

February 19, 2015

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
February 19, 2015

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

Mark Strain, Chairman
Stan Chrzanowski
Brian Doyle
Diane Ebert
Karen Homiak
Charlette Roman

ALSO PRESENT:

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

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, February 19th meeting of the Collier County Planning Commission.

If you all please rise for Pledge of Allegiance.
(Pledge of Allegiance was recited in unison.)

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

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle?

COMMISSIONER DOYLE: Here.

COMMISSIONER EBERT: And Ms. Roman?

COMMISSIONER ROMAN: Here.

CHAIRMAN STRAIN: Thank you.

**Addenda to the agenda. We had a request by the applicant to continue Item 9.A which is the

Wilson Professional Center Planned Unit Development. They were asking for a continuance to March 19th.

Are there any members of the public here wishing to address that item, the Wilson Center? And it's a communications tower.

(No response.)

CHAIRMAN STRAIN: Okay. So with that in mind, does anybody from the Planning Commission

wish to make a motion to continue Item 9.A, PUDA-PL20120001128 to the March 19th meeting?

COMMISSIONER ROMAN: So moved.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Seconded by Diane.

Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Motion carries by -- what are we, there's six of us today, 6-0.

**Planning Commission absences. The next regularly scheduled meeting is March 5th. I don't

know if we have any issues for March 5th.

Ray, do we have anything on the agenda for March 5th?

MR. BELLOW: I don't see anything scheduled at this time.

CHAIRMAN STRAIN: Okay, so we will not have a meeting March 5th. Because if it isn't

scheduled by now that means it's missed the advertising, so we can't have any.

MR. BELLOW: Unless something is continued from today to that day.

CHAIRMAN STRAIN: Well, yeah, the one continuance was to the 19th, so we're so far covered.

Well, that does pose a problem for our consent, so we'll see how the second hearing goes today.

So on March 5th, if we do have a meeting, does anyone know if they cannot make it?

(No response.)

CHAIRMAN STRAIN: How about March 19th?

(No response.)

CHAIRMAN STRAIN: Okay, we're good for quorums on both dates.

***There's been a set of electronically distributed minutes, January 15th, 2015. Are there any corrections or changes?

(No response.)

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

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Made by Charlette. Seconded by?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Stan.

All in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

***Ray, the BCC report and recaps?

MR. BELLOWS: At the last Board of County Commissioners meeting they heard the PUD rezone for Tamiami Crossing, that's a commercial planned unit development, and that was approved on their summary agenda.

They also approved the Comprehensive Plan, Small-Scale Plan Amendment for Henderson Creek on the summary agenda as well.

CHAIRMAN STRAIN: Was the -- and I believe I'm trying to remember, did that meeting of the Board also review the Floodplain Management Plan; do you remember?

MR. BELLOWS: I wasn't involved with that, so I don't know.

CHAIRMAN STRAIN: Okay. I'll check it when I get a chance. I'll look back at their schedule.

***Under the chairman's report, I did want to provide this board with a brief overview of some new mapping that's occurred in the county, just to make everybody aware of it, in case you've missed the Board of County Commissioners meeting.

Commissioner Nance has instigated a review of land set-asides in Collier County, and it's pretty startling when we take a look at it. So I put it on the overhead. I'll step down in a minute and walk you through it.

Also, the board is approved to go forward with some replanning of the Eastern Lands, and I've got another map that shows that. I'd like to show you all what we can be expecting. It will take 10 minutes or so, so let's take --

Last night I had an opportunity to attend a town meeting in Marco Island. And in the process of that meeting I had produced a slide show that had some slides to show the people down there what was happening in the county as a whole, and I thought this morning it would be a good idea to show you a few of those.

We're all used to seeing the Future Land Use Map. It doesn't tell the story as clearly as the map that Commissioner Nance had developed. The map that we're used to seeing is the one in front of us breaking out the overlays and where different parts of the county can be developed, how they're developed, the yellow being the urban area and the rest of the county being under a series of overlays or preservation.

The Board of County Commissioners has been looking at moving forward with the replanning the sections of the county that are out east in the rural area. We had a Golden Gate Master Plan which is the brown area; we've got the Rural Fringe Mixed Use District, which is the green area; we have the Rural Land Stewardship Area, which is the blue area; and we have Immokalee, which is the yellow area.

Most of the board members know those have been through various planning exercises over the last five to 10 years. Some of them are overdue.

The Board has decided to move forward with the green area, which is the RFMUD, Rural Fringe Mixed Use Development area, and the brown area, which is Golden Gate Estates. Those haven't been looked at for quite a few years, back in the early 2000s.

There's a hope that when the Board looks at those or when the committee's formed and looks at those, that they coordinate. Because what happens in the rural fringe will have an impact on Golden Gate Estates. And eventually when the Rural Land Stewardship Area in the blue is allowed to go forward as a replanning, it's going to have an impact on the neighboring communities, which is Golden Gate Estates as well. Then Immokalee is going to be impacted by that one.

So I believe the Board's intention is to start out with the green and the brown and a replanning effort and eventually move into the blue and the yellow. And that will affect this board because we will see not only the GMP changes, but we'll also see the changes in the Land Development Code that implement the Growth Management Plan. So there's going to be a lot of text changes coming through as these get developed over the next two to four years.

But the plan that's most important and probably the one that's going to have the biggest impact in how we look at Collier County was the one that Commissioner Nance had requested be developed. This takes into consideration the Future Land Use Map as well as all the overlays as to what is actually utilized in the county for various uses.

I'm going to show you a table, then we'll go back to this map. The total area of our county is almost 1.5 million acres. We have conservation, preserve and park areas of a little over 1.1 million acres, which is 77 percent. On this map most of that 77 percent is made up of the green areas with the dark blue. That's your stewardship sending areas, that's all your Big Cypress Natural Preserve, your Facahatchee, Picayune and all the rest of them, and Corkscrew Swamp Sanctuary.

And then we've got the green sending areas, the lighter green areas in the Rural Fringe Mixed Use District in the bottom. When you total those up and the set-asides in those for preservation are 77 percent of the county.

That doesn't include the preservation that we as a board and the Board of County Commissioners review and extract -- I shouldn't say extract -- set aside those valuable habitats and wetlands within each PUD. So that's an additional 10 to 30 percent, depending on the size of the PUD. If you look back at this map and you see the brown shaded areas, those are all the areas in Collier County already entitled either by a PUD, an SDF or a plat. That is 16 percent of the area that can be developed in the county.

Now, each parts of those have a little bit preservation set-asides in them. But those weren't calculated out because there's over 400 PUDs in the county alone. But when you take that urban area that's already entitled and all those brown areas and total them together, you're at another 16 percent. So you're at 77 percent for preserves, 16 percent for already entitled areas. And if you want to figure out what is left in the county that can be preserve -- that can be dealt with for development, you end up with 6.9 percent of the bottom line. The remaining unentitled areas in Collier County end up with only -- there's only seven percent left.

Now that doesn't mean we're built out. What that means is, that the PUDs that exist are already entitled. They have property rights for what they were entitled for. If we -- we're going to see those built out, because they aren't all built out, not nearly yet.

But the new developments that can occur in Collier County that this board can review from a raw land use, which is agricultural in most cases, is less than 7 percent left in the county. That's a big issue and that's a very important map, and it's one that I think we need to remember as we go forward on this board. This is some of the typical project sections we have in Collier County. This happens to be 951 and 41. Many of us were on this board when some of these came through, many of us were not. These go back decades. I know Fiddler's Creek was back in the Eighties. Lely was back in '82. And there's a lot more to the slide show, but it was relative to Marco Island's corridor concerns, and I wanted to give you a brief overview

of what the planning efforts are going on in the county, because we as a board will be handling them all. One way or another, they'll come through us.

So that's my chairman's report for today.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: So 77 percent is already set aside, you have 16 percent that's built, and a lot of that is golf course?

CHAIRMAN STRAIN: Well, 16 percent isn't built, it's entitled.

COMMISSIONER CHRZANOWSKI: Entitled.

CHAIRMAN STRAIN: So that means it could be an unbuilt golf course, could be an unbuilt PUD or partially built PUD.

COMMISSIONER CHRZANOWSKI: But between the green space and the golf courses it's maybe what, 20 percent of that 16 percent?

CHAIRMAN STRAIN: Oh, I would suggest that by the time you add the green spaces in that the PUDs would have, you're well over 80 percent of preservation conservation area in Collier County.

COMMISSIONER CHRZANOWSKI: Okay. So only 20 percent of the county is really probably ever going to be built.

CHAIRMAN STRAIN: That's correct. I mean, that's -- and that's why I think the Commissioner had wanted this study done is to figure out what do we have left? What kind of impact? Because we're experiencing a lot of traffic right now, and we think we're busy, but at least the end is in site. It may take years to get there, but we know there's a limitation as to how much we're going to have and how much we end up saving for this county versus other counties in the country.

I think the next effort would be to see if anybody else in this country as a county has set aside so much preservation property. Because it's good for the county, we've done a good job.

COMMISSIONER EBERT: It's very interesting.

COMMISSIONER CHRZANOWSKI: You should say east of the Mississippi, because I've been out west.

CHAIRMAN STRAIN: Well, yeah. More urbanized areas.

So anyway, that ends up my chairman's report. I wanted to give this board an idea of some of the things that you may or may not have seen as a result of the Board of County Commissioners meetings.

***Next item up will be our regularly advertised public hearing. And before we go into that, I'll ask one more time, did anybody come in who is interested in the communication towers on the Wilson Center? Because that item has been continued to March 19th.

(No response.)

CHAIRMAN STRAIN: Okay, we'll move right into the two items that are left on our agenda. We will discuss them and hear them concurrently and vote on them separately.

The first item is item 9.B. It's PL20140000193/CPSS-2014-1. It's the Small-Scale Comprehensive Plan Amendment for the Hibiscus Drive -- Hibiscus RPUD as it's going to be known as.

And the companion to that is Item 9.C, which is PUDZ-PL20140000179. And this is the actual Hibiscus RPUD.

The Planning Commission will be hearing this as both the CCPC and the Environmental Advisory Council.

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

(All speakers were duly sworn.)

CHAIRMAN STRAIN: Now, I notice there's a lot of members of the public here. If you are going to speak on this item today, you have to be sworn in. I notice many of you did not stand up. So I'll ask one more time, if you want to speak on this, does anybody want to stand up and acknowledge that now so we get you sworn in?

(Speakers were duly sworn.)

CHAIRMAN STRAIN: We'll announce it as we go forward.

Disclosures from the Planning Commission. We'll start Tom, did you have any?

MR. EASTMAN: No.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Yes, a conversation with Mr. Yovanovitch and a bunch of emails to the county website through Ms. Gundlach from I assume members of the public.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Quite a few emails, and I spoke with Mr. Arnold.

CHAIRMAN STRAIN: Okay, and I have spoke with Mr. Arnold and Rich Yovanovitch, and I have received quite a few emails from the neighborhood.

Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovitch and emails.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: The emails with me.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Conversation with Mr. Yovanovitch and also the email traffic from the public.

CHAIRMAN STRAIN: Thank you.

With that, Richard, it's -- I guess you're making the presentation?

MR. YOVANOVICH: That is correct.

Good morning. For the record, Rich Yovanovitch, on behalf of the petitioner.

With me I have David Nassif and Al Moscato who are representatives of the owner. Mr. Nassif basically owns the property that we're going to be discussing today.

Wayne Arnold is the planner for the project, Jim Banks is our transportation consultant, and Mr. Hall is our environmental consultant if there are any questions regarding environmental related issues.

Up on the visualizer I have an aerial that shows the location of the property. The property's approximately 7.9 acres.

I want to talk bigger picture first, then I'll put a closer up. But basically the property is this parcel and this parcel which is the subject of two petitions in front of you today. One a Small-Scale Comp. Plan Amendment and the other is a rezone to PUD.

The owner of that property is also the owner of the Hibiscus Golf Course property. So in reality the property controlled by the petitioner is far larger than just the 7.9 acres that is being considered by the Planning Commission today and ultimately by the Board of County Commissioners in the future.

The property was bought about 10 years ago by David. His family has been developing in Collier County for 30 years, so he's been here a while and have done high quality project on Marco Island, as well as in the City of Naples.

He bought the property with the intention of keeping it a public golf course. And with the -- and he basically spent about \$4 million improving the golf course and improving the clubhouse to what you have today, with the intention of defraying some of those costs by redeveloping the front two parcels with residential.

There was a slight blip in the economy which delayed when this PUD petition would have come forward. The goal was to bring this PUD petition forward several years ago, but there was a little hiccup in the economy, so we waited until we saw that the economy was coming back and started the process of both the GMF amendment and the PUD.

Now, the reason we did the GM amendment was I didn't want to come forward with a PUD that was 28 acres, because that would have gotten my base density to three units per acre, which is what the Growth Management Plan would let me do today. I could have come in with a PUD that was these two parcels and part of the golf course.

I didn't want the neighbors to get afraid that I was somehow coming in and rezoning the golf course to some type of residential use. So I spoke to my client about that approach, we spoke to staff about approach. Because staff said why don't you just come in with a PUD that's part golf course and the 7.9 acres. I was of the opinion that if we were to do that, you would have far more people in this room screaming and yelling about what am I doing, am I trying to get my nose under the tent -- you know, the camel's nose under the tent -- to

come forward later on and rezone the entire golf course to some type of residential use.

And if you recall, that did happen several years back. Someone bought a golf course, they wanted to redevelop that golf course into residential, and all the surrounding neighbors basically objected to that request and it ultimately was denied.

So I said let's do what we're really doing. We're going to develop on these 7.9 acres, we'll do a small-scale GMP amendment and let's not play the game of trying to make the density look smaller than it really is.

So we came in with a GMP amendment for the 7.9 acres, which puts me over three units per acre which requires me to, you know, do a GMP amendment.

So that's what we've done. That's the history of why we're here with a GMP amendment. Because we wanted to be straight and upfront with people instead of trying to sneak it through with a density that would in fact be a gross density of three units per acre, just like every other residential golf course community in Collier County.

And in every other residential golf course community in Collier County, if you looked at the net density on a particular piece of property when it's multi-family, I guarantee you it exceeds whatever the base density is in Collier County. So this project would have been no different if we would have come in with 28 acres. But we didn't do that, we did it straight up to let people know what we're doing.

Now, the Hibiscus Golf Course has been around for a lot of years, it's been a public golf course for a lot of years, and it's been a reasonably priced public golf course for a lot of years. There are other public golf courses in Collier County, but I would say to you they're probably not reasonably priced for the normal family in Collier County.

Now, I know Ms. Ebert would never consider me normal, so when I say that it's reasonably priced, I genuinely mean that. Most recently I went and played Hibiscus on Monday, school was closed, Ms. Ebert, you know I have daughters, and I took them to play golf. I had to pay them to play with me, which was kind of unfair, but they did go play golf with me. And for the threesome for us to play in season it was \$150. I didn't get a discount because I represent the developer. Nobody even knows at a golf course that I represent the developer.

I will tell you that if I were to try to go to any other public golf course in Collier County, I would have paid far more than \$150 for three of us to play golf in season. So it's clearly a reasonably priced alternative. And in fact, the gentleman that they pored us up with, who was from Chicago visiting, commented about that. Because he asked me, what other courses can I plan, and I named a few off. I'm not going to give them the publicity, but I named a few off.

And he said, you know, those are pretty high priced. This is where -- I like this golf course and it's reasonably priced.

So it's an asset for Collier County and it's remained an asset for Collier County. And Mr. Nassif bought it with the intention it remaining a public golf course and accessible to the residents of Collier County. And if you go out there in the summer you'll -- it's very reasonably priced and they don't even charge for juniors. So it really has proven to be an asset for Collier County.

And I will tell you that the people who live on that golf course I'm sure believe it's an asset to their home. And I will -- if they're telling you that Mr. Nassif hasn't been responsible and hasn't spent a lot of money to make that golf course better and the clubhouse better, then I would question whether they're being genuine. I think that he has definitely improved that golf course over the years that he's owned it and definitely improved that clubhouse over the years that he's owned it.

What we're here today to do, as I said, was go to 84 units on this 7.9 acres. There are two issues as I see it that are unresolved as we sit here today. One issue with staff, which is the deviation we requested for the landscape buffer. And I'll let Wayne Arnold get into that deviation discussion.

The second issue is related to traffic. And that has been expressed in several emails from people who live nearby and on Doral. They have claimed that our project with its 84 units accessing Doral will make it very difficult for them to make their left turn out of Doral onto Rattlesnake Hammock.

They also -- some people have claimed that the mitigation we're proposing for the impact on Rattlesnake Hammock is not appropriate or in scale with the impact we're going to have on Rattlesnake

Hammock.

I'm going to make some general comments regarding the traffic, but I'm going to have Mr. Banks come up and talk in greater detail about the traffic impacts. And I'm sure you'll have questions of your staff regarding the proposed mitigation.

But your Comprehensive Plan basically says if we have a project that is going to put trips on a road that based upon our traffic impact statement and the actual AUIR in place, that will exceed the adopted capacity of that road, staff cannot recommend approval unless we mitigate for that impact.

So the Growth Management Plan does not say that if you put a trip on a road that is scheduled to fail or already fails or is above capacity, which we're in today, under the new numbers for the AUIR, Rattlesnake Hammock is over its adopted level of capacity.

In 2013 when we submitted the AUIR was not over capacity. But our project did, when you grow the traffic, put it over its capacity. So we started discussing this project early on with your staff saying -- at that time I think we were five trips over, all right, based on the 2013 numbers. We were five trips over.

So I said guys, what do we do for mitigation? Well Rattlesnake Hammock is maxed out. You're not going to put any more lanes on Rattlesnake Hammock.

They said -- we said well, you know, we're slightly over, we propose doing a bus stop. The bus stop will encourage not this project to use the bus stop, but will encourage others who are using Rattlesnake Hammock to use the CAT system, thus reducing the traffic.

The goal of the CAT system -- I hear people laughing. The goal of the CAT system has been to encourage people to start using public transportation instead of driving their cars. So we're going to contribute to that goal of the CAT system to encourage people who are maybe going to work at Publix or who are going to work somewhere else to use the public transportation system instead of driving their own car on that road.

Your staff, based on the 2013 data, said yeah, that makes sense, it's going to cover the capacity. The 2014 data comes out and guess what? We're over. But we're only over -- with our project we're only over at 84 units 15 trips of an adopted capacity of 1,800. So we're only over 15 trips.

Now, I've heard the sky is falling speeches that, you know, do not allow any more increases in density, do not let any more traffic on the roads, because if you do we're going to be like Miami. Now, I lived in Miami in the late Eighties, and I will tell you, U.S. 41 is called useless 41 because you don't move. All the time, forget peak hour. And people paint that picture of that's what's going to happen if Rattlesnake Hammock goes from an E to an F.

It's not going to happen. It's going to take you slightly longer. Slightly. And Jim will get into the details. And John, you can ask Mr. Podczewinsky if it's correct, it will take a slight amount of time longer because of these 15 trips over the adopted capacity to go from point A to point B. You're not going to get gridlock as people believe or as the picture is painted.

So your staff reviewed our proposed capacity. I now propose mitigation for our 84 units. Your staff is independent, they're not Mr. Banks who's my consultant who is going to tell you the truth regardless of the fact that he's my consultant. Your staff reviewed the data, agreed with the data, and endorsed the mitigation. That's what your staff report says, they endorsed the mitigation.

So what we have proposed has been reviewed independently by your staff, it's been endorsed by your staff for 84 trips, and your staff endorsed our use of Doral Circle as part of the access for the project. That was what was reviewed. And they determined, based on their analysis, that we were not creating problems on Doral Circle, that we were not creating problems that we were not mitigating for on Rattlesnake Hammock.

The emails have come in since that. We had our NIM. Told everybody about our project. The emails have come about Doral Circle.

We propose the following change to our PUD regarding Doral Circle. We will have no access other than emergency access to Doral Circle unless and until there is an actual traffic signal at Doral Circle and Rattlesnake Hammock. I don't think that's ever going to happen so we'll probably never have access to Doral Circle. But if that does happen, I don't know why anybody would complain about our having access if there is a traffic signal.

Second, we will reduce our request from 84 units to 72 units. It is basically the elimination of a building.

We offer that in good faith because frankly we don't think it's necessary, but we offer that to reduce the density to 72 units on the property and that we understand we're still going to do the mitigation of the bus stop related to the 72 units. It makes a slight change in the overall capacity. It goes now from 15 trips over to 12 trips over. So we're still going to be slightly over. It's already over so I don't know how you go under.

So that's what we're proposing. I'd like to -- and I think that that is a responsible response to the concerns that have been raised by the neighbors. And that, together with our proposed mitigation, addresses the impact of this project.

Is there going -- it's going to be more than likely a multi-family project. It's going to be owner-occupied multi-family. It's not going to be an apartment complex. And as I've said at the meeting, I'm sure, just like every other condo in Collier County, you have the ability to rent out your condo if you want to. Our residents will have the same ability to do that, no different than anywhere else. But it's not going to be an apartment complex. They are going to be market rate condominium units. They're going to be nice. And if you go to the clubhouse now you'll see the renderings of what we're proposing to do. And instead of 7 buildings, there'll be six buildings.

Your staff -- other than the landscape buffer which Wayne will address after Mr. Banks, but I would like Mr. Banks to talk to you a little bit about the traffic and his study and his -- he was out there this morning during the peak hour in the peak season to tell you what he observed regarding the traffic impact. So I'll ask Jim to come up next and then Wayne and then we can answer any questions you might have about the particulars of the PUD, if that's okay.

CHAIRMAN STRAIN: Thank you. So if Jim was out there this morning, is that why he was late, couldn't get through the traffic?

MR. YOVANOVICH: He was actually out in the hallway talking to me.

CHAIRMAN STRAIN: Oh, okay.

MR. BANKS: Actually, I got dressed in the parking lot downstairs so -- I had to get up early. Rich asked me to get out there.

For the record, Jim Banks, President of the JMB Transportation Engineering. My firm prepared the traffic impact statement for the subject property. It was based on 84 multi-family units. And we assessed the impacts on the roadway based on the county's adopted procedures and methods. And based on that we determined that with the 84 units that the project would -- that the result would be that the traffic would exceed the adopted level of service capacity of 800 vehicles per hour per direction for the 100th highest hour of the year by 15 trips. So that's what we're talking about, 15 trips over.

CHAIRMAN STRAIN: Just before you go too far, I heard Richard say 15 as well. Your report actually said 12. Is there another report that this board has not received?

MR. BANKS: Well, it's -- my report says 12 because it was based on the criteria that I was required to use at the time, which is I used the most current information at the time we submitted, which was a 2013 AUIR report, okay? And that was based on forecasted traffic volumes to the build-out year.

Now, subsequent to submitting the TIS and actually obtaining approval from staff and agreeing upon the mitigation, the 2014 AUIR came out and it was then asked that we be applied to a new standard. And so that's why we have the discrepancy today between what the report says and what you're hearing testimony.

So my testimony here today is going to be based on the 2014 AUIR information, not necessarily the information in my report. We're talking about a difference of five trips one way or the other between the 2013 versus the 2014 AUIR report. So you're going to hear some conflicting numbers, but they all are going to be within five trips of one another.

But we are talking about a marginal excess of what the adopted standard is. We're either going to be over by 12 trips, 15 trips or 17 trips, but it is going to be a negligible amount. Now --

CHAIRMAN STRAIN: Is it de minimis?

MR. BANKS: The project is not de minimis at 84 units. It would be found de minimis somewhere around 64 units.

Now -- yeah, so -- I want to back up. Now, what we're talking about is adopted levels of capacity of

1,800 trips. That was determined by staff as part of their planning perspective. In other words, every -- I've been doing this for 28 years. Every agency, what they do is they determine what is an acceptable capacity to be assigned to a road. In this case staff concluded that 1,800 was the allowable capacity to be maintained on that road.

Now, I submit to you that, and I'm not pointing -- or not calling out your staff in particular, but all agencies use conservative estimates when they assign these trips, because what they want to do is stay ahead of the curve, okay. They're planning for the future. So they need to set the bar at a higher standard than what is actually occurring in reality. That way they can keep up with the funding and that type of thing.

So I'm trying to put this all together where it makes sense, not confuse you. But what staff has done with Rattlesnake Hammock is they said -- I'll use it in layman's terms. You've got a five-gallon bucket, you've got four gallons in it. Staff is claiming that that is at capacity, when in fact there is excess capacity that is available. Well, that's the case on Rattlesnake Hammock Road. There is available capacity above and beyond 1,800 trips. But the Board has adopted 1,800 as a threshold because they want to maintain a certain level of convenience for drivers. So that's where we are.

Now, I was out there this morning and I did observe the traffic. And I submit to you that there is not -- we are not at a point of failure today, that there is adequate capacity on the road, and that this project can develop and the additional trips from this project can be accommodated by Rattlesnake Hammock Road.

Now, when you're out there driving on these roads, okay, I've driven on Rattlesnake Hammock. I'm sure every member on this panel has driven on Rattlesnake Hammock Road between the hours of 4:00 and 6:00 p.m. I doubt that that's the road that you remember on your entire trip where you're traversing as the worst road out there. But according to staff, that road is close to failure or at failure today.

Now, if Rattlesnake Hammock is going to be the standard of what is failure, then we've got many more roads out there that are currently failing. I submit to you Pine Ridge Road, Airport Road, Goodlette-Frank, there are numerous roads where you're going to incur more delay on those roads than you do Rattlesnake Hammock. And we're not saying that Goodlette-Frank is failing today, but we are claiming that Rattlesnake is.

So again, I submit to you that we have a conservative threshold assigned to Rattlesnake Hammock. And in my discussions with transportation staff, they were actually considering going out and doing another study, because that 1,800 is based on the generalized service volume tables, not on an actual study. And at that time when I was talking with the transportation people, your staff, not my opinion, they were talking in the neighborhood of it's probably more closer to about 1,950 trips that could be allowed on Rattlesnake.

Now, Rattlesnake Hammock east of County Barn Road has a capacity threshold of 1,900. West of County Barn Road is 1,800. So it's the same road, it's just whether you're on the east side of County Barn or the west side of County Barn, you have 100 trip difference in capacity right there.

So again I submit to you that we've set an artificially conservative threshold for Rattlesnake Hammock Road. There is remaining capacity on that road. The fact of the matter is that the remaining capacity that remains on Rattlesnake Hammock Road can accommodate the trips associated with 84 units.

Now, Rich has already submitted to you that we're going to drop it down to 72 units, so the impact of this project will even be less than what's projected.

And I apologize for rambling on, I really did not prepare to, you know, discuss this -- CHAIRMAN STRAIN: Well, you're rambling, you just rerouted the entire basis for concurrency in Collier County. So I think it was enlightening for us to understand how you look at things as a traffic engineer.

Jim, if we had taken your argument, there's almost no project in Collier County that would ever get to a level of service problem in any road because apparently none of our level of services are -- they all have buffers, it sounds like, that we actually have more capacity than what our level of service standard is set at. Is that -- I mean, the argument you're making today seems like you could apply it to any project coming forward.

MRS. BANKS: No, sir, I'm not suggesting that there's a wholesale over-conservative approach to all the roads out there. That's not what I'm saying. I'm saying that in the case of Rattlesnake Hammock Road, staff, they've already acknowledged that the capacity standard that was applied to that road is probably lower

than it could be.

I mean, I had the discussion with transportation staff, they were talking 1,900 to 1,950 trips that could be accommodated on Rattlesnake Hammock. But until somebody actually goes out and studies the road and then brings to the Board to adopt that road at a higher standard, that's what we have.

In addition to that, one of the reasons that we're showing that there's a concurrency issue is because of the vested trips. They took trips that are in theory going to come from Sable Bay and travel on Rattlesnake. They're not even there today. It's a theory that they've assigned trips to Rattlesnake Hammock.

So when you add the vested trips to the background trips that's how they're showing that we're overcapacity. So if you go out there today, we literally are not over. We're not even at the 1,800 mark.

And again, I am not suggesting that the county just took this, you know, overly conservative approach on all the roads, but they did on Rattlesnake.

Now, when I was out there this morning, I was on the phone with Rich for about 30 minutes telling him what I was seeing. Now, he submitted that we're not going to have access to Doral, okay. But I did go ahead and observe what was going on at that intersection, because I know there were specific emails suggesting times of delay that people, it took them to get out onto the road.

Between the 15-minute period between 7:30 and 7:45 there was a total of nine vehicles that turned left from Doral onto Rattlesnake Hammock. Of that, 17 seconds was the longest delay that I observed. Between the 15-minute period of 7:45 to 8:00 a.m., 7:45 to 8:00 a.m., there was seven vehicles that turned left out. 20 seconds was the longest delay and the average delay was about five seconds.

So I want to put it in perspective. Because we had built in this level of convenience in this county that if you sit at the entrance into your community and you have to wait 15 to 20 seconds to turn left out onto a road that's considered failure. Because we have adopted these high standards.

Which is fine, I understand that. Collier County's a special place, we want to make sure that we have a high level of service to the people that reside here and the visitors. But by doing so, again, we're -- it's a funding issue with transportation. So when they set these in some cases, not all cases, but when they set these artificially low capacity standards, they're trying to keep up with the curve in the future traffic demands. In the case where somebody's going to call in because they waited 30 seconds to turn out of their community, they're going to call and complain and their going to call the commissioners and the commissioners are going to tell them to go down there and look at putting a traffic light at Doral. Which I can submit to you, it's never going to meet signal warrants. I can guarantee it, there will not. There's 82 single-family units -- I think it's 82, somewhere around 82 units -- that are served by Doral.

So I just wanted to kind of tell you what I observed this morning. There were significant gaps in the traffic. You've got a traffic signal at Hawaii Boulevard and you've got one at County Barn. Those traffic lights create gaps in the traffic. And that's what gives people the opportunity to turn left out onto Rattlesnake Hammock Road.

I'm sure there's not a single person that sits on this panel that has not driven Rattlesnake Hammock Road. And I doubt that that's the road that you remember is the worse lane that you travel on when you go from home to work.

CHAIRMAN STRAIN: And not many of the roads that we travel on have the vested impacts that are weighting those roads. And I think that's the real issue is the vested impacts that are going to be put on by Sable Bay, which is now Isles of Collier.

So if you were to ask us the same question, are people -- their experience of that road when Isles of Collier is built out, you may get a completely different answer. But they apparently have the vested right to that road prior to your project; is that true?

MR. BANKS: Their trips are vested on that road. And again, with their vested trips and our project, we're over by 12 trips.

CHAIRMAN STRAIN: We're going to have a lively discussion with John Podczewinsky here before this is all over. I have a couple of questions from your report I'd like to ask while you're up.

Does anybody else want to get in first?

COMMISSIONER CHRZANOWSKI: Yeah, just quick question. When a traffic engineer talks about failure, what happens, you start charging a parking fee or what?

MR. BANKS: Yeah, failure in this county is a slight level of inconvenience. That's what failure is. COMMISSIONER CHRZANOWSKI: When a normal traffic engineer in a normal county talks about failure, what is it?

MR. BANKS: Example would be --

COMMISSIONER CHRZANOWSKI: You never get home?

MR. BANKS: Yeah, right. It's a level of -- expected level of service and convenience. And so for example, when you wait at the light at Airport and Pine Ridge and you have to wait three cycles, that's considered when it begins to start to fail. But waiting through one cycle, two cycles is not truly by definition by a traffic engineer failure. It is by this particular county. That is what you guys define as failure. COMMISSIONER CHRZANOWSKI: Okay, thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Jim, before you leave, I've got a few questions.

Your PUD is pegged at a maximum peak hour trip of 52. And your 12 peak hour directional trips over are 15 now, the AUIR. So if the 52 peak hours, they include that 15 over?

MR. BANKS: I'm sorry, repeat that?

CHAIRMAN STRAIN: Okay. You have 52 peak hour trips as a maximum that you can hit in a PUD. So that means if you were to build all single-family which have a higher traffic count than multi-family, you still can't breach that 52 peak hour trips.

MR. BANKS: No.

CHAIRMAN STRAIN: And those 52 peak hour trips with us limit the number of single-family you could have which have a higher traffic generation, so you still couldn't go over that.

MR. BANKS: In fact, the geometry is what limits the number of single-family, so --

CHAIRMAN STRAIN: I know, but I'm just looking at another reason.

Your project is 12 peak hour directional trips over. Well, you're using 15 now. 12's easier for me for math for right now, so -- the report says 12.

So does that mean that 52 includes the 12 peak hour trips that you're over?

MR. BANKS: Yes.

CHAIRMAN STRAIN: Okay, that's what I was getting at.

So in order to not be over, you'd have to be down to 40 trips.

MR. BANKS: No.

CHAIRMAN STRAIN: Okay, explain that to me then.

MR. BANKS: First of all, we measure everything based on peak direction. So people are entering and exiting. And then you need to compare it against what is the peak direction on Rattlesnake Hammock.

In this case the peak direction on Rattlesnake Hammock is westbound. So the question is how are we impacting westbound traffic on Rattlesnake Hammock Road during the p.m. peak hour?

And so that would be our folks or the people that would reside in this community that are traveling from 951 westbound to enter the site. So when you parse out the fact that we're only having probably about 35 percent of our traffic is going to head home from work or recreation or wherever

they're coming from, so that's only 35 percent of our traffic and it's only the entering trips. So, for example, in the p.m. we have 35 total trips entering this site. So 35 percent of that is nine trips. So we're only adding nine trips to that westbound entering movement. Our entering movement adds nine trips to the westbound.

I know this is extremely confusing. I mean, me and John sit at the table all the time and, you know, we have to draw this out to make sure we got the peak direction and the peak project direction. CHAIRMAN STRAIN: Well, I'm trying to relate the ex -- the problem threshold seems to be the peak hour direction trips that you're over what the AUIR allows. So I'm trying to figure out how that relates to your traffic report. And the 52 peak hour trips that you're allowed as a maximum. And it doesn't sound like it -- you said it does, but then you said it doesn't. So I'm trying to figure out --

MR. BANKS: Which would require more than a reduction of 12 trips for us not to impact that link to the level we do. Because you're only talking about a certain direction and a certain movement. So it's

more than 12 trips.

CHAIRMAN STRAIN: I also, when I met with Richard and Wayne, I asked them, I didn't see a credit in your traffic report for the existing uses that could go on that site which specifically was that church. Can you explain why you didn't -- normally we see what the existing trips would be generated against what the new trips are and the net is the difference. I didn't see that here. Can you explain to me why?

MR. BANKS: Yeah, I did that subsequent to this. Honestly I did not realize that we were vested for a trip -- or that the site was entitled for a church.

CHAIRMAN STRAIN: Well, I mean, you get a benefit from that vesting.

MR. BANKS: And I did do that. Well, the church trips are not vested. The site is entitled to a church development, so we could move forward and do the church.

CHAIRMAN STRAIN: Right, but you wouldn't need a traffic -- you wouldn't have a traffic issue by putting the church there because you're already allowed to do -- you're already entitled to put a church there. So in essence it's as vested as Sable Bay, or not.

What I'm trying to say is I need to understand how much you're adding to the system that wasn't already contemplated. If we have a church on the books, it's contemplated. So if the road department decides they don't want to count it right now, that's not the issue.

MR. BANKS: 33 total two-way trips is what we'd be adding at 72 units, less the church trips.

CHAIRMAN STRAIN: Okay, so you're -- okay, how many church -- 30 -- now you've really confused me.

MR. BANKS: The church generates 13 trips during the weekday p.m. peak hour.

CHAIRMAN STRAIN: Okay. But if you're only 15 trips over, then you're only a difference of three. Is that the way you would look at it?

MR. BANKS: (Shakes head negatively.)

CHAIRMAN STRAIN: Okay, you need to get me there. Because if the church is an acknowledged impact on the road system and the road system was designed to carry the church, out of fairness to your client you should have a credit for that value of that church. So then the difference that we're really talking about is between those two numbers. And I didn't see an analysis submitted that portrays that.

MR. BANKS: It's four trips that we can take account for that impact that westbound traffic flow. You're talking two-way trips, both two-way trips and both directions, and that's not the way we look at this. We look at peak direction, peak hour project trips.

MR. YOVANOVICH: Let me try something.

CHAIRMAN STRAIN: He's going to try something.

MR. YOVANOVICH: No, I think you and I -- I think the question was if we were comparing a church which has 12 or 13 peak hour two-way trips and our project which has 52 peak hour two-way trips in all directions, what's the difference between those two. 52 is the traffic analysis for the 84 -- is for the 84 units. 12 was the traffic analysis for the church. So there would be a 40-trip difference.

Jim was getting into the actual directions of the trips which really is getting into the level of service details. But as far as comparing 52 that this project would add to what's already there for the church of 12, there's a 40-trip difference at the 84, which he's now refined down to 33, based upon 72 units. Does that --

CHAIRMAN STRAIN: Okay, my ultimate concern is how far are you over the allowable trips based on the AUIR.

MR. YOVANOVICH: Based upon the 1,800.

CHAIRMAN STRAIN: Based on the AUIR. According to the documents or the discussion we started with this morning, you're 15 trips over. Does the church help you with those 15 trips? And if so, how much? That's all I'm trying to get to.

MR. YOVANOVICH: By four.

CHAIRMAN STRAIN: Okay. So you're really 11 trips over, based on what you didn't already have vested, more or less. Is that --

MR. YOVANOVICH: Yes.

MR. BANKS: I think it's 12. We get back to that 12 number. I just want to verify. And I apologize for confusing this whole issue. I mean, it's just --

CHAIRMAN STRAIN: Every time you're here you do this, Jim.

MR. BANKS: I know. It's terrible.

CHAIRMAN STRAIN: Either you're a marketing guy, you're a civic leader or you're a traffic

engineer. And today you're playing traffic engineer and it's very confusing.

MR. BANKS: Actually I would have done a better job talking about marketing today than traffic. We are -- if we do the 84 units less the church, we're going to be over by 14. If we do the 72 units

less the church, we're over by 12.

CHAIRMAN STRAIN: Okay.

MR. BANKS: And that's less the church trips.

CHAIRMAN STRAIN: That's less. So you're netted out, you're over 12 after you take the church.

That's where I'm trying to get to. That's a much simpler way, thank you.

MR. BANKS: And I hate to, you know, belabor this point, but we are talking you are not going to

notice those 12 trips on a road that is being assessed at a lower capacity level than it can truly accommodate.

CHAIRMAN STRAIN: And then next month they come in and say, you know, we want to convert

more of the golf course and we're only needing that much more on top of the road. So I don't like that kind of

argument, but we'll get into how that could evolve after I -- I want to hear -- before I ask Mr. Yovanovitch

questions, I certainly want to hear staff's position first. Because I want to know how capable it is or how

logical it is that they're going to convert more land to create more density on places nobody expected. But

that's a whole nother discussion we're going to have before the day's over.

MR. YOVANOVICH: Can I answer that before you ask staff that question?

CHAIRMAN STRAIN: Sure. But you'll have to answer it again, because I need staff's input on

some of how they --

MR. YOVANOVICH: That's fine.

CHAIRMAN STRAIN: -- came up with this.

MR. YOVANOVICH: You know, I've only been doing this for 21 years in the private sector, four

years in the county, so 25 years as far as rezoning property. You've got to get four out of five county

commissioners to rezone property for it to happen. I am fairly certain that coming in and trying to rezone that

golf course to something other than golf course is -- I'm not going to say impossible, because things can

change in the world, but I would say improbable to convert that golf course to a residential community.

And you know, and I can tell you by way of example, someone else tried that on -- and I forget

which golf course it was, and it was ultimately -- was it Riviera? Riviera Colony tried to do that. And I

believe it went to the Board. I don't know if they ever voted, but I think they did.

Did they vote?

I can't remember if they voted on it or not, but I know there was a whole lot of people who lived

around Riviera Colony showing up and it didn't get approved, or it never got considered because -- I just say I

think it's highly improbable that we would be able to get through the public hearing process of converting that

golf course to something other than the golf course.

And when I'm referring to the golf course, I'm referring to the 18 holes that you play on, the driving

range, as well as the clubhouse. That's what I'm referring to. Highly improbable.

CHAIRMAN STRAIN: Did you start out today by telling us that one route you could have gone is

to allow -- use 28 acres of the golf course to get the density you needed on this parcel?

MR. YOVANOVICH: What I could -- you're right, and --

CHAIRMAN STRAIN: Well, no didn't you say that?

MR. YOVANOVICH: You know what, Mr. Strain, let me -- we do this all the time, you and me.

I'm going to give you my 28 acres not to scale. And it's not going to be -- and what I'm going to do, it's going

to be G and R. What I would have done -- here's my PUD master plan. I would have come in with a golf

course depicted as a permitted use where there is a G, and I would have come in where there's an R, I would

have had exactly what you have in front of you, various ranges of single-family all the way through

multi-family, and I would have had 84 units right here, and I would have had the master plan show golf

course. That's what I would have done if I wanted to play the 28-unit game.

CHAIRMAN STRAIN: And that's in direct contrast to the question I was making earlier and the

response that you gave. The response that you gave was converting the golf course to residential, meaning I think in your eyes putting apartments or condos or units right on the holes, greens and tees.

MR. YOVANOVICH: No, what I --

CHAIRMAN STRAIN: That's not what I was getting. I was getting at how do we know the scenario you've done or you're --

MR. YOVANOVICH: I was getting to gross density.

CHAIRMAN STRAIN: -- attempting to do today wouldn't be repeated elsewhere in this golf course where there's a pocket of land that could hold a building.

MR. YOVANOVICH: Well, I could tell you right now there aren't any pockets.

CHAIRMAN STRAIN: Well, when staff asked you to address that issue and you refused, why did you refuse?

MR. YOVANOVICH: Why did I refuse what?

CHAIRMAN STRAIN: Why did you refuse to lock it in so that you could not utilize other parts of the golf course for density to move it elsewhere in pockets elsewhere on the project?

MR. YOVANOVICH: Because, Mr. Strain, my petition was to come through with just the 7.9 acres and be clean and not confuse people that any of the remainder of the golf course was in play. And in my opinion what staff was asking us to do was bringing the rest of the golf course into play.

I should have, hindsight, 20/20, I should have played the game. I should have come in with 28 acres. I should have come in with 28 acres, done that, and everybody would have said hey, Rich is in with a gross density of three units per acre, we're 100 percent consistent with the Comp. Plan. I should have done that.

CHAIRMAN STRAIN: It's still a public process. And the decision isn't one that's mandatory, it's still optional. So I think you'd still be in the same scenario you're going to be in before the day's over.

MR. YOVANOVICH: But Mr. Strain, they were trying -- and they agreed and they ultimately said, you know what, we're backing off from that. Because you're right, you'd have to go through a public hearing process and obtain four votes out of five commissioners to convert the remainder of the golf course to some other type of use. You'd be going through a public hearing process. They agreed that the likelihood of that being successful was very slim.

CHAIRMAN STRAIN: Well, I obviously, like usual, I have a lot of questions. I was going to defer my questions of you until I got input from staff to try to eliminate some of the issues I can't quite understand in the way this project was approached. So I'll probably still do that, but I --

MR. YOVANOVICH: Do you want Wayne -- do you want staff now or do you want Wayne -- do you want us to finish our --

CHAIRMAN STRAIN: If you've still got more of your presentation --

MR. YOVANOVICH: Wayne's going to address --

CHAIRMAN STRAIN: -- we want to finish -- yeah, let's finish your presentation.

MR. YOVANOVICH: I wasn't sure if you were going to bring John.

CHAIRMAN STRAIN: Well, you all seem to be involved in the presentation today. Sometimes it's just you and just your multi expert here and other times it's Wayne included, so --

MR. YOVANOVICH: Make sure he gets qualified an expert on marketing.

MR. ARNOLD: Good morning. For the record, I'm Wayne Arnold with Grady Minor.

And I think the staff report did a very good job describing the project. And I'm not going to go through all that. Rich has discussed some of that with you as well.

What I did want to touch on is the other area of disagreement we had with staff which was the landscape buffer deviation that we had requested for the project. And the landscape buffer deviation request I thought was fairly simplistic and straightforward, because if you look at the table of buffer requirements under our code, where I have a multi-family project adjacent to a golf course clubhouse it requires a Type B buffer. Well, the clubhouse and the facilities that are also owned by the same owner of this property had about a \$4 million rehab several years ago, and when they rehabilitated the property, redid their parking lot/clubhouse, they installed a landscape buffer for the clubhouse tract.

So for that portion of our project that would about the clubhouse tract and its parking lot, there would be a requirement for us to install a landscape buffer. And the reason we've requested that is we didn't believe

that we need a buffer to a buffer and that our residents were perfectly going to know exactly what they were buying with the existing landscape buffer that's in place. And we could probably zoom in a little tighter. But it's pretty obvious to me and it's pretty easy to see in here and there, there's an existing landscape buffer. And I know Nancy had gone out to the site and looked. And I guess in fairness to the process, you can see portions of the clubhouse building through that buffer. But I don't think the intent of our buffers has ever been to prohibit a view of it. And the reality is you've got people who are buying into the concept that they're going to have views of a golf course and access to a golf course, and we don't believe it's appropriate to install another buffer where there's a buffer in play. And that's the simplicity of our request. And I think that the other part of this, we own to the other side of the drainage easement. So is there room to supplement the buffer that's there? Maybe. But the reality is we would probably have to plant the landscape buffer on the north side of the canal, therefore eliminating portions of our view across what is really a wide canal. It's a 100-foot wide easement. That canal is wider than most you find in Golden Gate Estates and wider than many in the Royal Harbor area of Naples where people pay super premiums to have that water view.

So for those two reasons we felt like this was an appropriate request, and hope staff would support it, and they did not. But we hope you can. And I'm here to try to discuss that any further, but that's the simplicity of our request.

CHAIRMAN STRAIN: Okay, thank you.

Does anybody on the Planning Commission at this time have any questions of the applicant or his team before we go to staff?

COMMISSIONER HOMIAK: Yeah.

CHAIRMAN STRAIN: Go ahead, Karen.

COMMISSIONER HOMIAK: 84 units is going to generate daily traffic trips of 553 trips. What would it be for the 72?

MR. YOVANOVICH: 483. I could have Jim come up and say that, but -- and, you know, I haven't really focused and maybe I should have focused on the trips that would be generated from the approved church. Because the church on Sundays or any other days that it's open -- because that church was approved at 513 seats. That's what went through the process a bunch of years ago. And I've got the documents here if you need to see them.

Jim did the analysis that that would be over 900 trips when the church is in operation on Sunday and 300 in the peak hour. So there is already -- now that's the peak hour on Sunday, it's different during the week. But that church is going to generate over the week far more traffic in a shorter period of time but a lot of traffic as well.

We haven't really focused on that. We did go back and do the credited to show the difference, but we didn't really focus on what's already out there and the potential impact that could occur from the church. I just wanted to throw that into the record.

COMMISSIONER HOMIAK: And what would the daily trips be for if it was 64?

MR. YOVANOVICH: We'll have to calculate that.

In answer to your question, that 64 number that Jim was talking about is if we're already zoned for the 84 units and we were to apply concurrency to the project, we would be capped at a de minimis impact which is one percent of the roadway capacity. And that generated the 64 number. So even if we were zoned at 84, we would only be able to do 64 multi-family units because of the concurrency review that happens next as we go along. So that's a one percent of the capacity of the road analysis. But he could give you the exact numbers, but we did do that calculation. He just doesn't have that readily available.

COMMISSIONER HOMIAK: So why not do the 64?

MR. YOVANOVICH: Well, there are options that the county can talk about and your staff report talks about that. If a TCEA -- I hope I have that right, and John will correct me I'm sure if I got the wrong acronym -- if that ultimately is deposited, a TCEA, together with our bus stop, we would be able to get to that 84 units under the then applicable concurrency review if the TCEA is adopted. If it's not adopted, we get there through the now current Comp. Plan Amendment which is we have

to do mitigation, and that mitigation is the bus stop that would get you above the 64. Would get you from the 64 to now 72.

So that's -- the bus stop gets you the 72 under either the current plan or through an amendment that your staff is recommending.

And I think they're making that recommendation in recognition, if you drive up and down Rattlesnake Hammock you'll see there are really no other undeveloped parcels along Rattlesnake Hammock. So it's -- for all intents and purposes Rattlesnake Hammock itself is built out. There are other projects that are providing traffic on Rattlesnake Hammock, but Rattlesnake Hammock itself is basically built out. I think that's why staff is recommending the TCEA approach as a future step. But in the meantime, we would be capped at 64.

CHAIRMAN STRAIN: So you believe that -- well, first of all, where will the bus stop be?

MR. YOVANOVICH: We told the county, you pick where you want to put it, where you think you'll get your biggest traffic impact bang for the buck.

CHAIRMAN STRAIN: You mean where they're going to be able to stop the traffic the most by a bus slowing down and pulling back in a lane of traffic?

MR. YOVANOVICH: You know, Mr. Strain, I can't help on that argument.

CHAIRMAN STRAIN: I mean, I've not seen buses help traffic from that perspective. They actually get in everybody's way. But I understand that somebody thinks that's the right way to go.

I'm sorry, Karen.

COMMISSIONER HOMIAK: I don't think that's what -- you're not putting in another bus stop, you're putting in a shelter --

MR. YOVANOVICH: We are providing --

COMMISSIONER HOMIAK: -- where there's already a bus stop.

MR. YOVANOVICH: The county will decide where they want to -- a bus --

COMMISSIONER HOMIAK: There are bus stops on that road and across the --

MR. YOVANOVICH: Yeah, we are giving the county \$25,000 which is the cost to build -- they can either put the shelter at an existing unsheltered bus stop, they can create another bus stop with a shelter. It's the county's decision how they want to use that money.

CHAIRMAN STRAIN: Yet it's a requirement to help the traffic impacts of this project on that road but they don't necessarily need to apply the money to that road.

MR. YOVANOVICH: No, it has to be on Rattlesnake Hammock.

CHAIRMAN STRAIN: So it could be way down on the other end.

MR. YOVANOVICH: It would be where they believe would be the most impactful to reduce traffic on Rattlesnake Hammock.

CHAIRMAN STRAIN: Okay. Anything else that you had?

COMMISSIONER HOMIAK: Well, no, I'm just sitting here listening to them talk about the traffic on that road. But it's not -- you're adding trips to that section of the roadway and it's not always the peak a.m./p.m. traffic that's there. I mean, that's a road -- I travel that all different times during the day, sometimes every day, right from that little Union State Bank that I go to, to the intersection, to Publix. And I'm coming in through Lakewood, so I don't go out on 41. And everybody in -- a lot of other people do that. They might go to the King's Lake Plaza but this is -- and all the Queens Park people do it. There's a lot -- and that section of roadway is failing from 41 to Charlemagne. And the intersection isn't doing that well either. So you're adding daily trips. That's how I'm looking at it. You can do the peak p.m./a.m, but there's a lot of retired people there, and that's not -- they're not going to work, you know, they're just on the road all the time, different times of the day.

And it's not going to get better with the rest of the development around there that's already -- there's building going on all around. They're going to use that intersection and they're going to use that section of the road. So, you know, I just can't get there with the -- with those 72 or 84 units.

CHAIRMAN STRAIN: Anybody else have any questions at this time of the applicant? We're going to be coming back to the applicant as well. I think it might be advantageous, because this is a dual submittal, that we hear first from comprehensive planning staff, because they had some unique issues on this I'd like to

ask them about, and I'm sure others might. And then we'll move to regular planning staff to discuss the PUD. And we can go through our normal questions, if that works for everybody on the panel.
MR. WEEKS: Good morning, Commissioners, for the record, David Weeks of the Comprehensive Planning staff.

I'm intrigued to think that I've done something unique.

CHAIRMAN STRAIN: Every time we see you, David, it's unique, so --

MR. WEEKS: I don't have a lot to say, Commissioners. Staff evaluated the Small-Scale Plan

Amendment, as has already been noted by the Chairman. We did ask the applicant to consider -- first of all consider not even submitting this petition and instead only submit a rezoning petition, taking in a portion of the golf course, as was already discussed. And for the reasons the applicant stated, they chose not to go that route.

We -- in reviewing this plan amendment application, we'd ask the applicant to consider placing some type of legal encumbrance upon the acreage of the golf course that could have been used to accommodate the density that they were proposing, and the applicant chose not to do that. And again, I think for the same reason, perhaps. I'll let Rich speak to that. But chose not to do so.

The staff's perspective was, our concern, would be for the potential of a double count of density in the future. Because essentially through the plan amendment process part of the justification is we could use some of the golf course acreage to achieve our density. That's just part of their argument. I want to be fair. It's also the fact that this is an infill parcel for the most part infrastructure impacts can be accommodated. And I believe that the project as proposed and even further density reduced would be or could be compatible with the surrounding area.

But back to the double count concern. We'd ask the applicant if they could somehow place a legal encumbrance on a portion of the golf course acreage so that that way if it should ever occur in the future, that this owner or subsequent owner of the golf course should want to pursue rezoning the golf course for residential development, that they could not be using that same acreage that was offered up as a partial argument for why this amendment should be approved to increase density. So we didn't want the density to be increased through this amendment and then sometime in the future the same 18 or so acres of the golf course in fact be rezoned and calculated for density purposes so you would have that double count. That was the concern that staff was expressing.

But ultimately we did back off of that. Ultimately we agreed with the applicant that we thought, number one, it's unlikely that the golf course would in fact be rezoned. Not impossible, as Rich said, we agree with that, but we don't think it's likely. Possible but we don't think likely.

Secondly, otherwise we'd find that the application is compatible, is in an appropriate location for the increased density.

There are two, I'll say, triggers in the Comprehensive Plan applicable to this project. One has been talked about extensively and that's the transportation impact. If you cross a certain threshold, the county cannot approve the amendment unless there's mitigation. And the staff recommendation is the appropriate mitigation has been provided and therefore staff can support the amendment.

The second trigger has to do with the fact that a portion of the property, a little less than half of it, does lie within the coastal high hazard area and therefore, similarly there's a trigger that because you're in that area, you must provide mitigation for the impacts upon hurricane evacuation.

The emergency management staff has evaluated the application, has requested certain mitigation measures. In this case I believe it was cots for a shelter in the event of hurricane or other event in which shelters are open. The applicant has agreed to provide those -- the cots. Therefore, that trigger occurred and the mitigation's been offered and has been found acceptable by emergency management staff.

So ultimately staff is standing here recommending approval of this request.

We do want some language changes to their proposed subdistrict. It's not of substance, it is just to get proper format. We've not changed the request for the density that they're asking for.

And with that, I have nothing further.

CHAIRMAN STRAIN: Okay, we're going to have a planning staff presentation too, but does anybody have any questions of Comprehensive Planning staff?

(No response.)

CHAIRMAN STRAIN: That's the first document. It will be Item 9.B.

David, I've got a few, and it starts with Page 4 of your staff report. You talk about the area that's in the CHHA. And that because of the -- there's a companion mitigation commitment in the PUD. And you're right, it is -- they have to do an evacuation preparedness report or route and provide 55 cots. And I'm more concerned about the precedence that we're setting by some of these things than I am about the actual facts of what they're doing. So it seems to me what we're saying is you can put more density in a CHHA, in fact you can triple it, for 55 cots. I mean, so why wouldn't everybody just say well, we can get more density by going through a GMPA and putting so many cots up for every so many percentage of the units we want. I don't think that's the right way to go. I'm disappointed to see it. I know that isn't your issue. It was in your report so that's what -- and then the second part of that was there would be no new expenditures for public facilities within the CHHA anticipated as a result of the proposed project. However, we are requiring them to put up money for a bus system.

By the way, the other part of the bus system is they got to do five tickets for certain months for five years, which to me is another really, really strange thing. But I know you didn't have anything to do with that either. That's one that John Pod's going to have fun talking about.

No new expenditures for public facilities. If we put and spend that 25,000 in the CHHA, wouldn't that be an expenditure for public facilities?

MR. WEEKS: That would be if it's placed within the CHHA.

And if I can comment further, the CHHA boundary is -- in this particular case encumbers a portion of the property. If you look at the Future Land Use Map, there's a copy of it in the applicant's petition, the coastal high hazard area boundary, CHHA boundary, is shown on the Future Land Use Map, but it is not a fixed boundary. That is, it's a general representation of where the boundary occurs. This is as a result of amendments adopted in 2013 based upon the 2011 Evaluation and Appraisal Report. The actual specific detailed CHHA area is identified on another map within the Future Land Use Element.

It is unusual in the sense that rather than having a fixed boundary and saying okay, every property seaward of this boundary is within the CHHA. Instead that map is based on elevations.

So you have an example in this property right here where only a portion of the property is deemed to be within the CHHA, though in fact all of it is seaward of the boundary which in this area is along Rattlesnake Hammock Road.

So there are literally islands of property that are seaward of where the boundary is shown on the county-wide Future Land Use Map but that in fact are not viewed as being within the CHHA, because their elevation is such that they're considered to be outside of the CHHA.

Ultimately that's going to be a policy decision for the Board as to how to implement this. I mean, this very petition here, if the Board so chooses and if this body chooses to recommend, you may, to say you know what, it doesn't make sense to me or to us to view it that way. So we're going to say here's the line on the map. Everything seaward of that we think should be considered within the coastal high hazard area, because if you're on an island within it you have to get off that island to evacuate. And to get off that island you may have to drive through an area that is within the CHHA based upon that detailed map.

So ultimately that's going to be a policy decision of how to apply this. This is the first project that's come in under this scenario of we're partly in, partly out.

But the point I was going to make back to the question of impacts in the -- within the CHHA, that boundary does not continue all the way down Rattlesnake Hammock Road. It eventually veers to the south. So my point is that there are locations on Rattlesnake Hammock Road further to the east that are definitively outside the coastal high hazard area, therefore an improvement to or a new CAT facility could be put in place that would not be within the CHHA.

CHAIRMAN STRAIN: Thank you.

On Page 7 of your report you mention that the applicant had basically two choices: One, rezone a portion of the adjacent golf course acreage along with the subject site to entitle density on the subject site; or two, seek approval of a Small-Scale Plan Amendment to allow the increase in density.

But neither of those is a given. They can ask for it, either scenario, but there's no obligation for the

government to say yes, you can have that. They can say no just as easily as they can say yes. So I just wanted to make sure there wasn't any entitlement sitting there. Because your first one didn't say seek approval of the rezone, it just said rezone a portion of the property. But I think that's what you were intending to indicate.

MR. WEEKS: Absolutely. No entitlements whatsoever, you're correct.
CHAIRMAN STRAIN: On your final -- Page 8 on your staff -- or findings and conclusions, I'm trying to understand what you mean by the word generally. It says: The proposed project is generally compatible with surrounding land uses and intensities.

Generally you don't get involved in compatibility. I think zoning does, or planning department does that. But how is that statement -- why is that worded like that? What do you mean generally? MR. WEEKS: You're correct, the typical approach that the Comprehensive Planning staff takes is to defer to zoning staff to determine compatibility of a project. Because the Comprehensive Planning staff review is more general, it's more broad. After all, their request is for -- initially, it's modified today -- but it was for 84 dwelling units, period. There is no detail provided in the Comprehensive Plan regarding the development standards, the building mass, the building orientation, the amount of open space and so forth. All those details occur in the zoning document. Therefore we defer to the zoning staff who will be reviewing the zoning document that implements this subdistrict for the very -- much more specific details of what the project will be.

So for Comprehensive Planning staff to weigh in and definitively say rather than generally that we believe that this petition is compatible I think would be inappropriate, because we don't have all the facts. That's with the zoning document. That's why we use that term generally compatible.
CHAIRMAN STRAIN: So what elements of compatibility are included in your view to come up with the term generally?

MR. WEEKS: Looking at the number of units they're asking for so to calculate that -- translate into density; what is the density of the surrounding properties; what are the building heights of the surrounding properties; the proximity to development, both residential and nonresidential, to the subject site. So we looked at generally here, well we've got golf course and clubhouse to the south, we've got a -- it's either a two or three-story, I think it's two-story condominium to the east; to the west across the road we've got one-story single-family; and then to the north across the road we've got some commercial and some mobile home development. So it was that broad-scale view of densities around the property and general location of those structures to the subject site.

CHAIRMAN STRAIN: Thank you, David.
Anybody else?
COMMISSIONER EBERT: Yes, I do have a question for you, David.
On here at Page 9, you've crossed out the limit of a maximum of three stories on this. You prefer something a little less on this is what -- because of what is around there?
MR. WEEKS: No, the approach here is that generally speaking and more and more we have been -- we collectively, staff and this body and the Board of County Commissioners, have been taking specific development standards out of or not ever putting them in the Comprehensive Plan provision and instead deferring to the zoning document. So in this case the PUD would have the building heights, not place that in the Comprehensive Plan itself. It's not a specific preference one way or the other, it's generally not appropriate to be here.
COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Okay, if that's all the questions we have of David, I think it's a good time for a break for the court reporter. We'll come back in 15 minutes at 10:40 and resume with the staff presentation.

(Recess.)
CHAIRMAN STRAIN: Okay, everybody, if you'll please take your seats we'll resume the meeting. And we left off with Comprehensive Planning and we're moving to Zoning for their report. And from them we'll go to Environmental. And then last but not least, Transportation.
MS. GUNDLACH: Good morning, Commissioners. I'm Nancy Gundlach, Principal Planner, also a

landscape architect, for the record. And I am here to talk about the staff report as well as the landscape deviation from the required landscape buffer. And I'm going to show you a plan.

And Ray, is it possible to zoom in on our master plan here? Thank you.

Okay, the area highlighted in yellow is the area of the requested deviation. And I just wanted to point out a couple of things to you. Part of the justification for the deviation was that there is a landscape buffer off the subject property on the golf course property. And just want to remind you that at the end of the day these individual units are going to be owned by individual unit owners, not the golf course.

And so you see the location of where the code prescribed landscaping would be. It's highlighted in yellow. It's adjacent to the canal. I kind of drew in some little doodles to show waves. And then in pencil at the bottom that represents the off-site landscaping on the golf course.

And also wanted to share with you, I went out yesterday and photographed what it looks like not to have landscaping along the water body. And -- oh, another thing I forgot to point out. Doral Circle, it's right over here, if you can see where my fingertip is. That is the subject of an MSTU. That means it's received special landscaping and beautiful hard scaping. And the residents off of Doral have chosen to tax themselves for these beautiful landscape improvements.

So I think it's entirely not appropriate to support the deviation number one, because if you support it they will not get landscaping that looks like this. This is an example of landscaping along a water body, and it happens to be also on a golf course. So that is why staff does not support the deviation.

Now, should you choose to support the deviation not to have the landscaping, the one thing that I would ask you to do is it's normally customary to ask the agent to make up for the required landscaping elsewhere on-site, so that would be my recommendation to you as a backup. But the recommendation would be not to support the deviation.

And as far as the staff report goes, we are recommending approval subject to not supporting the deviation.

CHAIRMAN STRAIN: Okay. Charlette?

COMMISSIONER ROMAN: Nancy, I have a question.

On the requirement in the code for the buffer, what type of buffer is required along that drainage easement? Is something specific required?

MS. GUNDLACH: It's a Type B buffer, but we do have an incredible amount of flexibility in the landscape code for a Type B buffer when it's located adjacent to a water body. They can space the required plantings and have gaps of 60 feet.

COMMISSIONER ROMAN: And it can look like this here.

MS. GUNDLACH: Yes, the six-foot hedge is certainly not required adjacent to a water body. It's reduced down to 30 inches.

COMMISSIONER ROMAN: Okay, thank you.

CHAIRMAN STRAIN: Anybody else of Nancy?

COMMISSIONER CHRZANOWSKI: Yeah, what's the character of that water body? What's the wet season, the dry season, fluctuation, what flow velocity? Is it rock, is it sand, is it -- the edge of the water.

MS. GUNDLACH: I have no clue.

COMMISSIONER CHRZANOWSKI: Okay. I thought littorals might look prettier than --

MS. GUNDLACH: I do too.

COMMISSIONER CHRZANOWSKI: You know, if you're looking at a buffer, I -- this one here that you're showing is not exactly a buffer, that's just landscaping behind the buildings.

MS. GUNDLACH: Correct.

COMMISSIONER CHRZANOWSKI: And I assume they're going to put landscaping behind the buildings. But do you want them actually to put the landscaping buffer along the water body, or how is that going to work?

MS. GUNDLACH: Okay. Well, the way it works is if you go back to the highlighted graphic here, and the buffer is required along the -- it would be required along this edge, similar to what you see in this photograph. But there is, like I said, incredible flexibility in terms of if they want to group it, space it.

COMMISSIONER CHRZANOWSKI: How tall a buffer? How opaque? Who are you blocking,

the people looking at the apartments or are you blocking the apartments from looking at the clubhouse and the canal?

MS. GUNDLACH: Actually you're not blocking anything because of the flexibility allowed within the code.

COMMISSIONER CHRZANOWSKI: Okay, I'm done.

CHAIRMAN STRAIN: And I've got kind of a couple followup questions.

Could you put that diagram back on that showed the location of the deviation request.

Under your staff recommendations you have something that says: A continuous 15-foot wide Type B landscape buffer shall be provided along the canal. But you got that slanted area that says no buffer required.

MS. GUNDLACH: I would recommend that the buffer also be located there in this instance.

CHAIRMAN STRAIN: Okay, now I'm confused. What -- no, Rich, this is staff's presentation --

MR. YOVANOVICH: Asking questions of staff.

CHAIRMAN STRAIN: Richard.

Can you tell me, the deviation they're asking for is to put no buffer in the two areas in dark yellow here, right?

MS. GUNDLACH: Uh-huh.

CHAIRMAN STRAIN: Why does this plan say no buffer required to the left of the number one, do you know?

MS. GUNDLACH: Because this is the location of the golf course. I'll show you the area.

CHAIRMAN STRAIN: But a buffer is required, you believe, right?

MS. GUNDLACH: I think it would be entirely appropriate in this situation.

CHAIRMAN STRAIN: No, is it required?

MS. GUNDLACH: It's not required.

CHAIRMAN STRAIN: Okay, so there is no buffer required there. Even though your recommendation is for a continuous 15-foot wide Type B buffer along an entire canal.

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Okay. In lieu of the buffer, and you showed a photo with the backyards having vegetation planted in them, would staff have a concern if the buffer was located anywhere in the setback so it isn't a regimented buffer, it's just an additional just plantings in the rear setback?

MS. GUNDLACH: That would be fine.

CHAIRMAN STRAIN: Okay. That was just a question I was trying to find out an answer to.

That's all I've got at this time, Nancy. I'll probably have more before the day's over. Thank you.

MS. GUNDLACH: Thank you.

CHAIRMAN STRAIN: Do you want to -- anybody else have anything?

(No response.)

CHAIRMAN STRAIN: Well, then why don't we bring up Summer then, or Stephen.

MR. LEMBERGER: Good morning. For the record, Stephen Lemberger, Engineering and Natural Resources Department.

The subject property is mostly cleared. It contains some native trees, not very many. Perhaps tree preservation may be required. We'll have to analyze that at the time it comes in for site development.

But the subject property was historically used as part of the golf course, so it will require some soil testing. I looked at the -- some of my information I had, and the requirement for soil testing is contained in the environmental data section. And what it says is that it's required at first development order submittal.

And what the applicant has decided on a later request is that the requirement be delayed to the next development order submittal, at the time of site development or plan construction plans, whatever the case may be. So since that's actually a deviation from an environmental standard, I went through my notes and that would require EAC hearing, so this project is going to require a vote by the EAC.

CHAIRMAN STRAIN: So when we vote we will so note, so --

MR. LEMBERGER: That's all I have.

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

Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: Yeah, I was going to ask why this thing had to go to EAC.

Could you put this on the visualizer, Steve? I took four shots off the county Property Appraiser's website from different years looking at how that parcel was used. And forgive the Sharpie dates on the thing. I was scrolling at 11:00 at night.

1985 is the lower left. 1975 looked like that, but it was like six-foot pixels so it was kind of blurry, I didn't bother. Then 2002 they expanded it and put in a few trees. The trees are getting pretty big. And then 2007 bottom right, looks like the whole thing was basically a parking lot. And then it went back to 2010.

So we're soil testing it because why?

MR. LENBERGER: We looked at the old aerials, I looked at it with pollution control staff, and it looks like it was -- well, it was used as part of the golf course facility, and there were areas of possible mixing and also storage of equipment and whatnot.

COMMISSIONER CHRZANOWSKI: Okay. So you think soil testing is necessary?

MR. LENBERGER: Absolutely.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Thank you, Steve.

Oh, Charlette, did you have something?

COMMISSIONER ROMAN: Yeah, I had a question.

Steve, normally the soil testing would be done earlier on in the project than what they're requesting. Do you see any problems with that? Or what's the benefit in them waiting to test the soil before, you know, later on in the project, I should say.

MR. LENBERGER: I asked the same question of our department director. And it's good to know the soil testing upfront to know what remediation you're going to have to do ahead of time, but we don't believe it would stop development, it would have to be addressed later on. It's just more advantageous to know upfront what's going to be required.

So anyway, our management section didn't have any problem with delaying it for this project to the next development order.

COMMISSIONER ROMAN: Okay, thank you.

CHAIRMAN STRAIN: Did you have something, Diane?

COMMISSIONER EBERT: Steve, there's only one question. We don't get this at plat. So for us to okay the EAC, it doesn't come before this board, which is the EAC, sits in as the EAC. Just --

MR. LENBERGER: I understand. It would be -- the project site, if it required mediation, would be in accordance with DEP requirements.

COMMISSIONER EBERT: I would just have preferred it been ready for this board as long as we have to do the EAC.

MR. LENBERGER: So noted.

CHAIRMAN STRAIN: Okay, Steve, thank you.

John, if you could come up and help us with our traffic engineering issues.

MR. PODCZERWINSKY: Just a moment, let me pull up my hot seat.

Good morning, Commissioners.

CHAIRMAN STRAIN: I know you heard the previous discussion, so maybe you can shed some light on this overage and underage and where we've got to be and how we can get there.

MR. PODCZERWINSKY: Good morning, Commissioners. By the way, John Podczerwinsky, Transportation Planning for the record.

Give me one moment, I want to put up a couple of exhibits today.

Is that focused? Can everybody see that? Okay, basically what this is, this is a quick sketch that I've done of a basic idea about the driveway along Rattlesnake Hammock where this property will be located. You'll see the driveway on the south side, on the bottom of the page there where it says 52 total.

CHAIRMAN STRAIN: Is that Hibiscus Drive?

MR. PODCZERWINSKY: That would be Hibiscus Drive, yes.

The discussion that came up was -- and part of the question that came up was what's the difference

between the directional trips and the total trips at the driveway.

I want to point out, they're limited to 52 at the driveway, which would be enter/exit trips any

direction. Those are just the trips that are crossing the threshold of the property. What direction they go from

there is what we really worry about in transportation planning.

The 12 and/or 15 that have been discussed today, depending on the scenario that you look at this in

would be equivalent to westbound trips that are generated by this development, okay. It might be -- and if I

recall correctly, I think they're westbound exiting trips from this site, okay.

The reason why those westbound exiting trips are important is the county is looking at what is their

net impact on our highest peak direction during our highest loading, which is p.m. peak hour, otherwise

known as evening rush hour.

We want to know essentially through the concurrency or consistency process in this case how bad

their impact will be on our roadway during our peak loading. And we need to make sure that we have

capacity to cover that.

There was a question that came up about what a normal county and a normal traffic engineer would

look like. If somebody would like to expand on that, I'd be glad to answer that one.

COMMISSIONER CHRZANOWSKI: Jim's a normal traffic engineer.

CHAIRMAN STRAIN: This isn't a normal county, so --

MR. PODCZERWINSKY: Basically what we look at in Collier County, and we do hold a relatively

high standard in Collier County. We look at 100 percent of the capacity of the road, and anything that goes

above 100 percent capacity is called failure, okay.

The numbers that we use for 100 percent are rounded to the nearest 50. Okay? If you look at our

AUIR, you'll notice that there are a lot of very round numbers that end in zero. That's because we've gone

through a study to look at the actual capacity of that roadway. The actual capacity comes out to a very finite

number that's very difficult to nail down exactly. It's based on the amount of friction that's on that road,

meaning the number of turns that can be made there, the U-turns, the through movements, as well as all the

driveways that cause difficulties for traffic to move and flow correctly through there. The more friction you

have, the more driveways you have, that sort of thing, the lower the number gets.

In this case Jim had mentioned earlier that 1,900 is the capacity for the link immediately to the east,

okay. From Charlemagne over to County Barn. That's correct, there are fewer median openings there, fewer

driveways there, they're all consolidated driveways. So basically the capacity on that part of the road is a

little bit higher.

It's a little bit lower on the segment from Tamiami Trail to Charlemagne, basically because we have

a signal at Hawaii, we have a full median open at Doral Circle and we have multiple left turns that are

allowable there. So that's why the 1,800 versus 1,900 capacity exists. That's a simple answer for you.

Comparing to other counties where I said that we use the 100 percent number, for example, Lee

county looks at failure at roughly 1.6, which would be 160 percent of some of their roadway capacity. It's not

all of the roadways but some of them look at that 160 percent number. So they don't consider it failure until

you get to that level. So comparatively Collier County does hold a pretty high standard for our roads.

And that should answer that question for you. I hope it did.

CHAIRMAN STRAIN: The 1,950 that Jim mentioned was really the threshold, do you agree with

that statement?

MR. PODCZERWINSKY: Yes, 1,900.

CHAIRMAN STRAIN: 1,900.

MR. PODCZERWINSKY: This roadway segment, I can't agree with that yet at this point. The

reason why is, like I said, we rounded it out to 1,800 when we looked at our study that came up with this

determination.

CHAIRMAN STRAIN: Are you saying the AUIR is wrong?

MR. PODCZERWINSKY: No, the AUIR shows 1,800 for this link. But again, it's rounded.

CHAIRMAN STRAIN: Okay. But 1,800 is not incorrect. And the 1,950, 1,950 that I thought Jim

had mentioned as a discussion he had with somebody that was probably the real number is not the real

number?

MR. PODCZERWINSKY: That was a discussion that happened with Reed Jarvi before he went out sick.

There has been discussion over the years of trying to refine these numbers. The last time we went through a true refinement on the numbers that we had them all recalculated countywide, all 140 some odd links, was 2009. Since 2009 we've taken a look at that again. And that was at Reed's level, who was a PE, Reed took a look at that in his professional engineering decision-making capacity. We decided to adjust some of those numbers to make them fit a little better.

We still realize there could be some refinement in the future, but again, we're at a level that we're talking about a half a mile to a mile long segment of road. Ultimately it will take some staff money to have that restudy completed.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Yes, I have a question, John, regarding what improvements are in the future for this section of the road and possibly where it joins 41.

MR. PODCZERWINSKY: At this point there are no improvements planned for this. And this is part of what leads us into the discussion today about the mitigation requirements that we have.

This section of roadway is at four lanes now. It's constrained. We can't widen it any further without causing takings on homes, churches, businesses, those sort of things. So really for us to avoid going into any kind of a capacity restriction or requirement to reject the developments, what we have to do is find another way to prevent being out of capacity. The only way that staff has come up with so far, and this is personally on the recommendations we have, is to modify the Growth Management Plan, the section that talks about the TCEA boundaries, which is a traffic concurrency exception area boundary.

I'll be glad to get into that discussion in a moment if you'd like, but I figure you want to stick to the application at hand for the moment. But that's our proposed answer to not only this development but other multiple developments right in this immediate area is to expand our exception area and realize that this link is constrained and that we're at capacity and there aren't very many repairs for it.

COMMISSIONER ROMAN: Well, I understood that it was wait times that was one of the primary measures for moving traffic along that road. In addition to the constraints that you mention, which I can appreciate, is there any possible way you can move traffic more quickly onto 41? And I think that might improve the wait times.

MR. PODCZERWINSKY: I think in part we could by readjusting the signal timing. The problem that that creates is it would cause more of a delay for the people that live along this section. We would have to take that time for those intersection movements, the total signal time, we would have to take that from some other movement.

So, for example, Doral Circle or even Hawaii -- Hawaii would be the best example of this. Where Hawaii has a signal, that is meant to time -- meant to provide time for the left-out turning movements from Hawaii and from the roadway across -- I think there's a roadway across the street from that. There's a driveway or roadway there. I'd have to look.

But in any case, it's timed to cover those left turn out movements. And what you would do essentially to prioritize the through movement on Rattlesnake Hammock would be to reduce that left-out turning movement, allotment of time.

So there are more issues to it than that because you also have to consider pedestrian timing, you have to consider right-out movements, through movements, that sort of thing. So there's only a finite amount of time available for every signal. So merely prioritizing one movement over all others causes problems for the other movements as well, so --

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: John, from the perspective of engineers with calculators and slide rules working to infinitesimal accuracy from data of data reliability, your answer was perfect.

However, what I was looking for was what Jim said, what does it look like when the road fails, when you're out there? And I liked his answer that, you know, instead of waiting two traffic signal cycles you're going to wait three or four. However, being from New Jersey, five and six is my idea of failure, so okay.

MR. PODCZERWINSKY: That's understandable. If you drive in nearby counties, counties that neighbor ours, you'll notice that their level of service, that their wait time can be a lot worse than ours is.

COMMISSIONER CHRZANOWSKI: Okay. Thank you.

MR. PODCZERWINSKY: Thank you.

CHAIRMAN STRAIN: John, if this project is de minimis, what does that mean in

relationship to the way you view it against the AUIR traffic allowances?

MR. PODCZERWINSKY: In allowance to AUIR traffic --

CHAIRMAN STRAIN: Peak hour availability.

MR. PODCZERWINSKY: Basically what it is, we look at a one percent trip generation by

direction, okay. Anything that's less than one percent impact is considered de minimis. And let me put that

in better terms for you here. 18 trips is one percent impact on this.

CHAIRMAN STRAIN: Okay. But let me go back to my question, or let you go back to my

question.

MR. PODCZERWINSKY: Okay.

CHAIRMAN STRAIN: If a project is de minimis, how do you review it against the AUIR allowable

remaining trips?

MR. PODCZERWINSKY: We actually look at it as an overage. We ask for mitigation. Even if it

occurs at the time of concurrency review, we ask them to provide mitigation at that time to help try to

alleviate the deficiency. But we cannot deny them if they are less than one percent impact.

CHAIRMAN STRAIN: That's what I'm getting at. So if they were de minimis, we wouldn't be here

discussing this to the extent we're discussing it today; is that a fair statement? Other than they'd be working

out some TCM or some mitigation techniques with you guys. Hopefully it's not five passes for four months

for five years, but something sensible.

MR. PODCZERWINSKY: I'll put it this way: We would still have the mitigation discussion, we

would still be required to recommend that we don't approve it unless mitigation is adopted. Just in the

situation -- same situation we have today. If it were less than one percent over one percent it would simply be

looked at at the time of concurrency review, site development plan review, that's where the threshold really

applies as to whether or not we hold back units or not.

CHAIRMAN STRAIN: Okay. Then when we get into this mitigation that for this particular project

is put in, it's in the documentation, they're over by X number of trips. And they have -- asking for a density

about three times what they could have or twice, maybe, whatever the number comes up to.

We have four things that you're asking for. One is a contribution of \$25,000 to the CAT system.

MR. PODCZERWINSKY: Right.

CHAIRMAN STRAIN: How does anybody come to that conclusion that it shouldn't be 25,500 or

23,200? How do you relate whatever they're asking for to 25,000 for a CAT bus terminal?

MR. PODCZERWINSKY: Well, the way that we relate that, let's go back a little bit in time.

CHAIRMAN STRAIN: Don't go too far back, it's getting late.

MR. PODCZERWINSKY: Probably three or four years ago we had a discussion with this panel.

Mind you, there were different members here, but we had a discussion about the same sort of mitigation. It

was a bus shelter to be provided by a developer. In that case it was within their development. And the total

shelter facility itself.

Those were estimates that we obtained from a contractor that was for a project that we were actually

in the process of working on.

Those are the same numbers that have been applied here. Today's numbers are right around 35,000,

but that's a different subject. 25,000 is the direction that we headed and that's the number that we're sticking

to.

CHAIRMAN STRAIN: Are you going to respond with a similar answer if I ask that same question

about the five CAT passes?

COMMISSIONER EBERT: I've got the answer to that.

CHAIRMAN STRAIN: Well, I want to hear what John --

MR. PODCZERWINSKY: I don't particularly have a great answer about the CAT passes, other than that they're a different form of mitigation. It's actually meant to increase ridership directly. Not just increase the capital expenditure on ridership ability --

CHAIRMAN STRAIN: I'm just wondering --

MR. PODCZERWINSKY: -- but the real ridership.

CHAIRMAN STRAIN: -- how you relate it to this project. I mean, I don't -- how are you going to know that the people moving into whatever prices these are, are going to want a CAT pass to go back and forth anywhere? And if it's for other people, then how is it helping the impact of this project? I don't understand it.

MR. PODCZERWINSKY: The way that it helps the impact on this project is it directly takes trips off of this road.

And there's something I wanted to make sure that gets corrected. There was a statement that was made earlier that this could go to anywhere within the CAT system. This funding is intended to go to routes 18 and 19, which are both directions in front of this site.

CHAIRMAN STRAIN: See, now you're making the assumption it's going to take trips off the road. So then my concern is how do you know that? And the reason I'm asking the question is you take your five CAT passes, you go into the Publix at the end of the street and you say here, give these to five of your employees. The five employees who have been buying them monthly for as long as they've worked there say, oh, I haven't got to buy them this month. It doesn't change anything, it just means they don't have to buy them this month. It doesn't take anything off the road because they were off the road anyway. So I'm just wondering how anybody would conclude this is even reasonable.

MR. PODCZERWINSKY: It's a hypothetical question that you've asked. I'm not sure I've got --

CHAIRMAN STRAIN: Well, it's a hypothetical request here as mitigation.

MR. PODCZERWINSKY: True, but it is one of the mitigation measures that we are allowed to pursue. And that's one of the ones that we've taken on. It's --

CHAIRMAN STRAIN: I mean, basically --

MR. PODCZERWINSKY: Frankly put, there's really not that many other mitigation options. We can't ask the developer to widen the road; there is no capital project to turn that money over to if we did ask them to improve something. The only mitigation measures we have are to provide capital funds for the Collier Area Transit system which does reduce capacity overall, they've increased ridership over the recent years. And on top of that, provide -- have the developer provide bus passes that would be handed out directly to people that would use them. So that's --

CHAIRMAN STRAIN: Well, you suggest -- and I'm not saying your suggestion is, but to see this kind of suggestion in a document is nonsensical. And it's just like things to pad the -- paper the file. I mean, we ask for it just so we can say we asked for it. I don't see any reasonable outcome that's going to benefit the traffic as a result of these five passes. And especially for the fact the testimony earlier was we have a whole pile of vested trips that haven't even hit this road yet. They're more likely going to hit it well after these CAT passes are done being used. So the period in time in which they're most needed won't even come into play.

These kind of things just -- I don't -- they don't make a lot of sense. I can't figure out why we keep seeing them. But I understand your explanation and we'll live with it.

As far as the de minimis issue goes, when Jim indicated that a de minimis level would be 64 units, is that a reasonable expectation?

MR. PODCZERWINSKY: It sounds reasonable. I haven't looked exactly at the number of units that would generate the number of trips that would be exactly de minimis. I'd have to go through the study again and reduce the numbers that they had there. But it does sound reasonable.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: It should be close to that.

CHAIRMAN STRAIN: Okay, that's all -- anybody else have anything of transportation?

(No response.)

CHAIRMAN STRAIN: Thank you, John, appreciate it.

MR. PODCZERWINSKY: Did you have any questions about the TCEA question that we had as

well?

CHAIRMAN STRAIN: I don't. Does anybody else? (No response.)

CHAIRMAN STRAIN: No.

MR. PODCZERWINSKY: Okay.

CHAIRMAN STRAIN: It sounds like one of those things that you guys love to talk about but nobody understands, so --

Okay, I would like to hear from the public before it gets too far along. I have a quick couple of questions of the applicant's planner real quick if we could, Wayne.

MR. ARNOLD: Yes, sir.

CHAIRMAN STRAIN: In your Exhibit A for the PUD, under residential on Page 1 of 8.B. B.1.B, maximum building heights shall be 25 feet.

I think we talked about this. I mentioned we should probably -- we should drop the words community recreational buildings.

Did you take a look at that? Is there any issue with that?

MR. ARNOLD: That wouldn't be a problem. No, then it would just read maximum building heights shall be 25 feet. Those were under the accessory uses that were relating to these recreational uses.

CHAIRMAN STRAIN: Right. And the only reason that -- and I'd like to know how that fits in

relationship to the Exhibit B development standards table. Because under there you have accessory structures as maximum height. You have zoned and actual. But on that note we just read it isn't referencing which one. So why do we really need that note? Could we just drop that note?

MR. ARNOLD: Well, I put it in there because this was relating to the clubhouse or any type of pool

amenity structure we might have. And that's not necessarily related back to the accessory uses in the table for each of those uses. Because, for instance, if they developed a single-family home, you could have a pool,

pool cage, garage. Those would be subject to the accessory setbacks in the table. But that wouldn't

necessarily relate to a community-wide recreational facility if I had a multi-family project that were

envisioning. So I was trying to clarify that. I mean, if we need to express an actual or say the actual building height should be 25 feet, I think we're fine with that too.

CHAIRMAN STRAIN: That's where I was going.

MR. ARNOLD: So --

CHAIRMAN STRAIN: So the B.1.B would reference maximum and actual building height.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: Okay. That was on Page 1.

Under your development standards table, your accessory structures, you have a front yard setback from Rattlesnake Hammock of 25 feet. But your accessory would be 15 feet. When would you have an

accessory structure as a front yard?

MR. ARNOLD: Well, if you're familiar with The Corridors, as I'm sure you are, there are

multi-family condominium projects that have carports rather than garages. And I put that in there that would allow us to have our 15-foot wide landscape buffer, but then the parking lot could have potentially covered

structures, which is what my thought was. Or if they wanted a trellis or some sort of covered arbor accessory structure. I mean, those are the examples that came to my mind, which is why I was thinking that lesser

setback for those accessory structures.

CHAIRMAN STRAIN: Okay. I just needed some clarification on it.

That's all I've got from the document before we hear the public, Wayne, so thank you.

Anybody else have anything?

(No response.)

MR. ARNOLD: Would it be appropriate to comment while I'm here, or I can certainly wait, on the landscape buffer?

CHAIRMAN STRAIN: Sure, go right ahead. That way the public can hear your comments and we can get there --

MR. ARNOLD: I thought it might be helpful just to frame it. I'm not sure that, you know,

necessarily any of these residents, if they reside on Doral Circle are impacted by the deviation we're requesting between us and our clubhouse tract that's across the canal.

But when I read the code I don't apply it as Nancy is, because I don't think I get to take advantage of the alternate buffer standard that she references, because it only applies to lakes.

CHAIRMAN STRAIN: But do you have any objection to using the alternate buffer standards that we -- because that's basically what I asked, if she had any objection if we took the same amount of landscaping that was in a buffer, instead of putting it in a regimentated (sic) format along the shoreline, just scattered across the back setback. And I thought you guys said that wasn't a problem.

MR. ARNOLD: I don't --

CHAIRMAN STRAIN: No, I'm sorry, Nancy said it wasn't a problem. So is it a problem for you?

MR. ARNOLD: Probably not. But I think currently --

MS. GUNDLACH: Not a problem.

MR. ARNOLD: -- multi-family buildings are required to have foundation plantings and landscaping around them. I don't know how that relates to the exhibit Nancy had that was a picture of one that had landscaping and another that didn't. But certainly I would envision that we can accommodate the landscaping, as you had mentioned, maybe within any of that setback area, that we get to apply that alternate standard.

CHAIRMAN STRAIN: What that does, it gives you the opportunity to provide view vistas and things like that, if you want.

MR. ARNOLD: Well, and it would. And the other question was raised, you know, if you look at the landscape buffer table, it clearly says there is no landscape buffer when you abut a golf course. Because I guess the thought is if I live on the golf course I might actually like to take a view of the fairways and tee areas that -- greens that people normally do.

So I don't think we would expect to put in a landscape buffer, even in the alternative that's permitted for that portion where we don't abut the clubhouse tract but rather the golf course. And there is one home that comes into play on Doral Circle that is obvious, but we've asked for no buffer reduction there and would provide the standard buffer for multi-family to single-family.

CHAIRMAN STRAIN: Okay, before this thing's over, I need to understand from Nancy's perspective how that works, and if there's a disagreement, because we'd have to look at any language that would be produced.

MR. YOVANOVICH: I just want to make sure if we have to ask for a deviation to apply the standard that Nancy is saying we can apply, that we put that in the PUD document. Because I don't want some other reviewer to look at it and say you didn't ask for a deviation, therefore you didn't get the deviation, and they interpret lake to mean lake. So I just want to make sure the document is clear. If we have to ask for a deviation, let's make sure we note it in the document, please.

CHAIRMAN STRAIN: Okay. And then between now and as the meeting finishes up, Nancy can give it some thought and we'll make sure we're all on the same page by the time we get there.

Okay, with that, unless the Planning Commission has other questions of the applicant, I'd like to move to public speakers. We're here to listen to everybody that wants to speak. If you've registered to speak, you'll be called first. If you haven't, I'll still at the end ask anybody that would like to speak, as long as you're sworn in, we'll listen to you.

And the first thing you need to do is state your name and spell it for the record.

So Ray, would you start with the first registered speaker. And come up to either mic would be okay.

CHAIRMAN STRAIN: Patricia McCabe, to be followed by Kathleen Tracy.

MS. McCABE: Good morning. My name is Patricia McCabe.

And I'd like to thank Nancy Gundlach and John Podczerwinsky, I hope I said that right, and the commission for the help and the answers that I've had to my many, many questions. I've pestered people the last week or so trying to get up to speed on this, and they've been wonderfully responsive.

I'd also like to say that in the time we've been here, Hibiscus is a good neighbor. And we're sure that however many units they build, it will be a credit to the community.

Rick has explained that access to Doral is going to be limited by a low barrier planting that will allow

emergency vehicles to come through but discourage the casual use of Doral Circle by the people that live at Hibiscus.

We have an additional issue with the no left turn out of Hibiscus Drive. Because that's really what drives traffic onto Doral Circle. And in talking to John, it sounds like there might be a work-around for that. We asked about why Hibiscus Drive, which is a private driveway, is not considered in the same light that Greenwood Circle up the street from us on the other side has. They can make a left turn and Hibiscus Drive can't. We use Hibiscus Drive because we eat there all the time. So anyway, they're going to maybe look at that.

And Rich, you could maybe talk with John about that.

CHAIRMAN STRAIN: Thank you. Appreciate it.

Next speaker, Ray?

MR. BELLOW: Kathleen Tracy.

MS. TRACY: Morning.

CHAIRMAN STRAIN: Morning.

MS. TRACY: I'm kind of just wanting to make some comments regarding our neighborhood on Doral Circle. We also appreciate the input about Hibiscus Golf Course, it's one of the nicest in town, most reasonable. We play there a lot.

CHAIRMAN STRAIN: Can you identify yourself for the record?

MS. TRACY: Oh, I'm sorry, I'm Kathleen Tracy, 140 Doral Circle.

CHAIRMAN STRAIN: I'm sorry, yes, you did. I'm trying to keep up with Cherie, so --

MS. TRACY: A couple comments I'd like to make is on Doral Circle and Rattlesnake Hammock Road we already have two bus stops right at that same corner, as well as a Collier County public school bus.

Our neighborhood down Doral Circle is made up mainly of middle-aged families, young

professionals and retired people. Most of the cars in there -- or homes in there have at least a minimum of

two, maybe three cars that come and go through that intersection. So I'm not really sure how they get their

count of how many cars come through. So they're not going through early in the morning, they're going

through a little bit later, 8:30, 9:00, 9:30. Let's see what else I wrote here, excuse me just a minute.

The parking lot, it's not up right now, that you were talking about on the site, the -- thank you so

much.

On the pictures that are displayed in the Hibiscus Clubhouse for us to look at, they do show a regular exit going onto Doral, as well as Hibiscus from that larger portion of the lot. And that particular area is pretty

busy.

And as you can see from the picture even, this -- I don't think this picture was taken during season,

but that portion of the lot where there are cars parked out on the field is usually almost half full of just people

visiting the golf club, playing golf or going into the additional Erin's Isle Restaurant, which is -- you know,

rents space from the golf club. So that's additional traffic that I don't know if that was counted because that's

there in the evening mostly, Erin's Isle traffic. So if you could kind of consider that also.

Also, Collier Isles, Sable Palm, when they're built out, or in fact before they're built out, they're going

to be using Rattlesnake Hammock as their access to I-75 coming up Rattlesnake Hammock turning left to go

to I-75. So that's going to be a lot more traffic we're going to have on that road in the future. These are just

observations as a resident there that I make.

Let's see. When we were told just this morning that that one west side opening was going to be used

for emergency access or casual access, as I look at that and I see that the lot on the east side of Hibiscus also

has an exit, I just foresee some people, since they can't turn left onto Rattlesnake from Hibiscus, are going to

cut through that other parking lot to come out at Doral to get onto Rattlesnake Hammock Road, which would,

you know, be additional traffic. And if I'm talking too quickly, just let me know.

CHAIRMAN STRAIN: No, you're fine.

MS. TRACY: I talk fast when I'm nervous.

CHAIRMAN STRAIN: Don't be nervous.

MS. TRACY: Okay. The church traffic. The church has been there for a long time. We're all

familiar with the traffic. We get used to that. In fact, every Saturday and Sunday and many times a week when they have services, the traffic is so bad there. They have at least two police cars out there to, you know, help the traffic get in and out. And I know the church is adding on, so that's perhaps going to even add more traffic into that area.

CHAIRMAN STRAIN: Well, this particular site where they're planning to now put the residential units that they're talking about, that site was supposed to have a church as well.

MS. TRACY: Was it?

CHAIRMAN STRAIN: Yeah. That's what the issue was, that they were supposed to have a church there. It would have generated as much traffic maybe as the one you're talking about, and how does that impact the road versus what they're asking to do today? That was the comparison that I was trying to find out about.

MS. TRACY: My family's been in that Doral Circle community since '72 and we have two or three homes in there that our family own and live in, and we've just seen -- we don't mind the growth, we love the growth. Because it is usually handled in a good way. You on the board here really do your research when you're, you know, thinking about making decisions, and we appreciate that.

But I just, as a resident of that area of Doral Circle, the majority of us are against having an exit. Not against the community being built, but against having an exit there coming out. Because also right across the way, Willow Creek, which is a part of our community, they will have a real hard time coming in and out of that area also because of the extra traffic.

What else can I tell you while I'm up here? We love having the golf course there. We're not against the building, it's just that we would like for that entrance and exit on that side of Doral Circle to be reconsidered and perhaps have some type of an entrance going in off of Rattlesnake Hammock into that community.

CHAIRMAN STRAIN: Thank you very much. Appreciate it.

Next speaker, Ray?

MR. BELLOWS: The last speaker is Esther Spink.

MS. SPINK: Good morning. My name is Esther Spink, I'm --

CHAIRMAN STRAIN: Can you spell your last name for the record.

MS. SPINK: S-P-I-N-K.

CHAIRMAN STRAIN: Thank you, just as it sounds.

MS. SPINK: Just as it sounds.

CHAIRMAN STRAIN: That's what I have to say about my name all the time. Thank you.

MS. SPINK: I'd like to speak about the traffic jam, for lack of a better word, on Rattlesnake Hammock Road at the church. The church has six to seven services per week. It has one on Saturday night, it has three on Sunday. It often has morning services Tuesdays and Thursdays. This week it had even more because yesterday was Ash Wednesday.

When the traffic exits the church, there's three exits. There's one, it would be on the east corner of the church, there's a little drive that comes out there. There's a main driveway that comes out on Rattlesnake. And there's also an exit over onto Hawaii Boulevard. And they have the choice there to turn left or right and come up to the light.

There's traffic cops at the main exit every service. The traffic is stopped on Rattlesnake Hammock while these people from church exit, which is okay to a degree. But sometimes you're stopped as long as 10 to 12 minutes while this church exits. That traffic has been -- I have seen the traffic back up past Doral because of the stoppage from the church. This traffic doesn't appear during what you people consider rush hour. This traffic is heavy on Sunday. I mean, forget about it. I go to church on Sunday morning, but not to that church, and I know that I have to leave 15 minutes earlier or I won't get through, I'll be late.

And the same happens on Saturday nights. I go on Saturday night to church also and the same thing can happen. And it's really a bottleneck. And to put more traffic on Doral at that -- on Rattlesnake from this thing is really going to be I think a little problematic.

CHAIRMAN STRAIN: Okay, thank you.

MS. SPINK: Thank you.

CHAIRMAN STRAIN: Ray, are there any more registered speakers?

MRS. BELLOW: No other speakers.

CHAIRMAN STRAIN: Anybody else who hasn't spoken would like to address the commission?

MS. SNYDER: Yes.

CHAIRMAN STRAIN: Come on up.

Were you sworn in earlier?

MS. SNYDER: I wasn't, unfortunately. I apologize.

CHAIRMAN STRAIN: That's okay. That's what we're here for.

Anybody else that wishes to speak now, please stand up to be sworn in.

(Speakers were duly sworn.)

MS. SNYDER: My name is Jackie Snyder, and I live in Country Club Manor which is an adjacent

property to this new development.

CHAIRMAN STRAIN: Your name is spelled S-N-E-I-D-E-R?

MS. SNYDER: S-N-Y-D-E-R.

CHAIRMAN STRAIN: Aha. Thank you.

MS. SNYDER: And our only concern -- and first of all I'd like to say that I am pleased that the

density has been reduced by the applicant.

We have -- I'm going to try to show you where I'm concerned about. This area in here currently has

a barrier, and that's not been talked about today. And we would certainly hope that that barrier be left as is.

CHAIRMAN STRAIN: And the barrier is between the buildings to the east and that property?

MS. SNYDER: Right.

CHAIRMAN STRAIN: Is it a wall or is it just vegetation?

MS. SNYDER: No, it's vegetation.

CHAIRMAN STRAIN: And they're required to put in a 15-foot vegetation buffer. I'm not sure

what's there is better or worse than that, but they're required by code to put in 15 -- Nancy, can you expound

on that, 15 type D?

MS. GUNDLACH: Okay, where's your area of concern?

CHAIRMAN STRAIN: Three stories to the east against that property.

MS. GUNDLACH: Yes, that would be a 15-foot wide type -- actually, no, it's a 10-foot wide Type

A.

CHAIRMAN STRAIN: No. Well, that's not -- they've got a 15-foot -- it's platted at 15 feet. So

they're going to at least use the plat area.

MS. GUNDLACH: Okay, if we reference the master plan, it's a 10 to 15-foot wide type landscape

buffer per the LDC. And the reason there's a variation is that if there's already a Type B buffer present along

-- I don't know if you can see where I'm pointing, then they're only required to do a 10-foot wide Type A.

And when I did a site visit out there, there is a possibility there might be a B buffer already existing.

CHAIRMAN STRAIN: Okay. So I guess we're going to have to find out from the applicant an

answer to your question. As soon as we finish public speakers I'll ask them to come up and address your

question.

MS. SNYDER: Okay, great, thank you.

CHAIRMAN STRAIN: Do the best we can to get you an answer. Thank you.

Next speaker, please. One of the other people that just raised their hands and was sworn in.

Ladies first.

Please identify yourself.

MS. MILLETTE: May I use the speaker?

CHAIRMAN STRAIN: Yes, ma'am. Please identify yourself and we'll be good.

MS. MILLETTE: Thank you. My name is Susan Millette. I live at 5435 Rattlesnake Hammock,

which is a part of Country Club Manor, the adjacent property to the east of the proposed development.

I have many concerns: Buffer, traffic, noise, you know, everything that a neighbor would be

concerned about.

Yesterday it took me seven minutes to exit Country Club Manor onto Rattlesnake Hammock Road. I

only have one option there. I must go east. And if the proposed project is going to close off Doral Circle to the new development and use solely the Hibiscus Drive, they also would have to go east. The only place that you can make a U-turn there doesn't occur until the turn just before County Barn Road. You cannot make a U-turn at Charlemagne, you cannot make a U-turn at the Fountains, and you cannot make a U-turn until I think it's Greenwood Villas, or Green Lake Villas, whatever the name of the villas are. And so you have to go quite a way before you can even make a U-turn.

And I would suspect that most of the traffic, for instance as exits are complex, really would like to be going west. And they have to go down and make the U-turn to travel west. Because otherwise you're aimed off into the wilderness there to the east.

Also, if we have to -- as was previously mentioned, there are two bus stops: One by Hawaii and one in front of Country Club Manor, just opposite Charlemagne. And those would handle people traveling to the east. But I suspect that you would be developing more foot traffic and perhaps want to put your bus stop on the westbound lane of Rattlesnake Hammock. So again, you're creating a new problem. You're going to have pedestrian traffic trying to cross crazy Rattlesnake Hammock Road.

And in addition to that, in making the U-turn yesterday after waiting seven minutes to exit Country Club Manor, I had to wait four minutes to make a U-turn down at Greenwood Villas to travel west. And I think it's just a terrible amount of traffic and risk happening unless there are some real changes to Rattlesnake Hammock I would expect by the county in making either a traffic light at Hibiscus or some other accommodation for the traffic. Thank you.

CHAIRMAN STRAIN: Thank you, ma'am.

Okay, the next gentleman?

MR. SHIPALOWSKI: Good morning. My name is James Shipalowski. That's S-H-I-P-A-L-O-W-S-K-I.

Initially I had concerns of the traffic bleeding off from the property from Hibiscus onto Doral Circle. I've heard that we're talking about only an emergency exit onto Doral, but then I also heard limited. I don't understand what -- limited versus emergency. If it's limited and there's any path, anybody leaving the restaurant, anybody leaving the golf course, anybody leaving either at 84, 76, I don't really care, if they're going to make a left turn they're going to go through a limited access. So I'd really like to know what limited means.

CHAIRMAN STRAIN: My understanding is it would be emergency access only.

MR. SHIPALOWSKI: Well, I heard limited.

CHAIRMAN STRAIN: Well, we'll certainly -- at the end of these meetings when we talk about how to finish it up, we formulate stipulations. I think the stipulation will be very clear.

MR. SHIPALOWSKI: Okay. Because if it's any type of an access, they're all going to go through that property on the left side of Hibiscus Drive.

CHAIRMAN STRAIN: If it's designed as an emergency access only, it is limited to emergency vehicles --

MR. SHIPALOWSKI: I don't have a problem --

CHAIRMAN STRAIN: -- but there are elements that you can do that make it not too likely for people to go through there ordinarily.

MR. SHIPALOWSKI: My concern was I didn't understand what limited access would give you.

CHAIRMAN STRAIN: I don't blame you a bit.

MR. SHIPALOWSKI: The other thing is in the reading I've seen that it's going to take 36 months for construction. That's in the writeup. They've allowed or estimated 36 months. My concern is that until this thing is built and we have limited or emergency entrance onto Doral, that would be a perfect construction access.

So for three years the people on Doral Circle are going to be suffering delivery trucks, construction. I don't know where construction people are going to park, but I can see that for three years until it's built it's going to be full access onto Doral Circle. And that was the concern.

CHAIRMAN STRAIN: Good point. Thank you. We'll further discuss it.

Are there any other members of the public that would like to speak?

(No response.)

CHAIRMAN STRAIN: Okay, does the applicant -- well, first of all, we've got a couple questions. One will be of John Pod. John, would you come up first so that we can then decide how to further deal with the applicant?

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: Is there a possibility of requiring a left turn out at Hibiscus?

MR. PODCZERWINSKY: Short answer is yes. The longer answer is I spoke with our traffic

operations director yesterday, Tony Khawaja. He said that his stated preference would be to have a signal at what looks like on our map Nora Circle but it's also been referred to as Doral Circle. That he would prefer that the left-out occur at that location. We don't know if that will meet the signal warrants at this point or not, but --

CHAIRMAN STRAIN: Well, there's two questions. I would understand the signal issue at Doral. MR. PODCZERWINSKY: Yep.

CHAIRMAN STRAIN: But regardless of the signal issue at Doral, the people that are coming out of the clubhouse are probably not going to be driving through this community to get over to Doral anyway, so it doesn't help the situation that we're already -- have been noted about by the public.

MR. PODCZERWINSKY: In general, the policy is that we try to prohibit them unless they're absolutely necessary. That is our traffic operations director's answer to us.

CHAIRMAN STRAIN: Okay, so if --

MR. PODCZERWINSKY: -- is less than needed.

CHAIRMAN STRAIN: So if this board decided to include a recommendation to the Board of

Commissioners to tell you what they wanted, then you would be obligated to do what that board wanted?

MR. PODCZERWINSKY: I believe so, yes.

CHAIRMAN STRAIN: Okay, thank you.

CHAIRMAN STRAIN: I had a question regarding this. What about a review of the U-turns there on that street? I happen to agree with what the member of the public said, I had to drive forever in order to come back to 41.

MR. PODCZERWINSKY: I understand and agree with you. Yes, we've taken a quick look at the U-turn issues that are out there. We don't look at those in depth until the future Site Development Plan comes forward. We actually look at the specific turning movements that are anticipated at that time.

But I will corroborate the statement that the nearest U-turn I believe is at Greenwood Circle. It's roughly 1,900 feet to the east. So it's well over a quarter mile, it's approaching a half mile to the east. COMMISSIONER ROMAN: Then they have to come back that distance in order to go to the

direction that they want, which is 41, which is the business area.

MR. PODCZERWINSKY: That's correct. Yeah, it's quite a distance.

CHAIRMAN STRAIN: Is there a reason that that's the earliest U-turn?

MR. PODCZERWINSKY: Yeah, actually this is another question that I asked our traffic ops

department yesterday. And the basic answer to that is that there isn't enough turning radius within a four-lane road to make a U-turn. You have to do it at a larger driveway where there's actually enough physical room to make a U-turn. Because don't forget, it's not just cars that make these turns, but it could also be pickup trucks, it could be large commercial vehicles, they're all required to make the same turning movement at the same place. So within a two-lane road, you know, a two-lane directional roadway, it's difficult to get a larger vehicle to make that U-turn there. That's why --

COMMISSIONER ROMAN: So what you're saying is there's no options on a earlier U-turn on that road? MR. PODCZERWINSKY: That's correct, there are none.

COMMISSIONER EBERT: I have a quick question. John, what can you do now if you're coming

out of Hibiscus? You're telling me you can only turn right, is that correct?

MR. PODCZERWINSKY: That's correct.

COMMISSIONER EBERT: You cannot make a left turn from there now?

MR. PODCZERWINSKY: That's correct, you can turn right out only, go 1,900 feet to the east, make your U-turn and come back.

COMMISSIONER EBERT: It looks like -- can they make a left turn into Hibiscus though?

MR. PODCZERWINSKY: That's correct, yes, they can.

COMMISSIONER EBERT: Okay. And this is a private road?

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Does every traffic signal in Collier County meet warrants? Why are you laughing?

MR. PODCZERWINSKY: I don't have an answer for that.

COMMISSIONER CHRZANOWSKI: Okay. I would think the answer would be yes, of course.

MR. PODCZERWINSKY: There's quite a few signals. There are well over 100 signals.

COMMISSIONER CHRZANOWSKI: So all the ones on Goodlette meet warrants, even the newer ones?

MR. PODCZERWINSKY: Honestly, I don't have an answer for that. Some of them I know are close. A lot of them have to do with spacing.

There are areas that meet the warrants by turning movements but don't meet the requirements for spacing. So that's why we have a lot of the configuration that we do have out there.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Okay, I think that's it for you, John, thank you.

And I'd like someone on the -- Wayne or Rich to address the landscape buffer on the east side of the project.

MR. YOVANOVICH: I checked with our architect and with my client. Regarding whatever plantings may be on our property, on the east side, we can keep it, okay. If that makes any sense. I mean, I don't know exactly where what the woman who was referring to barrier is, so I don't know what's maybe on their property or what may be on our property, but what's there can remain.

CHAIRMAN STRAIN: Okay. And for clarification for Nancy's benefit, the buffer you're going to provide will be 15 feet wide?

MR. YOVANOVICH: I think the code requires 10 or 15 feet.

CHAIRMAN STRAIN: Well, you're platted at 15 feet. So you're going to go re-plat just to reduce a buffer? I got the plat.

MR. YOVANOVICH: I believe you.

CHAIRMAN STRAIN: I wouldn't tell you that if I didn't have it, so --

MR. YOVANOVICH: I'll do what either the LDC -- the more restrictive of the LDC or the plat, how about that? Because I haven't seen the plat. Not that I don't believe you, I just haven't seen it.

CHAIRMAN STRAIN: If you want to walk up here, I'll show it to you.

MR. YOVANOVICH: You'd say the same thing to me.

15 feet.

CHAIRMAN STRAIN: Oh, okay.

MR. YOVANOVICH: LDE.

CHAIRMAN STRAIN: So am I right on that, Richard?

MR. YOVANOVICH: You know what --

CHAIRMAN STRAIN: Okay, thank you.

MR. YOVANOVICH: -- Mr. Strain? Since so frequently recently you've had to acknowledge when I've been right, yes, you are right.

CHAIRMAN STRAIN: You heard that for the record, so that's going to be used from here on forward in all the cases.

MR. YOVANOVICH: This one time you were correct.

CHAIRMAN STRAIN: Okay, I think that then wraps up the issues that I understood from the public

in regards to the questions. I do understand the issue is the traffic, and that's something we have to address in our recommendation.

Now, do you want to have a rebuttal?

MR. YOVANOVICH: No, I don't need a rebuttal, but I do want to clarify the access.

I think I said it would be limited to emergency access only unless or until there was actually a traffic signal at Rattlesnake and Doral.

Now, just -- I know some of the concerns were the people leaving the golf course going to go through our residential community to get access to Doral, assuming there's a signal. No. Okay, so if we need to put something in there that makes it clear that the golf course traffic can't go through our project to get to Doral, we're happy to do that. Because it was never the intent to ever allow the golf course traffic to come through the development, the residential development that occurs on that parcel. So --

CHAIRMAN STRAIN: And I understood it that way. Just the clarification --

MR. YOVANOVICH: No, and I want it clear, because we spoke on the break and I told everybody that no, we've never intended to allow the residential community to be a cut-through to get the golf course and the restaurant traffic through residential development. So we can make sure that that's very clear. And again, I just can't imagine, according to my marketing and transportation expert that there's ever going to be a traffic signal at Doral and --

CHAIRMAN STRAIN: Well, if there is --

MR. YOVANOVICH: Then we'll deal with it.

CHAIRMAN STRAIN: -- then it will be official for everybody, so it works out.

MR. YOVANOVICH: I think, and I don't want to misquote anybody, but I do think in my

conversations with the neighbors that I had during the break, I honestly didn't hear anybody complaining about the number of units we were requesting. The concern was with access to Doral. And I think that at the 84 or now the 72, I don't think I heard any objections regarding that number now that we've made it clear that our community will not be sharing access of Doral unless there's a light.

And I told them that basically the way the emergency access would work is it would be landscaped, there would be a landscape buffer along Doral, it would be low level, it would look like grass. Nobody would even know where it is but the guys who drive the fire truck or the ambulance knows where they would be able to access Doral. So I just want to make sure in fairness to them I put that on the record that they know it's limited to emergency access and that's usually how it's treated.

And we believe that what we're proposing will be an asset to the community, it will be a nice

residential community, it will keep -- Hibiscus has been a nice golf club and my client has been -- nobody's questioned how well the course has been operated since my client has taken over.

We've addressed the transportation concerns. Honestly the bus pass issue, if you want us to buy the bus passes, we will. We've agreed to build or fund the bus station, stop, whatever you want to call it, wherever the county thinks is appropriate to address those concerns.

And we would request that the Board of County Commissioners follow your staff's recommendation for approval of the 72 units, because we did state on the record we would reduce from 84 to 72. And I know there'll be questions, but that's in summary where we stand, and wanted to put all that in the comments. CHAIRMAN STRAIN: Does anybody have any questions of the applicant, applicant's team, county staff, anybody else at this point?

COMMISSIONER HOMIAK: Yeah, the number of daily trips for 64?

MR. YOVANOVICH: 421.

That does remind me of a comment. Sorry. I would -- and I think I'm right, Jim, tackle me if I'm wrong.

MR. BANKS: I'll tackle you regardless.

MR. YOVANOVICH: Tackle you regardless, nice.

From an average daily trip standpoint my project looks better. Because the roads from an average daily trip standpoint can carry this project fine. It's the peak hour and deliberately the peak hour is what you all use. Because if you were to average it out, your road can handle my project with no issues. Yes, we'll be adding trips, and there'll be trips throughout the day, there's no question about that. But

from a peak hour standpoint, that's the most restricted analysis that you all do. And that's what really caps the density from a traffic standpoint, not -- other than that it's really the peak hour that's the more conservative analysis that's done.

And I think what John said regarding what a normal transportation engineer would do, other communities have adopted different standards for what is capacity or convenience, however you want to phrase it on the roadway system. So we fail at 100. It's a pass/fail test. It's always -- it should be analyzed as gradual. I mean, it's really difficult on the pass/fail test at 100 percent. The road doesn't truly fail, you don't truly come to a standstill. And that's all I would say.

CHAIRMAN STRAIN: Now you're done.

MR. YOVANOVICH: Yeah, unless there's another question.

CHAIRMAN STRAIN: I was going to say, on the threat of another question, does anybody have another question?

COMMISSIONER EBERT: No, but --

CHAIRMAN STRAIN: Okay, with that we'll close the public hearing and we'll go for discussion before a motion.

So Diane, did you have something you wanted to say?

COMMISSIONER EBERT: Yes. Originally this could be built out at 28 units. Because part of it is in the coastal high hazard area, so you have to go down to three. There is also a problem here with the schools to me besides traffic. Is the schools not sufficient? It is for the middle and high school. But for the elementary school it is not, it is not sufficient. Although the schools being what they are, they do have capacity in an adjacent area.

I had called -- when I saw that, I called the school. I couldn't speak with Tom but I spoke with someone else and asked them to send me something for future land use things. I know that they're looking at the Hacienda because the areas are growing so rapidly. And I will also keep this for further, but it's just another thing that's kind of added on besides the road capacity that bothered me.

The justification also kind of bothers me a little bit on this. I did go through -- just to have a little fun with Rich, but I did go through the bus passes. I called. I called the CAT people. The bus passes are \$35 a month. I think I have it in here. Those are \$35 a month. So it's \$245 a year for each one. So it's \$1,225 times five years is \$6,125. Plus the 25,000 would be \$31,125.

I also called the emergency because I thought 55 cots? And so I talked with them, and they figured that it was \$65 a cot plus -- which -- and 130 for the special needs cots. So that is a total of \$3,835. So for this total project, his mitigation -- he did mention also bicycle racks on the property. But it would be \$35,000 in round figures on all of that.

That's a pretty good deal for the developer. But what I -- what kind of has bothered me is for the GMP, the petitioner is using the golf course as a justification for the GMPA. But he also can seek a rezone at any time without a permanent restriction encumbering the property. And so that bothers me -- at this time that really bothers me that he's not willing to encumber anything there.

CHAIRMAN STRAIN: Nancy, no one discussed this school issue because I believe we have an agreement what's called school board review where we send our plans to the school board, they can then weigh in from a concurrency perspective if they have the capacity through their professional analysis of it, and then if they do or not that's how we proceed. Is that fairly accurate?

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Has the school board said to you in any case that we can ever recall that they don't have capacity because they've reviewed all these? Do you remember ever being turned down by the school board at this point?

MS. GUNDLACH: No.

CHAIRMAN STRAIN: Has this project been through any school board review?

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Has the school board review found them to be okay or they turn them down?

MS. GUNDLACH: They have not turned them down. But the facts that Diane stated are correct and

they are from the school board.

CHAIRMAN STRAIN: Right, but the school has capacity for children generated by this site from the review or not? That's what I'm getting at.

MS. GUNDLACH: They have capacity, yes.

CHAIRMAN STRAIN: Okay. I thought Diane was indicating that they didn't have, but yet they passed the project.

Tom?

M. EASTMAN: Just one point of clarification. School board review is technically a term where the school district is seeking review of a -- the building of a school site or other type of facility project. The review that you're speaking of here is a concurrency review, it's a school concurrency review. And in this instant, Commissioner Ebert is 100 percent correct, there's no capacity at the elementary school level.

However, concurrency allows that if there is capacity in the adjacent service area, and in this case there is, then there is no consistency issue. That's why all these statements are correct, that there is no capacity issue school related for this project.

CHAIRMAN STRAIN: But you wouldn't have a basis to turn them down from a concurrency perspective to say they can't build a project because of a school issue.

MR. EASTMAN: No, we would have no basis to do that, because there's capacity in the adjacent area for the elementary school site.

CHAIRMAN STRAIN: Okay, that's the clarification I needed, thank you.

Does anybody else have any items for discussion?

COMMISSIONER ROMAN: Are we going to hear from Nancy on that landscape buffer item that you asked?

CHAIRMAN STRAIN: The applicant just agreed to a 15-foot wide buffer, but you're talking about the setback area in the back?

MS. GUNDLACH: Yeah, I have some proposed deviation lang-- I would propose that you just change the deviation to state that it applies to a canal. And I have some exact wording if you want me to state it for the record.

Okay, deviation number one, from LDC Section 4.06.02, C.2 which allows that when an alternative B buffer is located within a residential PUD and adjacent to a lake, the required plant materials may be clustered to provide views to apply to the Type B landscape buffer along the canal.

CHAIRMAN STRAIN: That works. Okay, thank you.

Is (sic) there anybody have anything else that they would like to --

MR. YOYANOVICH: Mr. Strain?

CHAIRMAN STRAIN: Yes.

MR. YOYANOVICH: I thought the language was we could do that within the setback area.

CHAIRMAN STRAIN: Correct.

MR. YOYANOVICH: Because that's not exactly what she wrote. It doesn't say -- it didn't say that we could plant it within the setback area, correct?

CHAIRMAN STRAIN: Nancy, let's --

MS. GUNDLACH: You could tweak it to say along the setback area along the canal.

MR. ARNOLD: Something like that, yeah.

MS. GUNDLACH: Something like that. Maybe not exact, but something like it.

MR. YOYANOVICH: The concept, yeah, we'll just fine tune it.

CHAIRMAN STRAIN: That's fine, we'll get it. I think the intention is there and we'll fine tune it in the final draft.

Anybody else have any issues? If not, is there -- go ahead, Stan.

COMMISSIONER CHRZANOWSKI: What did we decide on the soil testing?

CHAIRMAN STRAIN: That we accept staff recommendations, it will just happen when they go in for SDP, I'm assuming. I don't see why there's a need to change that.

There are some issues to consider in a motion and I'll read them out what I've written down.

We have a staff recommendation that has been modified concerning the rear buffer and the setback

that now it would be allowed, as Nancy had indicated. Deviation number one would apply to the rear setback area for the spreading of the material.

The applicant has indicated they will limit the access onto Doral to emergency access only until such time a light is installed at Doral and Rattlesnake Hammock.

As the concerns from the public expressed, there should be no construction access from Doral.

We would restrict the -- oh, the golf course will need to have a restriction applied to the area comparable to which this density would be created from, so that we could avoid the double counting situation David Weeks pointed out to us.

The density. We have -- the offer from the applicant is at 72 units. We've heard testimony that 64 units would be de minimis. I think that's something that we ought to discuss, or the motion maker needs to consider, whether -- which one of those densities, or if they want none. I mean, that's a silly option two, but this is just something to put on the table.

Item B.1.B, referencing the discussion, the maximum actual building height will be referenced in that line and the other language struck.

The stipulation would be to encourage a left-hand turn at Hibiscus through a recommendation as such to the Board of County Commissioners and that the applicant be obligated to pay for that reconfiguring of the median.

The landscape buffer on the east side of the project will be 15 feet wide and they will leave any of the plantings that currently exist on that east side.

And that's the notes that I've made on it so far.

MR. YOVANOVICH: Can I ask you a question?

CHAIRMAN STRAIN: Sure.

MR. YOVANOVICH: Are you asking us to -- and I think to get the 72 acres, if I do my -- 72 units divided by three is 24 total acres, if that's the density that gets approved.

What I understood you to say is basically since we're seven point -- let's just call it eight for purposes of discussion, we're eight acres --

CHAIRMAN STRAIN: Even though there's 16.

MR. YOVANOVICH: -- would we be adding 16 acres to this PUD?

CHAIRMAN STRAIN: No, just encumbering the 16 acres of the golf course so they couldn't be double --

MR. YOVANOVICH: Do I get to pick the 16 acres?

CHAIRMAN STRAIN: As long as it's part of the golf course tract I don't think anybody -- unless David, if you hear anything that is objectionable, stand up and tell us.

MR. YOVANOVICH: And the reason -- I'm just saying, let's say I get that concept in, okay?

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: Do I still need a Growth Management Plan amendment if I'm encumbering 16 acres? Because effectively I have a 24-acre project, which means my gross density at that point is three. And I don't need a Growth Management Plan amendment if my gross density is three units per acre. I don't want to have --

CHAIRMAN STRAIN: Well, if you want to withdraw your --

MR. YOVANOVICH: I'm just asking --

CHAIRMAN STRAIN: -- continue this whole meeting to another date and time when it can be reviewed, you're more than welcome to do that.

MR. YOVANOVICH: No, Mr. Strain, I'm just asking what the impact of the condition would be on the need for my Growth Management Plan amendment. That's all I'm asking.

CHAIRMAN STRAIN: Well, Richard, I don't know, David's coming up. But if you're withdrawing that today --

MR. YOVANOVICH: I'm asking what the impact is. I'm not withdrawing anything.

CHAIRMAN STRAIN: Okay, David?

MR. WEEKS: Again for the record, David Weeks, Comprehensive Planning staff.

Imposing an encumbrance on a different property is not the same as incorporating that property

CHAIRMAN STRAIN: So my answer short and simple would be you still need the plan amendment.

CHAIRMAN STRAIN: Okay. And what about the location of that incorporated property in which

it would be encumbered? Should it be adjacent and contiguous to this property or does it matter as long as it's

part of the golf course overall, since it's all one -- I'm assuming it's all one parcel.

MR. WEEKS: I would say the latter. Doesn't matter where that encumbrance occurs on that golf

course.

CHAIRMAN STRAIN: As long as it's recorded as an encumbrance so they can't use it again.

MR. WEEKS: Correct.

CHAIRMAN STRAIN: Okay. And that was what I had thought. So -- does that answer your

question, Richard?

MR. YOVANOVICH: It does. I'll do that. and I don't mind doing that. I just would like Ms. Ebert

and others to recognize that effectively it's a 24-acre project and the gross density is three units per acre,

because I've given up the potential double dip that people are concerned about. That's all -- I want the record

to reflect that. It's no longer a gross density of 10 point -- or whatever 72 would be. Roughly -- it's under

nine acres. Nine units an acre. That's all I ask.

CHAIRMAN STRAIN: Thank you. Appreciate your input.

COMMISSIONER EBERT: Can I ask Heidi a question?

Heidi, would this be okay with the county then if they're willing to encumber this, this other acreage

in the golf course? So they --

MS. ASHTON-CICKO: I'm not sure what your question is.

COMMISSIONER EBERT: -- can't come back and double.

MS. ASHTON-CICKO: I'm not sure what your question is, but I think that if he's encumbering the

16 acres, then he's meeting the density of, what is it, three units an acre, so --

COMMISSIONER EBERT: Okay. Very good, thank you.

CHAIRMAN STRAIN: Okay, that's from my notes. So the mo-- whoever --

COMMISSIONER HOMIAK: Is that stipulation that you're --

CHAIRMAN STRAIN: Which one -- what are you talking about?

COMMISSIONER HOMIAK: You're just talking --

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

COMMISSIONER ROMAN: You've got to use the mic, I can't hear you.

COMMISSIONER HOMIAK: Encumbering, that was the --

CHAIRMAN STRAIN: David Weeks had said during his presentation that one of the things staff

had asked for since they're using the golf course to create the density, that they encumber a comparable

amount of golf course acreage equal to the density that they're using to add to this property so they couldn't

come back in the future, try to convert the golf course and use it twice.

So if they're encumbering 16 acres to get the density that's going to go on this property, then 16 acres

of the golf course need to be kind of pulled out of the golf course and separately noticed by a recorded

document that it can't be used to count golf course density twice. That's what the purpose is.

MR. YOVANOVICH: And we did something similar for a project up off of Livingston Road. I

think it's Della Rosa maybe it was.

CHAIRMAN STRAIN: Della Rosa there is one up there.

MR. YOVANOVICH: We did an off-site preserve. The PUD said we had to encumber the adjacent

property in an off-site preserve. So we'll make a -- I envision we would do a reference in the PUD document.

To obtain the density of 72 you would use it based upon the 7.9 acres in this PUD together with an

encumbrance on X number whatever the acres is necessary to achieve a base density of three.

CHAIRMAN STRAIN: This was a recommendation of comprehensive staff which seemed like a

good one, and I think that's -- so that piece of it seems to fit. But that's why I followed it up with a stipulation.

But it's up to the motion maker.

Yes, ma'am?

MS. ASHTON-CICKO: Do you have a time frame on that? You know, like SDP or PPL or --

CHAIRMAN STRAIN: I would imagine by the time they come in for the first development order

other than the SDP. Because they can't do an SDP until that's resolved. So prior to the first development order would work.

So is there a motion from anybody? And whoever makes the motion needs to address the density.
(No response.)

CHAIRMAN STRAIN: You guys are all shy.

COMMISSIONER EBERT: No, I see John standing there. Is there something you wanted to say, John?

MR. PODCZERWINSKY: There is. Very briefly, I wanted to ask that the panel make a recommendation in regard to the expansion of the TCMA as well. It may be a separate motion or it may be as part of the motion for this, I'm not sure. But I wanted to make sure that you know that it's part of staff's recommendation that we need to seek guidance from our Board to direct us to do that.

CHAIRMAN STRAIN: Well, you can seek guidance from the Board of County Commissioners without our input.

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: They sit as the --

MR. PODCZERWINSKY: The reason that I bring it up --

CHAIRMAN STRAIN: They sit as the long-range transportation people, and they have a lot more involved in the --

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: -- transportation system than we do, and we really haven't had a presentation as to the benefits or merits of a TCEA. So, I mean, I don't know why it's even on the table for us, unless somebody wants to put it on the table, we can take a break and come back and discuss it.

MR. PODCZERWINSKY: Just that it was driven by this discussion, and -- it was driven by our recommendation is why I'm asking that.

Hold on one moment, I have something from David.

CHAIRMAN STRAIN: Well, somehow we have to get to a decision on this.

MR. PODCZERWINSKY: I apologize, I've just learned that it's been struck from the staff report.

CHAIRMAN STRAIN: That's why I didn't remember it, but I took your word it was there, so --

COMMISSIONER HOMIAK: So we're doing them both at the same time?

CHAIRMAN STRAIN: Yes, we're doing it while the --

COMMISSIONER HOMIAK: The stipulation --

CHAIRMAN STRAIN: The first will be the Comprehensive Plan Amendment. And the Comprehensive Plan Amendment, really the only stipulation that applies to that is the restriction on the golf course area to set aside comparable acreage to the density to avoid the double counting for the development order prior to the first development order, and the number of units, which we haven't decided on yet.

So do you want to make a motion?

COMMISSIONER HOMIAK: You don't have to put the property aside, though.

CHAIRMAN STRAIN: You mean you want to leave the golf course open for double counting?
Yeah, you don't have to --

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: -- but it was just -- it was something that David had recommended as one of his issues. And that would be the more appropriate place to put it, unless planning staff wants to put it in -- it came about as a request from Comprehensive Planning, so I thought that's where it should stay, but it doesn't matter to me, as long as we get it done.

Ray, do you have a concern?

MR. BELLOWS: I think if you're dealing with density it would be best to have that part of the subdistrict language. But we could also include language in the PUD, but --

CHAIRMAN STRAIN: David, do you have a care one way or the other?

MR. WEEKS: Commissioners, my suggestion would be that that language be in the PUD.

CHAIRMAN STRAIN: Okay. So the only item for the comprehensive planning is the resolution on the density, is that --

MR. WEBBS: The density to reflect what the applicant is reduced to and then your consideration of

the staff recommended format type changes, non-substantive changes.

CHAIRMAN STRAIN: Okay. So Karen, those two items, density and the staff recommended

format for the GMP language, would have to be part of the motion, depending on how you want to -- if you

wouldn't mind making the motion.

COMMISSIONER HOMIAK: Well, I'll make the motion approving the maximum dwelling units at

64.

CHAIRMAN STRAIN: Subject to the staff recommended formatting of the language?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: And this is for the GMP amendment?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay, is there a second to that motion?

COMMISSIONER EBERT: I'll second that.

CHAIRMAN STRAIN: Motion's been made and seconded.

Is there a discussion?

(No response.)

CHAIRMAN STRAIN: I mean, it puts it into a de minimis threshold. I think that's a lot better than

anything else we've heard today. I have no problem with it. So I'm fine with that. I mean, I'll certainly go

along with it.

With that, anybody else?

(No response.)

CHAIRMAN STRAIN: No other discussion. All in favor of the motion for the GMP amendment as

noted, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Now, into the PUD amendment. We'd still have to retain the reference to the density. We wouldn't

have to retain the reference to the staff recommendation for the GMP language but it would be all the rest of

them. And I can reread those if someone would like, or we can just go from the previous review.

COMMISSIONER EBERT: Would you please reread them so that the public that's here --

CHAIRMAN STRAIN: We would accept staff recommendations, which basically was

recommendation towards deviation number one, but we would accept the new language for deviation number

one that requires the buffer to be distributed within the rear setback area.

We'd stipulate that the emergency access -- there would be emergency access only to Doral until a

light is installed at Doral and Rattlesnake Hammock.

There will be no construction access from Doral.

We'd restrict the golf course area in a comparable size to the density that's being utilized to avoid the

double counting prior to the next -- and that would occur prior to the next development order.

There would be 64 units as the recommended density.

Sentence B.1.B will be modified to reflect the maximum actual height, actual building height.

We will encourage a left-hand turn lane at Hibiscus to be utilized, paid for by the developer, and

recommend to the Board of County Commissioners to ask staff to allow that to happen.

There would be a landscape buffer on the east side, it will be a 15-foot wide buffer, and the plantings

there currently will be left intact.

And that's the notes, that's the ones I have.

Richard?

MR. YOVANOVICH: Couple questions. Left-hand turn lane. My understanding was is you were going to recommend that the median opening --

CHAIRMAN STRAIN: I'm sorry, you're right. It's not a left-hand turn lane --

MR. YOVANOVICH: It's the median --

CHAIRMAN STRAIN: -- it's yeah, a median opening.

MR. YOVANOVICH: Left-out.

CHAIRMAN STRAIN: Left-out on the median opening, thank you.

MR. YOVANOVICH: But that's our recommendation to the Board, that they agree to that, correct?

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: Second, I'm assuming that any of the mitigation requirements that were calculated on the 84 units would be reduced, recalculated based on 64 units. Fair?

CHAIRMAN STRAIN: I would have no problem with that.

MR. YOVANOVICH: What do you mean no? Of course it's fair.

And I'm not -- I'll be quite honest with you, is the mitigation -- the bus station still in and are the bus passes still in? I got confused in the discussion on all of that, now that we're down to 64 units.

CHAIRMAN STRAIN: Well, you're still more density than is allowed. So I think the recalculation on mitigation based on the new density is justified. I'm not going to get into another hour of debating why we're asking for some of these silly things. But hopefully it won't happen again. I mean, and it's not worth -- you're going to spend more time debating five bus passes than your fees are, so we may not -- just let it --

MR. YOVANOVICH: Commissioner Strain, I would suggest let's just take the bus passes out and we'll do the bus stop. We've used our density by 20 units, I think that's fair.

CHAIRMAN STRAIN: I don't have a problem with that. So you'd leave the 25,000 contribution in for the bus stop and take out the five bus passes. I think that makes life --

COMMISSIONER HOMIAK: Bus shelter, right? Bus shelter.

MR. YOVANOVICH: Well, they can make another stop. We're going to give them enough --

COMMISSIONER HOMIAK: Well, not that easily.

MR. YOVANOVICH: Or they could put a shelter in an existing stop, we'll do another stop with a shelter. That's --

CHAIRMAN STRAIN: You're just going to put up \$25,000 for the CAT system in whatever way it needs to work. Okay, that would be the last item.

MS. ASHTON-CICKO: Mr. Chair, is there a timing on your recommendation on the median opening?

CHAIRMAN STRAIN: It's going to go to the Board, the Board would decide that.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: It's a budget issue -- no it's not. Actually, the applicant's going to pay for it, but the Board will get input at that time from our traffic department to see what their feasibility of it is and when it could occur. So --

COMMISSIONER HOMIAK: Okay.

MR. YOVANOVICH: One other question. I know you're giving me the look and I'm sorry.

The approval of the project is not -- if the Board ultimately says and traffic ops says we're not giving them a left out, you're not saying don't approve the project.

CHAIRMAN STRAIN: No, we're suggesting to the Board to allow that to happen, and that's where it's got to come from.

MR. YOVANOVICH: I understand that.

CHAIRMAN STRAIN: We can't dictate that. It's a good thing if it can happen. But if they in their deliberation decide it's not necessary or traffic shows up and shows a valid reason why it shouldn't happen, then it's something we're just suggesting that they look at.

MR. YOVANOVICH: I just want to make sure your recommendation of approval is not contingent upon that left-out --

COMMISSIONER HOMIAK: No, it's a recommendation --

CHAIRMAN STRAIN: Motion carries 6-0.

Thank you all ladies and gentlemen for attending and your input today. And everybody for their patience.

MR. EASTMAN: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

MR. EASTMAN: I appreciated your chairman's report and the information that you provided at the beginning of the meeting. I think I'd find it helpful if I could have the slides that were presented. And maybe some of the other members of the commission would like those slides as well. It was extremely informative, and once again I thank you very much.

CHAIRMAN STRAIN: Well, thank you, I appreciate that, Tom. And I'll send it to staff and staff can distribute it all.

COMMISSIONER ROMAN: Mr. Chairman, I have one thing before we adjourn. Regarding this last petition that we heard, in looking at Rattlesnake Hammock Road, I can see that this won't be the first challenge in terms of trips and traffic and what options that we have on that road.

I'm a little concerned on two issues: One would be what could we look at in the future for that planning, and the staff seemed to indicate that very little planning is going on right now with that road.

And then the second thing would be to identify some more reasonable mitigation options for us. Both of those two items I think that we should make a recommendation either to staff or I don't know how exactly we go about it, but this is not going to be the last project along that road, and we can't be at a point where we're not looking at options for improvement.

CHAIRMAN STRAIN: And I don't disagree with you a bit. And I think that John, since he basically is our link to transportation, if he could at some future Planning Commission meeting address the Rattlesnake corridor as carefully as you can and address how we can look at better forms of mitigation. Because the mitigation I think was in question by some of us, but based on the emails that I saw from the public, I think they were thinking it was kind of strange too. And I would rather we looked at more realistic mitigation stuff that's got some teeth in it rather than five bus passes that are randomly passed out.

COMMISSIONER ROMAN: Well, the other thing is, is we're concerned with the mitigation to address the traffic issue and the number of trips. So to me they have to be related in some way. And --

MR. PODCZERWINSKY: Let me jump in for a moment. I need to make it really clear again, there is no mitigation that will increase the capacity of this segment of road. The most we can do is perhaps re-time some signals. But we cannot add more lanes. This roadway, this segment is constrained.

So there is no -- there's no planning to do at this intersection other than to say we have to recognize that we are at or near failure. In this case we are above failure. And there are options that we can move forward with in terms of adding this to the TCEA. Which is why I brought this up as such an issue today. To add it to the exception area essentially allows some of the adjoining properties, some of the nearby properties, including the one that was under discussion today, to continue moving forward, even though they will cause failure on that roadway.

The exception area has already been implemented to cover a lot of the Bayshore area, a lot of the area along U.S. 41. Just out here in front of the government center, for example, the government center itself is within the TCEA, okay, and that allows expansion.

They're allowed to seek exception from concurrency, and the mitigation measures are spelled out in the Growth Management Plan in the transportation element what they're allowed to pursue. They're allowed to pursue -- and they're not very -- they're not very hard-hitting traffic demand management strategies at this point. We'll be seeking an increase to those at some point during a future Growth Management Plan amendment, but we would love guidance from the Board as to what you guys would like to see.

CHAIRMAN STRAIN: I'd like you to come back and not do it in conjunction with a project that's at our threshold here today.

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: The reason for that is understanding the two concepts are far more detailed than a casual passing of it here today. That's why I didn't want the discussion to get into that, because we don't have enough preparation given to us, explanation, mapping and laying out showing what's there. The

pros and cons of the systems, the alternatives that can be used.

Because I know from experience the one in Golden Gate City, it isn't that much fun to have new

structures put in because they're within one of these envelopes when the road is already backed up for miles.

And I was dismayed when I learned that's basically what these do, they allow you to spread out the

looseness of the system, even though it's concern-- in the concentrated area it's tight. But because the rest of

the system isn't maxed out the concentrated area gets to have some benefit to that.

MR. PODCZERWINSKY: Chairman Strain, I don't want you to get TCMA's, the management

areas where you get to spread out that impact, I don't want you to get those confused with an exception are.

CHAIRMAN STRAIN: Then that's why I want you to come back and we do it right at a workshop

-- at a meeting here on an agenda item which is presented to us after we've had time to get the material and

digest it.

MR. PODCZERWINSKY: Right. I do want to make this -- you know, make this real clear. During

the 2013 AVIR and the 2014 AVIR process, which both of which came before this board. There was

recommendation in that AVIR that we pursue -- that staff pursue looking at the TCFA expansion method to

address this pending failure on this link.

We brought that up in the past two times already. The direction has not yet come to us to actually

pursue this.

Now mind you, this direction has to come from our board for staff to actually amend the Growth

Management Plan. We can't just undertake that ourselves, we have to get direction from our board to do so.

CHAIRMAN STRAIN: And if you're looking for us to comment on that, we need the background

and some -- further than just a casual comment through a public hearing like today.

MR. PODCZERWINSKY: Right.

CHAIRMAN STRAIN: So when you want to come back with a prepared agenda item, that's how

we'd prefer it.

MR. PODCZERWINSKY: Absolutely. I'll be glad to.

CHAIRMAN STRAIN: Okay, thank you.

Does that get to your point, Charlotte?

COMMISSIONER ROMAN: Yes, it does.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER EBERT: Mark, I'm going to ask a question. Do you want him to bring it back at

a regular meeting or a workshop?

CHAIRMAN STRAIN: No, a regular meeting.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: I'd rather avoid the workshops. If we can do it a regular meeting and fit it

in, that covers the time frame that we're expected to be here.

COMMISSIONER EBERT: Perfect.

MR. PODCZERWINSKY: I'll see if I can fit it in for the next agenda. If I can't, it will be on the one

after that, I hope.

CHAIRMAN STRAIN: Okay, that works.

MR. PODCZERWINSKY: Great. Thank you.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER EBERT: Thank you, Mr. Podczerwinsky.

COMMISSIONER HOMIAK: Oh, yeah, nothing on the 5th, he said.

CHAIRMAN STRAIN: Okay. And with that and today's hearing, by the way, we will not have the

meeting on March 5th.

***So there is no old business, new business.

Is there any public comment?

Okay, with -- does anybody from the public want to speak? Come on up, sir. Identify yourself for

the record.

MR. HOFFMAN: Sure. My name is Mark Hoffman.

CHAIRMAN STRAIN: Go up to the mic first.

MR. HOFFMAN: My name is Mark Hoffman. And my wife and I chose to relocate to Collier County because our perception is that Collier County is very well run. And also that the people who move to Collier County, people who were born here, are prepared to support the government and the politicians who want to maintain the high standards that are here. And I really appreciate the hard work you do.

CHAIRMAN STRAIN: Well, thank you.

MR. HOFFMAN: And there's always a push-pull with developers. You know, they've got to eat. But Collier County's a better place than a lot of other places in North America. And I really appreciate the fact that you folks do this hard work on our behalf. And I want you to know that it attracts people here, that it pays off. I'm prepared to pay more in property taxes. I'm proud to say I live in Collier County. So I just want to say thank you.

CHAIRMAN STRAIN: Well, thank you for your input and welcome to the county. Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Okay, with that we will -- motion to adjourn?

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER EBERT: I'll second.

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: We're out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:23 p.m.

COLLIER COUNTY PLANNING COMMISSION


MARK STRAIN, Chairman

These minutes approved by the board on 3-17-15 as presented or as corrected .

Transcript prepared on behalf of Gregory Reporting Service, Inc.,
by Cherie' R. Nottingham.