little concerned that we've gotten a little astray of what the intent of the district was when we make so many changes with the intensities.

Now, I know you don't want to do all that, so an easy solution would be to remove some of those intensities. But if you're not willing to do that because you believe you already have them, well, then we'll have to take that where it goes in our deliberations on this issue.

MR. HANCOCK: Would another solution simply be to eliminate the wall deviation?

CHAIRMAN STRAIN: That would -- yeah, that would be a primary solution.

In your development standards table, Table 1, there's a note there, and it says, permanent accessory structures such as dumpster enclosures shall not be permitted in the drainage and utility easement. If said easement ceases to exist, setback will occur from the right-of-way line, alley or adjacent property line.

And I made a note of that only because I didn't know where you showed that utility easement. So that referred to that 6-foot utility easement that you're showing --

MR. HANCOCK: Yes.

CHAIRMAN STRAIN: -- that the dotted line wasn't labeled for?

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay. In your site plan, as we have in front of us, you have the LBE. It looks like you're saying that's the inside edge of the landscape buffer easement or the landscape buffer?

MR. HANCOCK: Yes.

CHAIRMAN STRAIN: So the landscape buffer is 15 feet from that line out to the utility easement line, or whatever the other dotted line is, but how do you put that into the water management? Over in your water management areas you have that going -- the LB -- the landscape buffer going into what typically would be a water management easement or water management area.

And, Ray and Nancy, is that something that we would normally allow?

MS. GUNDLACH: An easement is allowed to encroach into a landscape buffer by 50 percent. So in other words, seven and a half feet could be an encroachment by an easement.

CHAIRMAN STRAIN: Are these considered dry detention or wet detention?

MS. GUNDLACH: I think I need a civil engineer to help me with that.

CHAIRMAN STRAIN: Well, Tim could probably answer.

MR. HANCOCK: It's not a part of the zoning, but it would be dry detention.

CHAIRMAN STRAIN: Well, it would be part of the zoning if it was wet detention and it had to have a water management easement around it.

MR. HANCOCK: As well as a minimum setback from residential property lines of 50 feet, and so they will be -- they will be dry.

And it is typical in all projects as designed that 50 percent of the landscape buffer is usually used in some form of water management whether it be perimeter collection swales or detention areas.

COMMISSIONER CHRZANOWSKI: They're too small to be lakes.

MR. HANCOCK: Yes, sir.

COMMISSIONER CHRZANOWSKI: So they'd have to be dry.

CHAIRMAN STRAIN: Your deviation No. 5, it has the word "minimally" in regards to when the dumpster or how far dumpster enclosure will encroach into the landscape buffer. Since you know that to be 10 feet, shouldn't we replace the word "minimally" with "10 feet"? That doesn't -- "minimally" means nothing. We don't know what "minimally" means, so --

MR. HANCOCK: Well, I think as it turned out from design from when that language was crafted, the minimum required sizes of those dumpster pads are 12 feet in depth. So what we end up doing basically is encroaching substantially into a 15-foot buffer.

What we wanted to do is we wanted to take that 15-foot buffer and wrap it around the dumpster enclosure by reducing it to five feet in width but having the same amount of vegetation as required in the Type B 15-foot buffer.

So what you're ending up with, if you're standing on Santa Barbara, what you're seeing is you're seeing vegetation, a 15-foot Type B buffer that wraps around the dumpster narrower in width but not less in material so that that buffer still exists, just in a narrower configuration, and goes around the dumpster.

The problem we had, Commissioner, with -- and this is where, in 1999 when a list of uses was created and development standards were contemplated, I guarantee you that none of those sessions said, okay, how are we going to deal with trash? How are we going to deal with the required minimum backing distance that is required by Collier County for a dump truck to access a dumpster enclosure? That's what we are running into as we come in and try and design this site.

I have to have 60-foot clear --

CHAIRMAN STRAIN: Tim, I'm not arguing about your need for the deviation.

MR. HANCOCK: Okay.

CHAIRMAN STRAIN: I just want to make sure by saying the word "minimally" we get the right amount in there, because you just said it isn't minimal; it's substantial. So by that deviation, you wouldn't get the diagram that's on -- in front of us today.

So what I'm suggesting is, instead of putting the word "minimally" there, put the right dimension there. If you're going to take the dumpsters and you're going to intrude -- and it looks almost entirely into the landscape buffer with them by the diagram you've got in front of us, you're really relocating landscape buffer to the rear of the dumpsters, and for the area in which you have to relocate it, you're asking for a narrower size landscape buffer?

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Why don't we just say it that way instead of trying to say it's minimally when it's not and then it's substantial and you don't get it, and we go back and forth during SDP review.

So can we consider that it's going to be rewritten?

MS. GUNDLACH: (Nods head.)

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: And I think that would allow us to combine Deviations 4 and 5 into a single piece of verbiage since they kind of tie together.

CHAIRMAN STRAIN: Okay. But I want to understand for this board's review and approval, in no case is the buffer that would be reworked to move around those dumpsters on the inside of the property to be less than five feet.

MR. HANCOCK: That's correct.

CHAIRMAN STRAIN: Right?

MR. HANCOCK: That's correct.

CHAIRMAN STRAIN: Okay. That, I think, gets us an easier way of getting there than trying to use

the word "minimally."

Diane, did you want something? Go ahead.

COMMISSIONER EBERT: Yes. I have some problems with this site. Your minimum building setback from Santa Barbara Boulevard is 25 feet and from the alley is 15?

MR. HANCOCK: Yes.

COMMISSIONER EBERT: Wow. I -- and I just don't feel comfortable with -- a 5-foot buffer is nothing, I mean, really. And when this was done -- were you not on the commission in '99 when all this was done?

MR. HANCOCK: No, ma'am.

COMMISSIONER EBERT: You were not?

MR. HANCOCK: No, ma'am.

COMMISSIONER EBERT: Okay. I just -- I just feel a little uncomfortable because the neighborhood looks good the way it is, and we're just -- I don't know. It's -- reminds me a little bit more of just another strip mall, and I think that bothers me. And even in -- well, I'll ask Nancy when it comes to that part.

But with what you're asking for in the FLUE Policy 5.4, the requested deviations lessen the potential to achieve compatibility. And this was done knowing this was the Golden Gate Estates kind of area, and the setbacks and all this, I think, should be in place the way it was intended.

Sometimes people just think they can get every deviation just by asking for it, and sometimes it just doesn't work.

MR. HANCOCK: Commissioner, I've appeared before this body hundreds of times, and I've never asked for anything that I didn't think was necessary to allow for a viable project.

What we have is we have a commercial overlay district that, for the largest part, is somewhat untested. It really hasn't been implemented to any great degree.

And in going in and looking at how these standards all apply, without any of these deviations can a project occur here? Yes, ma'am. And if we eliminate all five deviations, will this project go forward? Maybe; closer to probably, but I can't -- I cannot be assured of that.

Some of these deviations, I think, are a result of really not contemplating when you apply application of all of the standards to a parcel that's only 125 feet in depth.

And, for example, one of them that to me makes tremendous sense is the buffer along Santa Barbara Boulevard. Reducing it from 15 feet to 10 feet in width but maintaining exactly the same amount of vegetation has no negative impact on anyone.

And so to say that we shouldn't do it because it allows the building or parking area to be five feet more than it otherwise would be is -- to me is -- it doesn't make a lot of sense. It's -- but again, if the issue here is strictly the deviations and if you find none of them to be acceptable, I don't --

COMMISSIONER EBERT: Do you plan on putting up a wall in the back?

MR. HANCOCK: If the question is do we want to cull it down to one or two uses without a wall or keep the list of permitted uses with a wall, I think my client would rather put the wall up.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Tim, on exhibit F, which is Page 10, you say that under your outdoor lighting, any lighting located within 50 feet of a neighboring residential property would be limited to 15 feet in height.

Why would you want it limited to within 50 feet of residential? You've got parking lot lighting. What is the problem with going higher than 15 -- why do you need to go higher than 15 feet?

MR. HANCOCK: My only concern -- and maybe Mr. Jarvi can answer this -- was that the entrance on Santa Barbara -- and I'll ask, would we be required to have arterial level street lighting at the entrance?

MR. JARVI: (Nods head.)

MR. HANCOCK: We would.

I don't know if we can achieve that with two 15-foot fixtures or whether we would need to have 25-foot fixtures to do that.

So I was a little -- I was trying to limit the height closest to residential without making it more expensive, if you will, to light -- to meet the county's arterial level requirements at the project entrance. That was the purpose for it. If you wish that they all be at 15 feet, we'll figure out a way.

CHAIRMAN STRAIN: No, but why don't we just state what you just said, any lighting -- any lighting will be limited to 15 feet in height with the exception of the required arterial lighting at the entryway, and all lighting will be shielded from adjoining properties. I mean, that just says what you're telling us.

MR. HANCOCK: I'm fine with that language, sir.

CHAIRMAN STRAIN: Okay. The transportation, Item No. 1, it's about the developer will restrict Santa Barbara Boulevard driveway to preclude trucks from entering or exiting. And I heard you say earlier you're intending to do that by a sign. Is that the only solution?

MR. HANCOCK: Signage and communication with vendors is really the only two options we have.

CHAIRMAN STRAIN: I didn't know of any; I just thought you might have had others, but --

MR. HANCOCK: I can't think of any, to be honest with you.

CHAIRMAN STRAIN: No, I can't either. Your -- in your neighborhood information meeting -- I think you've already answered the problems there. Okay. Yeah, I've gotten most of that.

Let me see. I think we're just about done, Tim.

Oh, in your -- you provided a narrative to staff, and it's kind of redundant to what I just was talking about. You use Policy 5.4 of the GMP as an example of what this project was consistent with, as well as the -- saying that the Policy 7.3 in Section 4.06.02 of the LDC -- each one of those you basically were, in your narrative, talking about why this project was consistent with the overlay yet later on, as we got into it, you went into your deviations. So I do think that takes away some of the inconsistencies, and that's what my concerns have been.

And the last thing I have is -- that's it. That takes care of the rest of it.

Anybody else have any further questions?

MR. HANCOCK: If I may, Mr. Chairman.

CHAIRMAN STRAIN: Sure.

MR. HANCOCK: Ms. Ebert, you stated the setbacks, the rear yard setbacks seemed a little small or -- in size, and I'd like to point out the Land Development Code, in Commercial Zoning Districts C1, C2, and C3, all have rear yard setbacks of 15 feet.

We've been consistent with the Land Development Code in our project setbacks for those zoning districts. And that doesn't contemplate or differentiate between whether there's residential or not, plus we have an alleyway. So the effective setback is significant.

COMMISSIONER EBERT: It just seems -- because the property -- because the property is so squeezed together one way anyway, and you have homes around this -- I understand there are some vacant lots, but you have the Estates across the street, and you have the multifamily homes behind.

I just -- I felt that if you -- I mean, you should probably have a wall there and -- in the back with this. And I understand you have to go to get the dumpsters, and that will be disturbing a lot of the neighbors. And you're saying an alleyway and this -- you know, all the other. But I just see this as trying to put too much in this small area.

And as far as parking places, you know the requirement for -- what'd you say, 40?

MR. HANCOCK: If it were to be 10,000 square feet retail, it would be 40. It varies based on use, but that's a benchmark.

COMMISSIONER EBERT: Okay. And then the traffic. In doing the -- because I did a couple things on the traffic. Potential trip generation totaling 262 new p.m. traffic two-way trips?

MR. HANCOCK: Yes. That's under a specialty retail use. It's a fairly high generator.

COMMISSIONER EBERT: Yes, I know it is, because of Santa Barbara, which is also Logan Boulevard -- it's the same street -- is getting to be very busy already, and I see that -- the impacts, you're already at a Level C, according to the 2013 AUIR. And you take 262 out of the 867, you're bringing that down. It's -- it is starting to impact this roadway.

MR. HANCOCK: Commissioner, I don't believe we're taking 262 out of 826. The 826 is p.m. peak hour. I believe our number there is 67 out of that, p.m. peak hour to p.m. peak hour.

COMMISSIONER EBERT: Sixty-seven?

MR. HANCOCK: I believe when you look at the --

COMMISSIONER EBERT: Okay. I got it. Okay.

MR. HANCOCK: So it's, I think, just over 3 percent impact, which is deemed to be significant but not adverse.

And, again, I think this is the -- this is the door opening. I mean, you've got a commercial overlay here.

COMMISSIONER EBERT: I understand you have a commercial overlay. Most streets do have. I mean, I look at Immokalee Road. We are -- supposedly got room, and there really isn't any room. So you have to understand, from a consumer point it is -- I just think you're going to maybe have traffic problems here. And the county said right now that they don't have the money to widen this. It's not in the quick future, but it will be widened at some time. And I just hope this is a very light industrial use -- commercial use you're trying to put in.

CHAIRMAN STRAIN: Commissioner, just to be clear, they have 84 uses, so any of those 84 --

COMMISSIONER EBERT: I know.

CHAIRMAN STRAIN: But what you just said, you hope it's going to be any light commercial use. It's part of this board's determination to review those 84 uses, which is why the overlay was put in place.

If we put some protection for compatibility back into this request, then those 84 uses are more operable in that area. But without them, I don't feel they are. That's why the Deviation No. 2 with the removal of the wall is a big issue, realizing how much activity could occur to the backside of this building.

Now, to have the wall, which will be about 10 feet or 15 feet off of -- I don't know how many feet. Somewhere in that neighborhood -- off of the backside of the commercial building, it doesn't make a lot of sense to have the backside of the commercial building to have facade requirements like the front, because no one's going to see them. It's going to be right up against the wall.

COMMISSIONER EBERT: No, that's true.

CHAIRMAN STRAIN: But I think from a perspective to protect the neighborhood, rather than a hedge -- and the hedges are subject to maintenance, which doesn't always occur in facilities like this, I just think the wall's the safest way to go for this neighborhood, so --

COMMISSIONER EBERT: I agree.

CHAIRMAN STRAIN: Anyway --

MR. HANCOCK: Commissioner, I can hear the wall is not exactly a home run here, the deviation, so to eliminate Deviation No. 2, if it assists this board in furthering their evaluation, we're -- I'm fine with doing that.

I'd hate to throw the baby out with the bathwater. So we're happy to eliminate Deviation No. 2 if that addresses some degree of concern for this board.

COMMISSIONER ROMAN: And then I just have a point of clarification. With a wall, if it was proposed for this property, then how would the dumpsters then be situated as this diagram? Because right now we have them all the way up to the alley, as I'm understanding this diagram. Does it change anything with the dumpster location?

MR. HANCOCK: Hopefully, it would not. The wall would tie into the dumpster. The dumpsters are required to have a 6-foot masonry-style wall around them anyway. So if there's a wall at the rear of the property, it would tie into those dumpsters.

COMMISSIONER ROMAN: So this diagram, they wouldn't necessarily face open to the actual alleyway, the dumpsters?

MR. HANCOCK: Yes, ma'am, they would. That's where they would be picked up from is from the alleyway as opposed to internal to the site. So they would stay the way they are, but a rear wall would tie into them.

CHAIRMAN STRAIN: As a follow-up to that, though, the dumpsters are wrapped in what kind of a wall, masonry? Is that a requirement or selection?

MR. BELLOWS: That is a requirement, and the front of the dumpster has a screen gate.

CHAIRMAN STRAIN: Now, the wall that we're proposing you put back in, are you willing to build

that in masonry?

MR. HANCOCK: What I'm thinking of for a wall along that alley -- and a common phrase is wood crete. It's a concrete --

CHAIRMAN STRAIN: That's fine, concrete or masonry, though. Not wood.

MR. HANCOCK: Concrete or masonry, because that's going to make the most sense from a maintenance standpoint.

COMMISSIONER ROMAN: My concern is the compatibility with the neighborhood. It's very close quarters in there. When I drove by, I saw a lot of bicycles, children's bicycles, all those types of things, and it's just being sensitive to the neighborhood there. Until this district is completely transitioned, I think it's critical.

CHAIRMAN STRAIN: I agree with you.

MR. HANCOCK: One of the benefits of -- I'm kind of talking myself into this, but one of the benefits of having a wall -- I was concerned -- I did have a concern about the hedge -- people cutting through the hedge. Exactly what you say. There's going to be a lot of foot traffic, and people tend to find the least path. So in a way, maybe it helps our landscape maintenance having the wall.

Again, small-scale project; trying my best to keep the costs down for the property owner. But I understand the concern, and we will remove the deviation request for the wall.

CHAIRMAN STRAIN: Okay. Anybody else?

Okay. Staff -- is that all, Tim? Did you have anything?

MR. HANCOCK: I hope so.

CHAIRMAN STRAIN: Okay. Any staff report?

MS. ASHTON-CICKO: Mr. Chair, you don't have a quorum at the moment.

CHAIRMAN STRAIN: Well -- we can't have a staff report while Stan uses the restroom?

MS. ASHTON-CICKO: Well, I'd prefer --

CHAIRMAN STRAIN: He's got a speaker in there, you know.

MS. ASHTON-CICKO: There's a speaker in there? He can hear it?

CHAIRMAN STRAIN: Yeah. You can go back and use it once in a while if you want. There is a speaker there.

MR. HANCOCK: I do remember that from my time here, yes, that is the case.

CHAIRMAN STRAIN: We can take a break for 10 minutes. Let's do that.

Yes?

MS. CLARK: Can I say something about this project, or is it not --

CHAIRMAN STRAIN: No. Can you wait 10 more minutes?

MS. CLARK: Yes, I can.

CHAIRMAN STRAIN: Okay. Thank you.

We'll take a break for 10 minutes and come back at 10:37.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Everybody, welcome back. We'll try to finish up the meeting. Before we go to public speakers, we have to have the staff report.

Nancy?

MS. GUNDLACH: Good morning, Commissioners. For the record, Nancy Gundlach, principal planner with the zoning department.

And we are recommending approval of this land-use petition, as it is consistent with the Land Development Code and the Growth Management Plan. Thank you.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody have any questions of staff, or anybody on staff? Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: Of anybody on staff?

CHAIRMAN STRAIN: Anybody on staff.

COMMISSIONER CHRZANOWSKI: I'm just curious, I used to cycle that alley all the time, 15, 20 years ago when I lived in Golden Gate City, and I used to run into a lot of trucks there. Is there a -- is there a prohibition against 18-wheelers using the alley? How would you control that?

CHAIRMAN STRAIN: Well, the only way -- if you put it as a stipulation in the PUD, then it could be enforced through code enforcement. That was the only alternative.

COMMISSIONER CHRZANOWSKI: Yeah, but -- so you stop them from going to this site. You can't stop them from going to any others.

CHAIRMAN STRAIN: Unless the others come in, and we put the same restriction on them.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: I mean, nobody else along there has done that work, so we -- as soon as they come in, that's one of the things we can consider on such a narrow alleyway up against residential. Now, that all may change in the future but, honestly, I don't see the residential going away. I mean, I know what our code says, but I think it's pretty impractical to think it's going to be demolished. Did I take away your thunder?

MR. JARVI: I don't know if I have anything to address. There was a question, but I think you answered it.

COMMISSIONER CHRZANOWSKI: Tell us about the alley.

MR. JARVI: Reed Jarvi, Collier County transportation planning manager.

To my knowledge, there's no prohibition on any kind of use for vehicles in the alley, although alleys typically are used for garbage trucks, deliveries, mail. I mean --

MR. BELLOWS: General services.

MR. JARVI: -- general service. So, I mean, the reasons to have an alley is to get those types of services off the main road. So that would be what it was there for. Whether you bicycle on it or walk on it, you know, that's a use that's also allowed. So there's no prohibition, to my knowledge. Anybody can use it for anything.

CHAIRMAN STRAIN: Do you know the width of that alley?

MR. JARVI: I do not.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: It seemed pretty narrow to me, but that's anecdotal. You know, I couldn't be passed by another car.

CHAIRMAN STRAIN: Right. And I'm not saying it's never going to have an 18-wheeler on it, but if we have an applicant who says he doesn't need that and we can put it in the system, then that's the less of them we have to worry about if they were to start having them show up on those alleyways.

MR. JARVI: Yes, sir. That makes sense to me.

COMMISSIONER CHRZANOWSKI: I am aware that some people have 18-wheelers show up to foreign -- to other parking lots, transfer to a smaller truck to bring their stuff into their places which, from what I can tell, you -- if you have a normal traffic flow going through this parking lot, you're not going to be able to move trucks through there too easily, so your deliveries are going to have to be made with some kind of smaller vehicle.

MR. JARVI: Right. I think -- I mean, Tim can correct me if I'm wrong, but I think the -- what they envision is trucks, the smaller box trucks I call them, like a Home Depot -- not Home Depot, Office Depot --

COMMISSIONER CHRZANOWSKI: Step vans.

MR. JARVI: Yes. Those type trucks would use the alley, pull into the parking lot into the loading space and then unload. That's what I heard.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Yeah. Good. Thanks.

CHAIRMAN STRAIN: Thank you. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Are there any public speakers? And I'm sure you guys were sitting here for some reason. Come on up -- identify yourself -- to one of the podiums --

MS. CLARK: Up there?

CHAIRMAN STRAIN: -- one at a time, and let's hear what you've got to say. Tell us your name and address, if you could, please.

MS. CLARK: Yes. Mrs. Suzanne Clark, 5621 Star Grass Lane in Naples, Florida.

What else am I supposed to say?

CHAIRMAN STRAIN: Whatever you're here for.

MS. CLARK: Oh, I'm going to speak here?

CHAIRMAN STRAIN: Well, no. Earlier you wanted to express yourself. That's what the meeting's for.

MS. CLARK: Oh, yes. My husband and I reside there, and we have a lot of concerns regarding this project.

First of all, we've objected to this. I think the area is too small. That particular one acre is too small. It is a tight fit, like Ms. Ebert said.

We live across the street. We're on the corner of Santa Barbara and Star Grass Lane. Our actual house, the face of it faces Star Grass Lane.

Our concern, a lot with the neighbors on Star Grass Lane, that's a school bus stop right there. So is this driveway going to be opposite of Star Grass Lane that I'm envisioning on that particular plan? Is that the driveway right there that you go in and out of this project?

CHAIRMAN STRAIN: I don't know, but we'll find out after you get done -- when you get all done, we'll ask some questions on your behalf.

MS. CLARK: All right. And I think, you know, the noise level with the traffic. And I -- why does this owner want to do this here? Because down the street you have Circle K and you have a drive-through convenience store. And a lot of people walk there and a lot of people walk down to Winn-Dixie, which is off Coronado Boulevard.

So I just can't imagine having this type of business at this location would warrant enough business. I mean, I just don't, you know, get it. I guess that's the main thing.

But the lighting, I'm concerned about the lighting. Is the lighting going to be on 24 hours? Is the lighting going to be shining now over on our property, which we're on the corner of?

What other concerns do I have? So many things. That Tropical Way that everyone's talking about, I mean, you can only get one car down there. I mean, not even a big 18-wheeler. It's just -- I don't know. I don't think it suffices the property for this type of business, you know, at this stage.

And when are they ever going to, you know, widen Santa Barbara? That's the other thing down the road, which I know this doesn't have anything to do with it.

But a lot of concerns were of the neighbors, there's school buses there. You know, school bus is 6:30, 7:30, 8:30, and they just think with the traffic, and -- you know, they're not -- they're very opposed to it, too, even though we're the only ones here. But I don't know, I just don't like it.

CHAIRMAN STRAIN: Well, let me clarify a couple things. First of all the lighting, the lighting's going to be required to be shielded so the overflow can't cast your -- into the neighboring properties.

MS. CLARK: Is this going to be on 24 hours?

CHAIRMAN STRAIN: Most likely it will be because of crime. If they have it on 24 hours, that might be a better thing than not for an area that Sheriff's Department can't clearly see. I don't know; that will be up to the owner/operator to run it longer than that, but it will be 15 feet shielded. So the light won't spill over -- should not spill over into neighboring properties.

The other side is back in '99, 2000, 2001 this whole area was part of a replanning, and all these uses they're asking for were decided then through public -- there was meetings twice a month that went on for almost two years on different areas, but your area was included in it, and notices were sent out to all the property owners within so many feet of these properties that this was being considered for all these new uses, and that's how it got approved. I mean -- so what they're asking for was already deemed allowable 10 years ago.

MS. CLARK: Right. That's on the east side of Santa Barbara. But on the west side of Santa Barbara, that's not commercial.

CHAIRMAN STRAIN: No, no. West side of Santa Barbara is okay.

MS. CLARK: The east side.

CHAIRMAN STRAIN: Just the east side, yeah.

MS. CLARK: That's what I understood as well in '99.

CHAIRMAN STRAIN: Within the city. It was a subcommittee from -- the city residents came back with this idea to say that they want the two lots, two blocks -- actually the alley, both sides of the alleyway, to go commercial, and the list of uses. So that was city generated. I may not have had as much input from your side, but you're all -- I don't know if you owned your house back in the '90s, but --

MS. CLARK: Yes.

CHAIRMAN STRAIN: -- everybody was supposed to have been notified.

MS. CLARK: Yeah, we were. I'm aware of that situation.

CHAIRMAN STRAIN: Okay.

MS. CLARK: But like the hours of operation, I mean, is it going to be normal business hours? Are they going to be --

CHAIRMAN STRAIN: We'll find out, okay?

MS. CLARK: All right.

CHAIRMAN STRAIN: Thank you.

MS. CLARK: Thank you.

CHAIRMAN STRAIN: Did you have something --

MR. CLARK: She's my mouthpiece.

CHAIRMAN STRAIN: Same thing happens to me.

MR. CLARK: God bless her.

CHAIRMAN STRAIN: Okay. I think we had a couple -- go ahead, Nancy.

MS. GUNDLACH: Just -- something came to my attention that I wanted to share with you regarding the wall. I'm looking in the Land Development Code. Along an alley, it's required to be 4 feet tall. I just wanted you to be aware of that.

CHAIRMAN STRAIN: Okay. Well, that's a good point, because if it's not 6 feet tall, then we need to consider the architectural criteria as well, then. We'll have to talk with Tim about that in just a minute or two.

Let me try to resolve a couple questions just posed to us by the lady. Does anybody know if this driveway is aligning to the Star Grass, I think it is, or Seagrass Lane across the way?

MR. HANCOCK: It does.

CHAIRMAN STRAIN: It does?

MR. HANCOCK: Currently there is no southbound left-turn lane. Our client is not going to install one because the trip movements don't warrant it as far as from a business standpoint. And so it does line up with Star Grass Lane, and that's actually where the median opening is, and I think that's recommended by transportation also, as opposed to offset.

CHAIRMAN STRAIN: Okay. Yeah. I mean, that's normally what we try to do is line them up. So I'm -- as far as the lights, you're agreeing to do the shielding, which I think is required under our code anyway, but we'll make sure it is. The hours of operation.

MR. HANCOCK: I know that there's no 24-hour operations contemplated, and I am at a little bit of a disadvantage, obviously, with the client being out of the country. But if you look at the list of uses, none of them are 24-hour.

And we talk about convenience stores, but -- so, you know, if you wanted to limit hours of operation not to occur between 11 p.m. and 6 a.m., I don't see that being a negative, because I just -- I haven't heard anything from my client that contemplates use of that nature. That's kind of what I'm picking out. If that's a concern --

CHAIRMAN STRAIN: No, I think it will help, Tim. I mean, we're here to try to address the compatibility, and if there's a concern, especially from across the street, that the hours of operation there are going to be something that might be a concern, we ought to address it.

And if you are willing to suggest some -- let's put some hours of operation in. And I think you said open till 11 p.m.?

MR. HANCOCK: No later than 11 p.m.

CHAIRMAN STRAIN: And no earlier than six.

MR. HANCOCK: No earlier than 6 a.m.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: I guess it would be easier to state hours of operation as 6 a.m. to 11 p.m. That probably is a little bit cleaner.

CHAIRMAN STRAIN: Okay. Anybody else have any questions? Comments? Did we miss anything?

(No response.)

CHAIRMAN STRAIN: Okay. Tim, I want to read the -- some of the conditions we've talked about so that -- oh, there is one other. Nancy just brought up a good point, that the wall to the rear would be four feet based on our code because it's up against an alley.

What kind of facade were you planning for the rear of this building? Now, the reason I'm asking is I know you wanted a deviation from a primary facade, but now that most of the building's going to be seen from the neighborhood behind it because of the height of the wall and for people walking down the roadway, I'm a little concerned that if you do -- what are you planning to put back there versus a primary facade that was required?

MR. HANCOCK: Actually, the rear of the building was going to be plain vanilla. I mean, there's -- you know, there's no intent to design it, I mean, particularly if we're going to have a 6-foot wall behind us now.

COMMISSIONER EBERT: Four.

CHAIRMAN STRAIN: Well, you can have -- by code you could do a four. So are you saying you're going to do a six?

MR. HANCOCK: There's no real savings there. I'd rather do a 6-foot wall to the rear and not have to deal with spending gingerbread money that nobody can see.

CHAIRMAN STRAIN: Okay. Does anybody have any problem with that?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Okay. Well, then let me walk through the various stipulations that we've come up with, and hopefully it will clarify it for everybody that's interested.

First of all, there's going to be a prohibition of selling gasoline.

And, Tim, if we go through here and you have a concern about any of these, please speak up so we can clarify it.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: We're going to remove the accessory uses listed under C in the PUD; we're going to remove the reference to internal drives in the development standards table; we're going to add an arrow to the utility easement dash line indicating that's what it is, and we're going to add some arrow and language to indicate what the building setback line is.

Deliveries will be by box trucks only. There will be no deliveries from the alley. I don't mean transversing the alley, but people won't be parking in the alley to make deliveries.

We're going to rewrite Deviation 4 and 5, consolidate them, and clean them up, and that's concerning the 5-foot around the -- 5-foot landscape buffer that will end up around the dumpster enclosure.

We're going to remove Deviation No. 2 and require a standard Type B buffer; however, it will be a concrete and masonry wall at 6 feet in height.

The -- there are going to be some corrections and changes made to the applicant information on the first page. We're going to modify the lighting reference to -- so that all lights will be 15 feet except entry lights, and all lights will be shielded. The entry lights will be as high as required to meet code.

The hours of operation will be from 6 a.m. to 11 p.m.

Other than the grammatical -- any grammaticals that we came up with, I think that's the bulk of it. Nancy, did you have anything else in your -- that you can think of?

MS. GUNDLACH: Did we cover the lighting?

CHAIRMAN STRAIN: Yes.

MS. GUNDLACH: I think we've covered it all then.

CHAIRMAN STRAIN: Okay. Tim, you understand all those?

MR. HANCOCK: I understand them and have no objection to any of the proposed amendments.

CHAIRMAN STRAIN: Okay. With that, any further questions from the Planning Commission?  
(No response.)

CHAIRMAN STRAIN: If not, we'll close the public hearing and entertain a motion.

Anybody? Stan?

COMMISSIONER CHRZANOWSKI: I'll move we approve Petition PUDZ-PL20130001352,  
7-Foodmart CPUD, with the stipulations as revised.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER ROMAN: I'll second.

CHAIRMAN STRAIN: Second by Charlette.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

Thank you very much.

Thank you for your attendance today, ma'am and sir.

MS. ASHTON-CICKO: Mr. Chair, is there going to be a consent hearing on this one, or is that --

CHAIRMAN STRAIN: Oh. Yeah, we're going to have to have a consent only because the -- we haven't voted on the consent matter yet. So we'll just leave it on consent, and we'll see the language when it comes back. Some of it's going to have to be rewritten a little extensively, like the Deviation 4 and 5 and the combination of those. So I think it would be good to come back on consent, so --

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: Okay. Thank you all.

\*\*\*Now, we have one more item up today, if I can get to it here. I'm trying to get it, everybody. My computer doesn't want to work with me.

COMMISSIONER EBERT: Ray's having the same problem.

CHAIRMAN STRAIN: We're not on the same system, so that shouldn't happen.

Okay. We have no old business. Well, new business is kind of like old business. Last time we discussed the possibility to help not prolong approvals unnecessarily. It's to consider changing our consent resolution to basically read that upon a majority vote of this board on a case-by-case basis, we would then determine whether or not a project needs to be on consent. But unless we -- unless someone brings it up as a need, it just automatically is done that day.

And I will leave it to the County Attorney's Office to write it up in any manner or form. But does everybody -- what do you guys think about that? Does anybody have an objection to it? Do you see a need to have consent if there's no interest in it?

COMMISSIONER EBERT: Well, there's sometimes a lot of changes, and so that to me definitely has to come back, because that's where we can catch some things. I know you put it in there, but it is a way of protecting this board also for them to come back.

CHAIRMAN STRAIN: Right. And that's why I was going to suggest we do it on a case-by-case basis. Like, the first one really only had grammatical changes, and we didn't need a consent on that. This one has a lot more, and it would be beneficial for us to look at that final language, especially when we combine things and change some of the paragraphs.

And that's all I'm asking is that we can -- we can save a lot of people two weeks in time in having their representatives and cost to come back here if we just simple don't do it as a standard and only do it when a member wants to bring it forth as a request by vote, then the majority says yes or no.

COMMISSIONER ROMAN: Mr. Chair, I'm understanding that what you're proposing is more of a

flexibility issue where the board has an opportunity to either send it forward or to bring it back on consent. Is that -- my understanding correct?

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: Yeah. I think that's --

COMMISSIONER CHRZANOWSKI: My understanding is it's not so much flexibility as it doesn't come back to us unless we want it to.

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: Right. It gives us the option.

COMMISSIONER CHRZANOWSKI: As opposed to now it absolutely comes back to us even if we don't want it to.

CHAIRMAN STRAIN: Yeah. Right now it comes back even if it's simple and we don't need it to.

COMMISSIONER ROMAN: That gives us the option.

CHAIRMAN STRAIN: Right. Is that okay with everybody?

COMMISSIONER ROMAN: I think that makes sense.

MS. ASHTON-CICKO: Do you want to put the draft on the visualizer and --

CHAIRMAN STRAIN: Sure. If you've already got it, young lady, that would be great. Is that the one that I -- did you change the one I sent to you?

MS. ASHTON-CICKO: It has 2008 on it, but, you know, the language is okay.

CHAIRMAN STRAIN: Okay. Yeah, certainly, if you don't mind, Heidi, thank you.

COMMISSIONER ROMAN: Maybe we can zoom out a little bit.

MS. ASHTON-CICKO: So on this page there's just one change, which is right here.

CHAIRMAN STRAIN: Heidi, why don't you just -- this one's marked up.

COMMISSIONER ROMAN: No. Just zoom out just a little bit.

MS. GUNDLACH: Zoom out?

COMMISSIONER ROMAN: Yeah, just a little bit, yeah, because you're cutting off -- yeah, right there is about -- is good, where we can see the margins. That's good.

CHAIRMAN STRAIN: And I don't know if you'll agree with the way I wrote it, but I just took a stab at making some changes.

COMMISSIONER EBERT: A stab?

CHAIRMAN STRAIN: Stab.

COMMISSIONER CHRZANOWSKI: That's why they're in red.

MS. ASHTON-CICKO: So this is the existing language of the resolution, with the red showing the changes.

CHAIRMAN STRAIN: Now, this hasn't been refined by Heidi's finessing of it, but I took a rough draft and just -- wherever it said "regular," since it wouldn't be part of regular agenda --

COMMISSIONER ROMAN: If you can just leave it still so that we can read it. Thank you.

CHAIRMAN STRAIN: Instead of saying it is necessary, it may be necessary, which gives us the opportunity to bring it in.

COMMISSIONER ROMAN: Yeah, that gives the flexibility to call it back.

MS. ASHTON-CICKO: So the changes are that there will automatically be no consent agenda, but if there's an item that requires more changes, then one of the members needs to make a motion that it be brought back on consent.

COMMISSIONER CHRZANOWSKI: Yeah, I agree.

CHAIRMAN STRAIN: I think that will help the public and save a lot of time and effort for people that don't need to be here.

COMMISSIONER ROMAN: And if you slide it up -- the bottom part, I didn't catch that first page.

CHAIRMAN STRAIN: That page may not have had any more on it. There. That's the same, too. The next page and the top had some.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: Now, other than the signature page for the administrator -- when this was done originally, it was Joe Schmitt, so that needs to be changed to Nick, and I think that's about it.

COMMISSIONER CHRZANOWSKI: So do you need a motion?

CHAIRMAN STRAIN: Yes.

COMMISSIONER CHRZANOWSKI: I make a motion that we can change the CCPC ordinance to

--

CHAIRMAN STRAIN: Resolution. It's a resolution, CCPC.

COMMISSIONER CHRZANOWSKI: -- resolution to reflect the fact that projects only come back for consent agenda on a case-by-case basis.

COMMISSIONER ROMAN: I'll second that.

CHAIRMAN STRAIN: Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

Good. Thank you. That will help us move a little faster.

MS. ASHTON-CICKO: I think we just amended that you're approving the resolution for -- and adopting the resolution as proposed, or did you want to bring it back?

CHAIRMAN STRAIN: No. I'd just as soon do it today, so --

MS. ASHTON-CICKO: Yeah. So have him approve the resolution.

CHAIRMAN STRAIN: Okay. So the resolution that was just put on the screen, since we do have the language here today, as long as that was acceptable, was your motion to include --

COMMISSIONER CHRZANOWSKI: Yes. My motion is to include the resolution as Heidi read it.

CHAIRMAN STRAIN: Okay. And --

COMMISSIONER ROMAN: Yes, my second as well.

CHAIRMAN STRAIN: All -- again, all in favor?

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Everybody's okay.

MR. BELLOWS: And you don't want that coming back on consent, right?

CHAIRMAN STRAIN: No.

COMMISSIONER EBERT: Happy New Year to you, too.

CHAIRMAN STRAIN: Yeah, thanks, Ray.

Okay. With that, we're -- this is over. Is there a motion to adjourn?

COMMISSIONER EBERT: I make a motion --

COMMISSIONER ROMAN: So moved.

COMMISSIONER EBERT: -- to adjourn.

CHAIRMAN STRAIN: Made by Diane, seconded by Charlette.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: We're out of here. Thank you all very much for today.

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January 2, 2014

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:59 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 2-6-14, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF  
GREGORY COURT REPORTING SERVICE, INC.,  
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.