

March 19, 2015

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, March 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:

CHAIRMAN: Mark Strain
Diane Ebert
Karen Homiak
Brian Doyle
Charlette Roman
ABSENT: Stan Chrzanowski

ALSO PRESENT:

Raymond V. Bellows, Planning Manager, Zoning
Jeffrey Klatzkow, County Attorney
Scott Stone, County Attorney's Office
Tom Eastman, School District Representative

PROCEEDINGS

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

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay. Will the secretary please do the roll call. And before you do, Stan Chrzanowski has contacted me. He has an excused absence.

COMMISSIONER EBERT: Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski is absent.

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: Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: I don't know of any addenda to the agenda, so we'll move on to Planning Commission absences. Our next meeting is the -- I think it's the 2nd, is it, of April, or 1st? I don't have my calendar in front of me.

COMMISSIONER DOYLE: Second.

CHAIRMAN STRAIN: Second. Does anybody know if they're not going to make it on the meeting on the 2nd?

COMMISSIONER DOYLE: I won't be here.

CHAIRMAN STRAIN: Okay. We'll still have a quorum, thank you; we'll assume Stan will be here.

Approval of the minutes. We had two sets of minutes sent to us electronically.

And, Bob, by the way, you can -- we're not going to be starting with yours.

MR. MULHERE: I'm just getting prepared.

CHAIRMAN STRAIN: Okay. The first set was February 5th. Anybody have any corrections or additions, deletions, to the February 5th minutes? If not, is there a motion to approve?

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: By Charlette.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries, one, two, three -- 5-0.

February 19th minutes, same question.

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Made by Karen. Seconded by?

COMMISSIONER ROMAN: Second.

CHAIRMAN STRAIN: Charlette.

Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Ray, BCC report?

MR. BELLOWS: Yes. On March 10th the Board of County Commissioners heard the PUD rezone for the State Route 29 commercial CPUD. It was approved on their summary agenda subject to the Planning Commission's recommendations, of course.

They also heard the LDC amendment for the automobile service situation, and they remanded it back for more study to bring back.

CHAIRMAN STRAIN: Okay.

Okay. The chairman's report. I do have a couple things to discuss today. The first is I was in a discussion yesterday with the county attorney, Jeff Klatzkow, and we were talking about today's meeting, and Scott Stone was going to attend. And Jeff said, well, why doesn't Tom Eastman sit up on the dias with the rest of you since he's a member of the Planning Commission?

And I said, well, you know, that's a good point, because when he first got appointed, we had nine members, and we filled all the chairs. And so I thought, well, that's a good time to bring Tom up.

So, Tom, welcome to the upper level. I'm sure in the future you'll have to take one of the end chairs when the others are filled. But Tom is a non-voting member representing school board and, of course, will jump in when there's issues such as that.

So I was telling Tom this this morning, and he thought -- he was very appreciative. It seemed like it was a nice gesture until Jeff said, well, there's really an ulterior motive. We needed a place for Scott Stone. So now Scott's over here and Tom's up here. But, Tom, had we -- had I thought of it or any of us, it would have been a natural thing to do, and I'm glad Jeff pointed it out, because I had just forgotten why you were sitting down there.

MR. EASTMAN: Thank you, both. It's a great seat.

CHAIRMAN STRAIN: It's a hot seat.

And the second thing I wanted to bring up to everybody, staff has contacted me about the upcoming -- in the fall, I think, the AUIR, Annual Update and Inventory Report.

The Planning Commission always reviews it yearly. It involved all the departments in the county and what they want to -- where their capital improvements are. And it takes a little bit of time to walk through it. There's presentations by the various departments.

I had suggested last time that instead of holding it in this meeting room -- we rarely, if ever, have a member of the public attend. It's basically a nuts-and-bolts discussion and explanation by staff as to why their capital improvements are needed, and then this panel reviews the information and has discourse back and forth.

I suggested, to save the time on staff from having to sit here all day waiting for their opportunity to come up, which is always paid by the taxpayers, that we do it over at Developmental Services Room 609/610 so that we can have the staff available coming and going and getting back to their jobs.

I don't know of a downside to that. It isn't videoed over there. It could be, but if that's needed, then we should leave it here because it costs over \$3,500 or so to set up the video each time and take it down.

And so I'd just as soon we have it over there if nobody has an objection from the Planning Commission or any members of staff think there's a reason why it shouldn't be that way, please let me know.

(No response.)

CHAIRMAN STRAIN: Okay. Well, I'll let the planner know who's in charge of that that we can schedule it over in 609/610.

The audio system and the court reporter will always be there. It's just it's lacking video, but I think it will be better cost-wise to hold it over there.

COMMISSIONER EBERT: Does that mean casual dress?

CHAIRMAN STRAIN: It means --

COMMISSIONER EBERT: Does that mean casual dress?

CHAIRMAN STRAIN: Not for you. Everybody else.

Okay. And that's the only issues I had to discuss this morning. There is no consent agenda today.

***And that brings us to the first advertised public hearing. And I'm going to open this meeting up as we normally do and ask -- if there's members of the public to speak, we're going to listen to the dissertation first. If you still want to speak, I'll ask you to be sworn in at that time.

And then we're going to try to attempt to continue this, but I want the whole Planning Commission to weigh in on the continuance.

So with that, anybody wishing to speak on this item, please rise to be sworn in by the court reporter.

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

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

MR. EASTMAN: I spoke with a concerned citizen regarding the school district cell tower in relation to this project and just explained that it was -- our tower was owned and operated by Sprint.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I spoke with staff several times on this one.

CHAIRMAN STRAIN: And I, too, had numerous conversations with staff and the applicant's -- one of the applicant's representatives, Richard Yovanovich. I've seen emails going back and forth between some other members of staff and people out of town who are -- who will actually build the facility.

Karen?

COMMISSIONER HOMIAK: I spoke with Mr. Yovanovich.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: Some email communication, and I also visited the site.

CHAIRMAN STRAIN: Okay. And then last, Charlette.

COMMISSIONER ROMAN: Yeah. I talked with Rich Yovanovich.

CHAIRMAN STRAIN: Okay. And this item, just for the record, is PUDA-PL20120001128, the Wilson Professional Center Planned Unit Development (PUD).

Now, before I ask Richard to speak, I want to explain how we got to where I hope this board will agree today.

There was a -- this was a continuance from a prior meeting. And when we got the new data, I reviewed it and found a series of issues with it. And I've talked to Richard, who wasn't really involved that much at the time I spoke to him. It's more being done by a group who specialize in cell towers.

So he had to get with them and back and forth. And, basically, if we request a continuance, he's willing to agree to it. So I need this board to weigh in on that, and I want to explain to you why I think it's necessary.

I provided some of this information to Richard yesterday. And let me just walk through a few of the reasons. The base elevation -- the deviation that they're asking for to reduce the setback is a critical component of this whole exercise. And it's about a self-collapsing tower and the different radius it would need to collapse.

In the package there was no information about how a tower is self-collapsing, where -- the failure points and how they're calculated in. I saw no certification from a Florida engineer of any drawings that indicated how these towers will be built. I think that's a critical component that we will need in order to

adequately assess this.

Their application said the towers needed to cope with heavy phone data and demand in the area, but I saw no evidence, I saw no calculations. There was nothing in there other than their words, so I was -- I'm looking for information on that.

The master plans, there was one provided originally in February, and one of the biggest issues was the setbacks. They had a north setback of 415 feet and a south setback of 232 feet. You add those together, and it's 247 (sic) feet.

Well, the pole -- and only the schematics I saw were not to scale, but it looked like it's somewhere between eight and 12 feet thick. Well, if you add that up, it exceeds the length of the lot line. So they couldn't fit the pole on the property. That's why it was continued last time to take a look at some of those things.

We get the new application, and now the north setback is 442 feet and 229 feet, which is 671 feet, which is even less of -- less of an ability to fit it on the site. So we still don't have the operation we need.

And on Tuesday a new plan came in, a site plan, that showed how all these numbers fit together, but the applicant had measured -- and this is no fault of Richard Yovanovich's; it came out of the other group involved. They're measuring the setbacks from the center line of Airport Road and from the center line of Bailey Lane. That doesn't work.

So we have to get that all -- all those -- all that data needs to come back to us in a proper format. The master plan did not show the distance to the nearest lot. Although it was stated, I'd like to see that on the plan so that we know exactly where that tower's going to go in relationship to the houses, if it were to go in at all.

The strikethrough and underlined version of the PUD was incomplete, but it also contained strikethroughs that were irrelevant to the use being added. So someone attempted to clean certain elements of the PUD up but left other elements in the same stature uncleaned up. It made no sense.

And since this is only a use application to that particular PUD, it didn't make sense to have all these other strikethroughs; otherwise, if that's the case, they need to look at reproducing the PUD in the new format. Because, in addition, they had entries that referenced the new code while the PUD was based on the old code.

There was a portion of the lease area shown on somebody else's property. If you read the data, there's -- we need information on the radio channels; how many are proposed and the power of each transmitter. The microwatts are what are a concern to people living within the distance. So depending on how many -- what the microwatts are, we need to know; that would be something good to have on record.

The effective radius of the tower, that wasn't provided. We don't have information on what other towers lie within the effective radius.

The other thing is, this is a variance. Even though it's being processed as a deviation to a PUD, it is a variance requirement for life safety. So the standards of a variance need to be addressed, and that includes hardship. That was not addressed in any of the documents we received.

And that's -- if you look, the source of the variances in Section 5.05.09(G)(2)(a), and the variance criteria is 9.04.03.

And, lastly, there's an issue going back and forth with preserves. I got an email yesterday from Summer who indicated that there was a requirement for preserves in the GMP, but it didn't institute or require a percentage. Well, this is a 1992 PUD. Obviously, the PUD was processed earlier, but it was replaced by a '92. So the replaced PUD is the date that would be effective.

I don't know to what extent we locked in preserves or how we did back in '92, but I think we need time to take a look at that to make sure that this is consistent with the rules in place at the time.

So those are all the reasons I'm suggesting this panel support a continuance to a date that the applicant will request, I hope, but I also want to make staff very strongly aware that -- don't give us another package without the answers. And if they don't have the answers in time for you to adequately review them and issue the package, then don't schedule this. Simple as that. This is -- we can't have a package like this come through again.

Richard, you want to come to the mike. And do you have any objection to us requesting you to continue this?

MR. YOVANOVICH: No, Mr. Chairman. And, in fact, the person who's in charge of this project isn't even here because she understood that there would be a continuance.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: And since I'm local I said I would make sure the continuance happened.

CHAIRMAN STRAIN: Okay. We will try to continue this to the next available date, I mean, at least 30 days out.

MR. YOVANOVICH: I thought -- is it the 16th? I can't remember; 16th or the 26th. I can't remember which date she asked for.

MR. BELLOWS: April 16th.

CHAIRMAN STRAIN: Well, it would be the 16th. Yeah, it would be April 16th. So that's the request, when we go to vote, I'll ask the Planning Commission to consider.

The only caution I have is this information needs to be gathered, reviewed by staff, and back, or we'll have to continue it again. We definitely need to get this information to us.

MR. YOVANOVICH: And there's some things on there that I don't necessarily agree to -- agree with as far as the required analysis, and we'll get with staff on that. But I don't really want to get into it right now.

CHAIRMAN STRAIN: That's fine. I just want the package complete when you come back, so...

MR. YOVANOVICH: I understand. I understand.

CHAIRMAN STRAIN: And if there's something on there that staff feels is not needed, certainly talk to me about it, because as long as they're requesting a tower, I think we need to know the need for it.

There's multiple -- towers come under a separate section of the LDC, and that's all I've been looking at to make sure we've addressed everything.

Okay. With that -- before we vote, though, I want to ask for any comments from the Planning Commission. Then, there was a public speaker. I want to see if he still wants to speak.

Planning Commission have any comments?

COMMISSIONER EBERT: Yes, I do. I had asked staff for some information on this as to -- and I really would like it before this next meeting as to all the towers located in Collier County and a map of where they are.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. The member of the public who -- please come up and identify yourself for the record.

MR. ESTES: Good morning. I'm Brad Estes. I'm a resident of Poinciana Village, and I own three -- or actually our family trust owns three residential properties in Poinciana Village.

CHAIRMAN STRAIN: Real quick, for the record. You're right, I did speak to you, too, at one point. I think there's been a couple letters on record from other people, so thank you.

MR. ESTES: I don't have any objection to the postponement. I just would add to the agenda -- not the agenda, but the consideration is the -- if the project is aesthetically compatible with the neighborhoods.

CHAIRMAN STRAIN: That is an analysis that staff will provide to us, and then we will weight that. We will take that -- weigh it appropriately.

MR. ESTES: And I will speak at the next -- next time it's heard.

CHAIRMAN STRAIN: Great. Thank you very much.

Is there anybody else that would like to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Anybody from the Planning Commission? Is there a motion to continue this to -- it would be the first item on April 16th.

COMMISSIONER ROMAN: I'll make the motion to continue PUDA-PL20120001128 to April 16th.

COMMISSIONER EBERT: And I'll second.

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

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you.

So we'll move into the -- we have two other land use actions on the agenda. They are companion items. I'll read them both together. We will discuss them both together, but we will vote on them separately.

***The first one is a Comprehensive Plan amendment that is on adoption. It came through as a transmittal to this board. It was sent to the Board of County Commissioners. It got further revised, and now it's the adoption process. That is No. PL20130001767/CP2013-10, and it's for the Vincentian Mixed Used Subdistrict in the Urban Mixed Use Subdistrict on U.S. 41.

The second item is PUDZ-PL20130001726. That is the companion PUD zoning action for the Vincentian Village MPUD.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. Members of the public, if you intend to speak on this, please rise to be sworn in.

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

CHAIRMAN STRAIN: Okay. Disclosures on the part of the Planning Commission. We'll start with Tom.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: No, just staff.

CHAIRMAN STRAIN: I've met with staff on numerous occasions. We've talked. And I've met with the applicant himself and the representatives yesterday.

Diane -- and, oh, and I talked to Mr. Eskridge with the Hitching Post about this project.

Go ahead, Karen.

COMMISSIONER HOMIAK: I spoke to Commissioner Fiala, had emails from Mr. Shucart, and to Mr. Yovanovich.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: I spoke with Mr. Yovanovich and had communication with Bob Mulhere as well.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: I talked with Mr. Yovanovich.

CHAIRMAN STRAIN: And regarding Karen's comment, I talked to Commissioner Fiala, but I don't know if it was before this one or the last one. But, anyway, regardless, that's my full disclosure.

Bob, it's all yours.

MR. MULHERE: Thank you. Good morning. For the record, Bob Mulhere with Hole Montes representing the applicant. With me this morning is Rich Yovanovich; he's the land use attorney; Chris Shucart, property owner; and Paula McMichael, who's also with Hole Montes.

I put an aerial on the visualizer. I think you're all familiar with the location; just in case somebody watching from home may not be familiar with the location, they can at least be aware of where the property is located, which is just along U.S. 41 east.

We have some things to hand out to you, and then I'll begin to go over those after you -- Paula will hand those out to you. One is a letter dated October 8, 2014, from the East Naples Civic Association supporting this project. The other is an updated Comp Plan amendment with some minor text changes, which I'll go over with you, and the last document is the PUD, which also has some text changes which I will go

over with you.

By way of background -- I'll just wait until Paula finishes handing that out.

CHAIRMAN STRAIN: Just for the Planning Commission's benefit, we'll review all the paperwork today. If some of the changes in details that you're asking for that differ from the documents in front of us, we'll leave them subject to consent, but we'll walk through them all today.

MR. MULHERE: That's fine, yep.

By way of background, and as you're aware, but -- the Comprehensive Plan amendment, it's a two-step process, transmittal and adoption. The amendment was transmitted in September 2014. The CCPC had reviewed it and recommended approval, and the BCC reviewed it and also recommended approval but with some changes. They reduced the density from 10 units an acre down to 7.3 units an acre, and there were some other changes relative to the other uses, the mixed use.

We had no objection from DEO or any state agencies. As you may be aware, the process has changed since 2011 when amendments were -- statutory changes were made. You don't any longer get a letter from them unless they have objections. So, basically, silence is a good thing. There were no objections from any of the state agencies, whether that be DEP or FDOT or DEO.

Also, there was a comment related to the Collier County School Board. We did coordinate with Amy Lockhart. There's no objection from the Collier County School Board.

So, in summary, the property is 30.68 acres, and the Comprehensive Plan amendment allows for the increase in density that the board transmitted. That is 7.3 units per acre; 224 market-rate units. The PUD allows for that as well as mixed use development. So the property could be developed all commercial, it could be developed as all residential, or it could be developed as a mixed use.

And let me begin by going over the changes, which I think a lot of the specific limitations will come up during that discussion.

Mr. Chairman, if it's okay with you, I think there's a few changes to the comprehensive planning language. I'd like to go over that first, and then there's more changes in the PUD document, so...

CHAIRMAN STRAIN: Okay.

MR. MULHERE: If we start with the document that was handed out to you that's a three-page document, that's the subdistrict creation language, the GMP amendment, the Vincentian mixed use subdistrict.

We had met with not all of you but a lot of you, and there were a number of, I guess, clarification changes that were suggested. This document reflects those clarification changes. So starting on Page 2, we had agreed to certain limitations. For example, in Paragraph B(1), the second sentence that has the yellow highlighting in it reads, additionally, for every acre -- and it originally read, hotel or ALF, the maximum allowable GFA shall be reduced by 10,000 square feet, gross floor area for commercial uses. So there was an equivalency factor put in there.

The problem with that language was that if you had a half acre, you would have ended up having to reduce it by the full 10,000 square feet. So this language provides for a portion of a reduction if the acreage is less than or a fraction of a full acre. It's just clarification language. And that's repeated in Paragraph 3 as well.

In Paragraph 4, we added the SIC code numbers for the referenced uses so that it would be very, very clear. For example, grocery store SIC Code 5411 and membership warehouse, there's really two SIC codes where a membership warehouse could be -- could fall under one as department store and the other one as a variety store, so we added both of those.

On the next page, under Site Development Plan requirements, Paragraph 3 reads, the unified plan development submitted at the time of the first Site Development Plan will reflect, and it read, to the maximum extent feasible internal connectivity through shared parking and cross-access agreements. The sentiment was that "to the maximum extent feasible" is highly subjective and not very measurable.

We will have interconnection and we will have shared parking, and there will be cross-access agreements to establish those. So we think it reads better, and it was suggested that we strike through that phrase so that it reads, "The unified plan development submitted at the time of the first Site Development Plan will reflect internal connectivity through shared parking and cross-access agreements." That is the

extent of the changes to the GMP language.

As I previously mentioned to you, there were some changes made between your transmittal and the board; primarily the density was reduced and then there were some other agreements as it related to residential -- residential development quality. Those are contained in the PUD, and I'll go over those in just a minute.

If you don't have any questions, I'll move to the PUD document.

Let's see. Rich just pointed something out to me. I'm trying to find it on here. Okay. So there is one other change that's not reflected on this document.

This was a request by staff. We had made the change but for some reason it -- and submitted it, but for some reason it doesn't show up in this document. I think -- the request was that we remove the maximum floor area ratio as it relates to hotels in Paragraphs 1 and 3.

So Page 2, Paragraph B(1) reads, commercial uses shall be limited to a maximum of 250,000 square feet of gross floor area, GFA, and one hotel room, and then in parens it said, maximum FAR 0.6 and a maximum of 150 rooms as well.

The county only uses the FAR related to ALFs. And so it was requested that we strike through that maximum FAR of 0.6 and just leave in a maximum of 150 rooms.

CHAIRMAN STRAIN: Well, we have occasionally used the FAR for hotels. I believe the Rural Land Stewardship Area has a table in which an FAR is spelled out for hotels there. It's .45, if I'm not mistaken.

And Richard, I think, ran into that when you tried to convert to the destination resort of the Aqua project up in Wiggins Pass. I don't care if it's in the GMP or not --

MR. MULHERE: We can take it out.

CHAIRMAN STRAIN: -- but I do think we have used FAR for hotels before is the only point I'm trying to make, so...

MR. MULHERE: We were just responding to staff's recommendations to remove it. And that same language appears in Item No. 3.

CHAIRMAN STRAIN: And Item No. 3, when I spoke to you I talked about the trigger for the number of units that would not allow -- that would reduce commercial of 10 acres. What did -- how is that going to be addressed?

MR. MULHERE: Yeah. I guess we're going to leave that as-is, understanding the risk.

CHAIRMAN STRAIN: Okay. So if you build two residential units, you're limited --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- that limits the whole project to 10 acres of commercial.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: It's your choice.

Could you repeat the change you want to make to the FAR -- you're going to strike just the FAR language and leave the maximum 150 rooms?

MR. MULHERE: Correct. We'll still have that limitation in there in both Paragraphs 1 and 3.

CHAIRMAN STRAIN: Okay.

Bob, do you perceive this to be read that -- let's say, 1, for example, you can do 250,000 square feet plus a 150-room hotel, plus an ALF at .6 FAR?

MR. MULHERE: Yes, yes.

CHAIRMAN STRAIN: So your total square footage -- if you take a .6 FAR, you could have half a million square feet, 150-room hotel?

MR. MULHERE: Well, I don't know how much square footage we would have but, yes, each one of those -- the assisted living facility and the hotel are in addition to the 250,000, and that's how we analyzed the traffic analysis as well.

I mean, it's likely that we wouldn't fit all of that on the site based on all of the site constraints. But that is the way that it's written, yes.

CHAIRMAN STRAIN: So the idea that this project is being limited -- you're just actually reducing the square footage of commercial by acre, because you're spreading it from the prior acreage, which was

around eight or nine, to the whole site, which is around 19 or 20 -- really isn't as considerate as we may have thought because your 250,000 square feet combined with a hotel and an ALF could put a lot of density on that site.

MR. MULHERE: The ALF -- the hotel would be additional commercial. The ALF really is -- although the county treats it as commercial, that really would be the same as the residential which is presently allowed in the PUD.

CHAIRMAN STRAIN: Okay. So if you do an ALF, you're limiting your commercial to 10 acres?

MR. MULHERE: No, it's deemed to be commercial.

CHAIRMAN STRAIN: Well, then you just said something different.

MR. MULHERE: No.

MR. YOVANOVICH: When we jump to the PUD, you'll see that we have a cap on trips. So there's a trip cap regardless. So I think the county has historically covered themselves by making sure the impacts to the roads has usually been the driving factor, if you will. So that's how we're dealing with it. So if we -- my guess is, we could fit all that stuff, but we need to make sure we stay within that trip cap as well.

CHAIRMAN STRAIN: Now, we'll have some input on that trip cap. So if you do 224 multifamily, that would limit you to 10 acres of commercial. On that 10 acres of commercial, what do you -- then you would be maxed out to 128,000 square feet, plus the hotel, plus an ALF?

MR. YOVANOVICH: No. We can't do -- if we max out -- okay. It's an either/or on -- if we hit 224 maximum residential units, the whole project is residential. If we do 250- retail and hotel or ALF, there'll be no residential. So the combination is between those two. So you would do something less than 224 to have the ability to do commercial, and then there's -- also we have a cap on commercial if we go mixed use.

CHAIRMAN STRAIN: Okay. So you could do 223 multifamily dwelling units and then you could build 128,000 square feet of commercial and a 150-room hotel and a .6 FAR ALF, right?

MR. YOVANOVICH: If that all fits in with the traffic count number, which my guess is it will not.

CHAIRMAN STRAIN: I'm just trying to understand the variables that this language is allowing.

MR. YOVANOVICH: There's theoretical and then there's reality, and the reality, what governs that, is the traffic number. So the answer is, theoretically, you could do that, but you can't because of the traffic count.

MR. MULHERE: Let me just also add, if you think about it, we're limited to 10 acres if we do mixed use and commercial. If you're going to do a hotel, let's just say two acres. If you're going to do an ALF, let's say two more acres. Now you're down to six acres for retail. You're only going to fit 60- or 70,000 square feet maximum on that.

CHAIRMAN STRAIN: But your ratio for retail is .25 FAR is what you're figuring per acre?

MR. MULHERE: I'm figuring 10- to 12,000 square feet per acre for retail.

CHAIRMAN STRAIN: Okay. Well, that's about .25; 43,560 divided by two and a quarter, you're about right.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Okay. That's what I was trying to figure out.

MR. MULHERE: So, I mean, we're looking for maximum flexibility, but I think the county's protected with the trip cap and also the requirement to reduce to a maximum of 10 acres, under a mixed use scenario, any nonresidential uses.

CHAIRMAN STRAIN: Okay. Anybody else have any questions on the GMP side of it?

(No response.)

MR. MULHERE: Okay. So if we move to the PUD document, starting on Page 1, a lot of this is cleanup language. I just wanted to preface by saying during the process of working through this at the transmittal stage, we basically agreed to limit our uses to predominantly C3 uses with a few exceptions. Those are hotel use and department store use, I think dental labs. So, predominantly, it's limited to C3 uses, and that was something that we negotiated and agreed with through the process.

So then we went back and amended the document and basically put the C3 language into this document. There are, apparently, a lot of repetitions in the C3 language -- uses are repeated more than once, so some of this is cleanup of that.

Let's start out with Paragraph -- Page 1 of 17, Paragraph A. Because we allow and provide different development standards for multifamily and townhome uses, it was suggested that we reference this as multifamily and townhome residential uses in the first paragraph.

Moving to the list of commercial uses, Item No. 1. This is one of those examples. We had listed accounting, auditing, and bookkeeping separately in the list. They all fall under the same SIC code, 8721, so we've combined them and struck through the other listing. Those are really professional office uses.

On No. 3, amusement and recreation services, we added 7999, which is the general use, and it's limited here to miniature golf course, bicycle, moped rental, and yoga. That use was listed elsewhere but, again, we added it here and then struck through the other reference.

You can see that we've struck through No. 6, No. 12, and No. 13, because they already are provided for up in No. 3 -- or No. 1.

On the next page -- under new No. 13, business services, we struck through 7373 and then renumbered -- and also 7361, removing those uses -- and then renumbering the sequence of uses, 7371 through 7379.

And we corrected some errors and added a prohibition on this product sterilization that was requested that we add that as one of the excluded uses; kind of an industrial use. And then it had read "texture designers" and should have read "textile designers," so that was corrected.

There's the additional strikethroughs; commercial art and graphic design and commercial photography, and then computer programming and credit reporting services. That's all handled by this one paragraph up here so, therefore, we struck through them.

Moving down to No. 25, new No. 25, we had separately listed paint and wallpaper stores. Again, this is just the way the C3 district provides for the stuff, but we're cleaning it up. We put them all in the same area. They all fall under that one SIC code, 5231.

At the bottom, Page 31, we had listed a range of hospital-type uses, 8062 through 8069. Those uses above 8062, it was requested that we remove those. Those were like mental health clinics and things like that, or facilities.

COMMISSIONER HOMIAK: Rehabs.

MR. MULHERE: Rehabs, yeah. So we've removed those. And listed 8260 -- 8062, excuse me.

On the next page, under -- Page 39, under membership organizations, under 8699, one of the uses was, exactly as that's written, humane society, comma, animal. That would imply kenneling, would imply noise. Probably not appropriate for this location, so we've excluded that use.

A couple of additional strikethroughs there under 52, 53, and 55. Those are all provided for elsewhere in permitted uses in this document.

Moving down to No. -- new No. 55, under retail services, we've completely -- by adding 5941 through 5963, there was an allowance for some secondhand shops in there. We didn't intend to allow that. That's been corrected. So there is no allowance for secondhand or used merchandise, including pawn shops; but any secondhand or used merchandise shops are not permitted, including pawn shops not being permitted.

Number 66 is dealt with elsewhere. It's already permitted. On the next page, that -- on the next page, that basically deals with all of the changes in the list of commercial uses.

Under -- Section 2, accessory uses, Paragraph B --

CHAIRMAN STRAIN: Before we leave those uses, while we're there, can we just make sure there's no other comments from the Planning Commission on those --

MR. MULHERE: Sure. Yes, I'm sorry.

CHAIRMAN STRAIN: -- on those principal uses. Does anybody have any issue?

COMMISSIONER HOMIAK: I think they got them all. That was my email.

COMMISSIONER ROMAN: You've got to use the mike, Karen.

COMMISSIONER HOMIAK: I think they got them all.

CHAIRMAN STRAIN: There's a couple I want to ask about.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Under No. -- Former No. 65, which is now 55, 5999 includes firework stores. You don't want to put a fireworks store there, do you, that close to residential?

MR. MULHERE: No.

CHAIRMAN STRAIN: Okay. Under 22 on the prior page, your food stores need to be -- and I want to make sure there's no mix-up when you come in for an application, because your food stores are supposed to be limited with accessory pumps. You've already acknowledged that as under your accessory; I believe that's where it's acknowledged.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Yes. But I'd like to have a reference; where it says food stores, Group 5411 through 549 (sic), subject to accessory use.

MR. MULHERE: Section...

CHAIRMAN STRAIN: B whatever.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: Because I don't want anybody to miss it when it comes in for a permit application if that's what you intend to do.

MR. MULHERE: Yes. That's a good suggestion. Thank you.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: B4.

CHAIRMAN STRAIN: That's the only other two comments I needed to add. You seem to have made good notes.

MR. MULHERE: We'll add that same language to the other uses, department store; variety store, too.

CHAIRMAN STRAIN: That would be good. That would lock it up good. Thank you.

MR. MULHERE: Okay. On Page 4 of 17, Section 2, Paragraph B, Bullet No. 5, that's highlighted, we had a lot of discussion about this. The staff had requested that we limit fast food restaurants with drive-through facilities to no more than two, and we agreed to limit that. Assume those will be likely, you know, out-parcel type typical fast food with drive-through. But we didn't want to have some future reviewer look at that and say you can't have a Starbucks in a commercial development.

So we looked at actually -- we were meeting with Commissioner Strain, and he looked at the North American Standard Industrial Code, and there was a separate number in there. We didn't use the number, but basically they reference a coffee shop with on-site brewing as a separate and distinct use.

So we put a note in there, this limitation does not apply to coffee shops with on-site brewing, and we think that that will keep it clear that a Starbucks type facility will be permitted.

CHAIRMAN STRAIN: And wasn't there some reference to the distance where you would have these drive-through facilities to any residential that is off site?

MR. YOVANOVICH: That's amplified.

MR. MULHERE: That had to do with the amplified sound. That's coming up.

CHAIRMAN STRAIN: Okay. I knew we had it in there somewhere.

MR. MULHERE: Under -- the next paragraph on that page under the conditional uses, we have only one conditional use allowed, and that is for automobile vehicle dealers. And we had agreed that it would be only for new automobile vehicle dealers, 5511. We had talked about the language a little bit and think it reads clearer by simply saying limited to new automobile dealers only, period.

The next changes occur -- they're relatively minor. They occur on Page 7 of 17. Within the table, the -- at the bottom of the table, the maximum building height, actual and zoned, we had listed out some dimensions in the first two columns under multifamily and townhome but, in fact, they are the same as the principal structure, so we struck through the dimensions and just put SPS in there.

On the next page, under the footnote for front yards, it was suggested that we revise the third bullet which had provided -- which provides for relief if you have two front yards, a corner lot. To be more clear, we've revised that to read, if the parcel has frontage on two streets, the frontage providing access to the unit shall be considered a front yard. The other frontage shall be considered as side yard. So I think that's a little bit more clear and more -- I think in more keeping with the way the county has generally applied this standard.

CHAIRMAN STRAIN: And something I thought of as a sidenote to that new language.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: And I've always -- I always look at the creativity of developers and the way they come up with a new product.

MR. MULHERE: Wait a minute. I've got this box of Kleenex here.

CHAIRMAN STRAIN: So say you have a townhouse, and the driveway is on one side of the townhouse, but to get to the front door you walk around to the other side and the front door is facing another street, on a corner, how would staff look at that, or how -- I'm just -- how would you think it should be looked at?

MR. MULHERE: Well, I think they're talking -- it's vehicular access. Maybe I should put vehicular access.

CHAIRMAN STRAIN: Or you'd have two fronts in that case if you came up with a style of product that had a front door on one street, because that's where your address would need to be, and a driveway and a garage toward the middle or back where they would drive in the driveway or then walk around front, or their guests would come in front. I'm not sure --

MR. MULHERE: We wouldn't want that.

CHAIRMAN STRAIN: I can just imagine it all happening. And I've seen examples where you have zero -- we've had a request, for example, for a zero lot line with a side door. You could do that in any product and then have your garage off to the side.

I think just any -- I think you would have two fronts in that case. So, I mean, that's how we'd probably need to make sure --

MR. MULHERE: Well, a literal reading would require two fronts, yeah, in that scenario.

CHAIRMAN STRAIN: Ray, would the frontage providing access to the unit be for both vehicle and pedestrian, or is it just considered pedestrian or just considered vehicle?

MR. BELLOWS: For the record, Ray Bellows. The measurement of the required yards are usually typically based on vehicular access or road frontage to determine your front and side and rear yards. Sometimes pedestrian accesses are -- depending on if it's a multifamily situation or commercial situation, you might have alternate entry access points that would not necessarily be treated as another front yard if it didn't have road frontage.

CHAIRMAN STRAIN: If it didn't have road frontage. Well, in this case, we're on a corner lot. Let's assume then and consider this --

MR. BELLOWS: Yeah. We would treat them as both front yards anyways by code.

CHAIRMAN STRAIN: Okay. Then I think, for clarification, Bob, the frontage providing vehicular or pedestrian access -- and/or pedestrian access to the unit, and then you're covered no matter what way it comes out.

MR. MULHERE: Okay.

MR. YOVANOVICH: I have a question. I just have a question on that. With adding pedestrian --

CHAIRMAN STRAIN: Pardon me?

MR. YOVANOVICH: With adding pedestrian --

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: -- if I have a side door on a unit, that makes me -- that makes that two fronts?

CHAIRMAN STRAIN: Well --

MR. YOVANOVICH: I mean, I have a side door on my house, you know what I mean, to get into my garage. Why would that now create a front door -- a front --

CHAIRMAN STRAIN: I'm talking about a main entrance, but I don't know how to -- I know what you're trying to do, and I don't have a problem with it. It's come through as --

MR. YOVANOVICH: I get it with the vehicular, and then there's front door but, I mean --

MR. MULHERE: If we just limit it to vehicular, I think that covers most cases. And let me --

CHAIRMAN STRAIN: Okay. And that was primarily what the staff wanted, I believe, because that's where you'd end up driving in, so let's just leave it to -- I agree with you. That works.

MR. MULHERE: The other change just below is that was we had -- I guess we had neglected -- I'm not sure where -- how we did that, but we neglected to put that limitation in there that in no case shall there be

less than 23 feet from the edge of a sidewalk so that you can fit a car in there without conflicting with sidewalk, so we added that.

In Paragraph No. 6, after a lot of discussion, we simplified this, that the lake setback will be measured from the control elevation. So if you plat -- if you plat -- either way you'll have that 20-foot clear area or lake maintenance easement.

Moving down to Paragraph B under residential amenities. It's a minor change. The existing density would allow, I think, 92 units and, therefore, we -- so we would have been able to build that. So now that we have additional density, we use the 92nd unit as the trigger instead of the 100th unit.

The next page, 9 of 17, under land use conversion factors, we made the same changes that we made in the Comp Plan, which I discussed with you as it relates to or a portion thereof -- or a portion thereof for a fractional amount under one acre. So just for clarification, we made the same changes there.

Moving to Page --

CHAIRMAN STRAIN: Can we go back to your table before we go too far beyond it?

MR. MULHERE: Sure.

CHAIRMAN STRAIN: Does anybody from the Planning Commission -- I have one question. Does anybody have any other questions they want to get in before I ask?

(No response.)

CHAIRMAN STRAIN: Bob, the very first footnote of your development -- your standards table, it says -- it's Footnote No. 1, and it refers to the one by the word "townhouse" in the top standards table, defined as a group of three or more units. If a townhouse is three or more units, what is a multifamily?

MR. MULHERE: Also three or four units. But that's --

CHAIRMAN STRAIN: So how does staff know which one to pick?

MR. MULHERE: That's why we put them in there. The only reason we listed townhouse separately in this table is it has different development standards.

CHAIRMAN STRAIN: Right.

MR. MULHERE: But they're both -- for our purposes, they are both multifamily products. And the way that they could -- the confusion could be if you did a townhouse with only two units.

CHAIRMAN STRAIN: No. The confusion would be if you do four townhouses and you come in and you do -- you do a four-unit multifamily, but you want to benefit from the standards of a townhouse. So how does staff tell you -- either you call it one way or the other. How do you make up your mind which one it is? I mean, you guys can call it anything you want at that point because they're both multifamily, right?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: So I'm trying to figure out if you come in with a townhouse product and it's basically a multifamily product, how would anybody know what set of standards to use except those that you pick? Is that where you're going?

MR. MULHERE: Well, the townhomes -- well, Number 2, the townhomes can be --

CHAIRMAN STRAIN: They can be.

MR. MULHERE: No, they can be -- Footnote No. 2 says that they can be -- that they're limited to fee simple lots under individual ownership, so --

CHAIRMAN STRAIN: So that means you're going to plat?

MR. MULHERE: Yes. And so there is a difference between the two.

CHAIRMAN STRAIN: Okay. So townhouses are going to be platted and multifamily are not, that's fine.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: That's good. Thank you.

Your master plan?

MR. MULHERE: Yes.

MR. KLATZKOW: That's not what it says. His Footnote 2 does not -- only has to do with the minimum lot width.

MR. MULHERE: Only has to do with what?

MR. KLATZKOW: Minimum lot width.

MR. MULHERE: But it says limited to fee simple lots under individual ownership.

MR. YOVANOVICH: The LDC already requires you for the townhome product to plat the individual lots. That's what distinguishes it from your typical condo.

CHAIRMAN STRAIN: Well, why don't we put the two alongside the one under townhouse up on top, and that way it covers everything in that column and it's clear. I think that's a good point. Or just drop -- combine 2 with 1 and just leave the 1 up there, renumber it, either way. But when you come back on consent, I think that's a good cleanup point.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Did you go past the master plan?

MR. MULHERE: No. I mean, I did, but I'm on the master plan right now.

CHAIRMAN STRAIN: Does anybody have any questions on the master plan?

(No response.)

CHAIRMAN STRAIN: I've got one. You repeated the standard -- the issues that we talked about for proportional sharing.

MR. MULHERE: Yes. Thank you.

CHAIRMAN STRAIN: You've got to clean that language up, A and B both.

MR. MULHERE: I did have a note to that effect, yes; thank you.

CHAIRMAN STRAIN: Okay. That's the only comment I had.

MR. MULHERE: We're on -- I'm on Page 14 of 17.

Steve Lenberger identified that we had a mathematical error under Paragraph B -- under 2, environmental, Paragraph B. It shouldn't be 2.78 acres. It should be 2.98 acres. And we can strike through the 25 percent of 11.12 acres.

So it would read, preserve a minimum of 15 percent of the native vegetation on site and mitigate for up to 2.98 acres of the on-site native preservation retention requirement off site, comma.

The only other change that I had is on the last page, Page 17 of 17, which deals with the amplified sound that we were previously just discussing. It says, for commercial uses -- we've -- I've clarified that this applies to commercial uses. Amplified sound -- because somebody may, on a residential use, you know, have a stereo or something, so we clarified.

Amplified sounds shall not be permitted within 125 feet of the PUD perimeter boundary. That's the way it read if you were adjacent to single-family or to the mobile home zoning, and then we added some additional protections. In order to further buffer existing and potential new adjacent residential development from noise associated with amplified sound and outdoor dining areas, such areas shall be separated from existing and potential new adjacent residential development by the principal commercial structure and shall not break the side plane of the building. That's similar to language that you have in other PUDs that helps to protect that and provide a buffer.

CHAIRMAN STRAIN: C4 section that came in on the corner -- northeast corner of 951 and did 41 had similar restrictions, and that seems to work there, so...

MR. MULHERE: We always had a limitation on the hours of the amplified sound, and we've left that in, which would be from 7 a.m. to 11 p.m.

And then we have a note that these restrictions do not apply to drive-through ordering devices. And then we -- Mr. Chairman, we would like to add a sentence to that which indicates that any deviation from these provisions shall be approved through the LDC conditional use process. So if we want to deviate from these provisions, we'd have to go through a public hearing to do it.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: That is the extent of the changes that we've made, and I'm happy, as well as the rest of the team, to answer any questions that you might have.

CHAIRMAN STRAIN: Okay. So we'll turn to the Planning Commission members. Is there anything else the Planning Commission sees to be questioned, added, concerns, discussion from anyone?

COMMISSIONER ROMAN: I talked to the petitioner regarding this project in the master plan, again, stating my interest in the fact that when this site is developed, the impacts occur in that neighborhood, and so I asked them to -- when they're considering off-site mitigation, that they consider the fact that it's the

neighbors adjoining that parcel that have the impact and to plan, you know, as much as they can within the code, to protect those neighborhoods that surround them.

And I know you've got quite a bit of a preserve there, but depending on the intensity of the commercial project, I would like you to take that into consideration.

MR. MULHERE: No problem.

CHAIRMAN STRAIN: Which brings up a question I meant to look for. And I'll ask you. The minimum width of the preserve, is that located or listed anywhere in your document? It was one of my questions. I don't believe I mentioned it to you earlier, so I apologize for that. Just --

COMMISSIONER ROMAN: He had mentioned it at the first hearing.

CHAIRMAN STRAIN: You show a landscape buffer of 15 feet. And if you were to scale that, it looks like, if you include that 15 feet, you've got, what, close to 100 feet? I can't tell.

MR. MULHERE: It is. It's 104.

CHAIRMAN STRAIN: Okay. So have you any problem in limiting the -- or putting a minimum requirement for the width of the preserve unless it abuts a lake?

MR. MULHERE: It's 104 with the setback. So let me look at this. Here's the dimension right here. So there's a 15-foot utility easement, then the preserve, then the 15-foot Type B landscape buffer. That's 40, 55; 104 foot is measured -- actually, it is measured from the utility. So it includes a 15-foot utility easement, that 104, on the property line.

CHAIRMAN STRAIN: Well, what I would suggest --

MR. MULHERE: I think we could say minimum -- we could be --

MR. YOVANOVICH: Before he says we can agree to minimum of 104 feet --

MR. MULHERE: No, I wasn't going to say that. I was going to say less.

MR. YOVANOVICH: Before he says something like that, I just want to point out on the visualizer as you're working --

CHAIRMAN STRAIN: The lake. I was going to put an exception --

MR. YOVANOVICH: It's going to get a lot -- it's a little narrower there. I just want to make sure we --

CHAIRMAN STRAIN: What I was going to suggest is, it's 100 feet minimum width of the buffer with the exception of the buffer immediately adjacent to a lake.

MR. YOVANOVICH: I can't go -- we can't do that, Mr. Strain, because, of that 104 feet, 15 feet of that is landscape buffer. So I want to make sure --

CHAIRMAN STRAIN: Eighty-five then.

MR. YOVANOVICH: You mean the preserve?

CHAIRMAN STRAIN: Yeah. Eighty-five feet of preserve in addition to the buffer with the exception of those preserves that are narrowed because of the lake.

MR. YOVANOVICH: But isn't -- I mean, the master plan already has that. It's to scale. I mean, it's already there, so why are we --

CHAIRMAN STRAIN: It's to scale. You've got an eight-and-a-half by 11 plan, and you're telling me that plan's to scale? Now, that plan is not the plan that I'm looking at that's attached --

COMMISSIONER ROMAN: Right.

MR. MULHERE: It's an aerial. But I'm just going to point out a few things, if I could.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Just so that we're all -- we're clear here. There's -- you can see there's a 15-foot utility easement that runs the length, and there it is labeled right there, existing 15-foot UE. Okay. Thank you.

And then this 104 dimension is from the inside edge of the landscape buffer to the property line, which includes the utility easement. So the actual -- although it's not dimensioned in here, if you took out 30 feet, that would be about 74 feet would be the width of this -- the minimum width of this preserve right here --

CHAIRMAN STRAIN: Okay.

MR. MULHERE: -- at its narrowest point. I think -- you know, we'd like some flexibility. But if we

said something like -- I mean, if you worded it something different like the --

CHAIRMAN STRAIN: We're down to about 70 feet, which provides a little flexibility, with the exception of that area that's contiguous or adjacent to a lake.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Okay. I think that at least provides the public with a minimum knowing they're not going to be provided less than that.

COMMISSIONER ROMAN: Also, Mr. Chairman, on the master plan, the preserve tract is 14.5 percent. In the PUD it's 15 percent.

MR. MULHERE: I've got to make that up.

COMMISSIONER ROMAN: Okay.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: Okay. By making it up, you mean what?

MR. MULHERE: There's a half -- that 15 percent is what prevails.

CHAIRMAN STRAIN: Okay. So you're going to take care of that.

COMMISSIONER ROMAN: Hopefully on site.

MR. MULHERE: Yes, that is required to be on site.

CHAIRMAN STRAIN: Okay. Are there any other questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: Okay. Hearing none, we'll do a staff report, and I know we're going to need some input from traffic.

MS. DESELEM: Good morning. For the record, Kay Deselem with Zoning.

You have the staff report, which is last revised 2/26/15, and the staff report explains who the owners and applicants and agents are. It talks about the requested action, tells you where the property is located, provides you with a location and zoning map and the master plan.

Beginning on Page 2 is a rather detailed explanation of the proposed description of the project breaking it down into changes from what was originally approved in the PUD and what the proposed changes are.

It goes into intensity, height limitations, setbacks, native preserve, residential design standards, and other items.

Also noted is a proposed change of the name of the project from the Vincentian PUD to the Vincentian Village PUD.

On Page 5 you have a map that shows you where the property is located and provides the information on the surrounding zoning and land uses.

You have a Growth Management Plan consistency memo that is attached. It is dated February 25, 2015. There is also analysis from the environmental staff and transportation staff regarding the Growth Management Plan consistency.

In the analysis on Page 6 it goes into an environmental review and provides significant information even referencing the GMP amendment and the deviation being sought as part of that action.

There are comments from the School Board review, Transportation review, and Zoning services.

And the applicant is requesting three deviations, and staff is recommending approval of those deviations.

Staff has provided findings of fact in support of our recommendation beginning on Page 11. And on Page 16, we are then recommending approval of the petition subject to the amendment to the Growth Management Plan's adoption.

And I am available if you have any questions.

CHAIRMAN STRAIN: Anybody have any questions of Kay?

MR. MULHERE: Mr. Chairman, I did forget to add that we had, throughout the process, met with our neighbors, even recently meeting with folks from the Hitching Post. Some of those are here in attendance and probably want to speak to the issue, but I did want to mention that we continue to meet. We met with the East Naples Civic Association, other groups that were interested, and stakeholders.

CHAIRMAN STRAIN: And I found one thing I forgot to ask, too.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: In the NIM you told the public that the minimum width of the lake will be between 200 to 400 feet. You need to slide that in somewhere. I don't care about the 400, but you need to put the minimum width in somewhere. That's kind of like a buffer.

MR. MULHERE: Do we say minimum or average?

CHAIRMAN STRAIN: Well, I'll find the exact language if --

MR. MULHERE: Because there is --

CHAIRMAN STRAIN: I want to hear Richard say I'm right again, so I'll...

MR. MULHERE: This is already --

MR. YOVANOVICH: Remember, it could go the wrong way for you.

MR. MULHERE: This is already permitted, so...

CHAIRMAN STRAIN: The lake's already permitted?

MR. MULHERE: There is a district permit.

CHAIRMAN STRAIN: Oh, well, that doesn't carry -- okay.

MR. MULHERE: I know, but there's just one point where that lake narrows down, as you know.

CHAIRMAN STRAIN: Well, I saw that, and that's why I brought the question up, because I know you wanted to stay absolutely consistent with what you told the public, so we need to find that reference, and I'm going to get it here sooner or later. If anybody else finds it before I do, just speak up.

MR. MULHERE: Do you have any idea what that dimension is? See, this dimension at its narrowest point is 123.

CHAIRMAN STRAIN: Okay. How many feet is that tract by the lake because it's backing right up?

Mr. Mulhere: This lake right here?

MR. YOVANOVICH: What page?

CHAIRMAN STRAIN: Page 15.

Mr. Kelly: Yes.

Mr. Mulhere: This is approximately.

Mr. Kelly: Not there.

Mr. Mulhere: Hang on. I'm going to give you a perspective. This is -- one inch equals 100 feet out here, so this is maybe 120 or 150 feet, 130. So if you look at that, you're at least 200 feet in this case. I don't know, 400 feet.

MR. MULHERE: Yeah, but I was pointing -- yeah, I was pointing to -- I was pointing to these areas here.

CHAIRMAN STRAIN: I noticed that in the transcript.

MR. MULHERE: Oh, you couldn't tell.

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: Does that mean you're wrong?

CHAIRMAN STRAIN: No, I'm wrong. I'm going by the transcript. Do you have a video?

MR. MULHERE: So I said maybe 120, pointing to the narrowest point, and it happens to be 123. That's good.

CHAIRMAN STRAIN: Then let's use wherever you think you were pointing, and we'll --

MR. MULHERE: At that point I was pointing right here.

CHAIRMAN STRAIN: I don't mind using the 120, but the point is we need a minimum in there. So in the lake section of your PUD, please provide a minimum for the width of the lake, if you have a lake section. If not, put it somewhere appropriate. Yes, you do, Tract L.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Thank you.

And we had left off with Kay. Does anybody have any questions of Kay?

(No response.)

CHAIRMAN STRAIN: How about Mr. John Pod? Your name is so tricky sometimes, John. I just -- Mr. John is fine or --

MR. PODCZERWINSKY: Mr. John is just fine.

Good morning, Commissioners. How are you? John Podczewinsky, transportation planning, for the record.

CHAIRMAN STRAIN: Good morning, John.

The question that I had, and I'm sure others do, is how locked in are we and what does it mean with that traffic number, that cap that we have? And you've heard the question about the mix of uses that can be there. How are those affected by that cap?

MR. PODCZERWINSKY: The mix of uses could be any mix under that cap, as long as they don't exceed that in the -- when they come to SDP or their multiple SDPs combined within this site.

CHAIRMAN STRAIN: And did you -- I mean, I could pull up -- there's 239 pages, and I know the traffic impact statement's in there because I read it, but I can't recall specifically. If you were to build the hotel, the ALF, what kind of commercial would be left to build; do you know?

MR. PODCZERWINSKY: I actually do have that answer. I actually had Trebilcock Consulting send me the copy of the TIS. I neglected to bring a paper copy with me today. But they showed, with 100 occupied rooms of hotel and general office at 57,500, that there would be a remainder of 190,000 square feet of shopping center, and that would cap you at your -- at the trip generation rate that's proposed.

CHAIRMAN STRAIN: So 190,000 square feet?

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: A how many room hotel?

MR. PODCZERWINSKY: They showed 100 in the traffic analysis.

CHAIRMAN STRAIN: And then office on top of that?

MR. PODCZERWINSKY: Yes. But no ALF, is what I'm told.

CHAIRMAN STRAIN: But no ALF. Okay. But all of that still has to fit in the cap that's in this PUD?

MR. PODCZERWINSKY: That's correct. That's what established the cap. That's your maximum group of trip generators together.

CHAIRMAN STRAIN: And how does that cap compare to the original PUD; do you know?

MR. PODCZERWINSKY: I don't recall.

CHAIRMAN STRAIN: Okay. I don't have anything else of John. Does anybody else?

MR. PODCZERWINSKY: Okay.

COMMISSIONER HOMIAK: Is the number -- the total number of trips generated, is that still the same, or is it less than the 2013 number?

MR. PODCZERWINSKY: Let's see. Let's take a look at the number. No, I'm not positive that I have the exact TIS, because the one that I saw in the PUD references a 2013 TIS. The TIS that I have is from June of '14, so -- and the number that I have here for total driveway would be 1,134.

CHAIRMAN STRAIN: No. The PUD is 1,107.

MR. PODCZERWINSKY: Okay.

CHAIRMAN STRAIN: So that is the limitation that went through. That's the limitation it will stay. So that will be less than what you've then --

MR. PODCZERWINSKY: Correct. So with that reasoning, there would be a few square feet.

CHAIRMAN STRAIN: Pardon me?

MR. PODCZERWINSKY: I said, with that reasoning, there would be a few square feet. And by a "few" I mean probably a couple thousand in one direction or the other.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: Okay.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you. Are there any other questions of any members of staff or the applicant at this time before we go to public speakers?

MR. BELLOWS: Mr. Chairman, I believe we have a comprehensive plan staff report as well.

CHAIRMAN STRAIN: Oh, okay. Corby, come on up.

MR. SCHMIDT: Good morning, Commissioners.

No report, but a few observations, one of them being a reminder and the other being a recommendation for change.

First, you'll be acting in your capacity as the EAC on your vote or your action on the Comprehensive Plan amendment portion of this today. And, secondly, we've reviewed, while they spoke, the applicant's proposed changes to the language in the Comprehensive Plan itself, and we do have one item to suggest that you consider changing.

And it appears in both their subdistrict language and in their PUD language where they have a reduction for a portion for fractional amounts of acreages, the language they propose, and that's in Subdistrict Subsection B1 and 3 and elsewhere in the PUD language. But where they propose a portion thereof for a fractional amount under one acre, staff simply suggests that it be "an" acre. There may be multiple measurements taken. There may be different acreages, not that -- and it may be construed at some point in the future differently than intended. So an acre instead of one. And that change appears in four different locations.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: That's it.

CHAIRMAN STRAIN: Anybody got any questions of Corby?

(No response.)

CHAIRMAN STRAIN: Thank you, Corby.

MR. SCHMIDT: Thank you.

CHAIRMAN STRAIN: Appreciate it.

I have one more question of the applicant before we go to public speakers. I just noticed on your ENCA endorsement, first of all, it's dated October 8, 2014. So I don't know how much they saw then what we've seen today. The first paragraph talks about the amendments to the GMP. The last paragraph says, we believe the PUD permitting of the next phase of the county review will allow us better opportunities to refine any outstanding issues. We continue to monitor this as it goes through the PUD process and provide comments and input.

Did they provide any comments and input since you've been through the PUD process as they indicated in their letter?

MR. MULHERE: We actually meet with them, I think, either April 1st or right early April is our scheduled meeting with them.

CHAIRMAN STRAIN: So on consent, you could come with any comments that they may have, and we will certainly look at consent subject to those comments --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- depending if we want to act on them or not.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. Well, that will work. Is that fine with everybody?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll go to public speakers. Do we have any registered first, Ray?

MR. BELLOWS: Yes. We have one registered, Richard Eskridge.

MR. ESKRIDGE: Good morning, Commissioners. I'm Richard Eskridge with the Hitching Post Mobile Home Park. I'm the president of the Hitching Post co-op.

We're neighbors with the project here of Vincentian PUD, and we have no objections to what is being proposed. We've met with them and -- you know, and they've explained about the berm that we're going to have and so forth, and we're very -- right now we're very satisfied with the way things are going.

Thank you.

CHAIRMAN STRAIN: Good. Thank you, sir.

And I do think that the buffer that's been more or less locked in is very positive. That's the kind of buffer we actually get in the rural area as a standard, so it's rare to see it in the urban area, so I was glad to see that. Thank you.

Any other speakers, Ray?

(No response.)

CHAIRMAN STRAIN: Is there anybody else in the public that would like to speak?

(No response.)

CHAIRMAN STRAIN: Okay. With that -- I don't know if the applicant wants to make any rebuttal remarks.

MR. MULHERE: No.

CHAIRMAN STRAIN: Do you want to continue this one?

COMMISSIONER EBERT: Gives him something to do.

MR. YOVANOVICH: Mr. Strain, on the preserve --

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: -- we've had a chance to scale it, and right now it's at 72 feet, so it's -- we'd like to have a little bit more room than 2 foot of play. Could we go down to 65 feet is the minimum width except in the area where -- obviously, it says 70 feet except where it's by the lake. I'd like to have a little bit more play than 2 feet. Can we go down to 65 feet?

CHAIRMAN STRAIN: You're saying you're worried your engineering firm isn't accurate?

MR. YOVANOVICH: No, I didn't say that. I'm just saying --

CHAIRMAN STRAIN: Well, I mean, you've got a wall around the --

MR. YOVANOVICH: There's a wall.

CHAIRMAN STRAIN: -- inside of that whole preserve, so I don't see that to be a problematic issue. Does anybody else?

COMMISSIONER EBERT: No.

COMMISSIONER HOMIAK: So 65 from 72?

CHAIRMAN STRAIN: He wants some flexibility in case --

MR. YOVANOVICH: We still have the wall requirement and --

CHAIRMAN STRAIN: You still have -- that's outside -- that's in addition to the 15-foot buffer. So you have a 15-foot buffer, 65 feet, and then the wall.

MR. YOVANOVICH: If it's commercial, yes.

CHAIRMAN STRAIN: Right. But if it's residential, you've got the --

MR. YOVANOVICH: We still have the preserve that's there on the site.

CHAIRMAN STRAIN: You've got 65 feet.

MR. YOVANOVICH: Minimum width except by the lake.

COMMISSIONER HOMIAK: Okay.

MR. YOVANOVICH: Thank you.

COMMISSIONER ROMAN: Rich, I have a question. When you have a minimum width of a preserve like that, are there examples of where you've put in more preserve, or do you just leave it at what's required?

MR. YOVANOVICH: I'll be honest with you, I don't remember ever putting in a PUD a minimum width requirement. We've always put it on the master plan as that's what we'll do. Obviously it's conceptual with some shaping that can occur, but I don't remember getting down to that level of detail in a PUD as to what is the minimum width of a preserve. That's why I'm a little --

CHAIRMAN STRAIN: You didn't put it on -- but you didn't put it on this master plan. That's why I'm bringing it up.

MR. YOVANOVICH: We have a tract that's labeled preserve.

CHAIRMAN STRAIN: But it isn't measured. There's no --

MR. YOVANOVICH: But it's never measured, Mr. Strain. It's always -- I don't remember ever seeing where we've put the dimensions on the master plan; that's why I'm concerned about putting in a finite number. We can live with the 65 feet. Right now it looks like it's 72 feet, but I'm just saying we need some flexibility.

So I can't tell you an example of where -- they may have shaped it a little bit, so where on the master plan it was 70 feet here but it turned 72 here but, you know, with the shaping it went down to 65 feet over there. I mean, it's not that precise usually on a master plan. So we're okay with the 65 feet minimum width.

CHAIRMAN STRAIN: Okay. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: With that, we will close the public hearing, and we will entertain motions.

There wasn't a lot of notes to make on this because of the corrected handout that was passed out. So I would suggest that the motion maker, if it's for -- if it's in favor, that we reference the handouts as the supporting documentation subject to final review on the consent.

The trip count's in the document; the prohibitive uses are listed in the GMP; the minimum preserve width is at 65 feet; the minimum width of the lake is 120 feet. So we may want to reference these notes that I'm making now.

We've asked for -- there's a series of red marks on these plans, I think, that are all reflective of appropriate comments. No. 22, the food store is going to have a reference to -- and one of the department stores is going to have a reference to the accessory use language.

They're going to make some corrections on the master plan regarding the proportionate language that was discussed and Corby's correction to the proportionate language with the word "an" instead of "one," and then Steve's corrected language to the number of acres is 2.98 instead of 2.78.

Those are most, if not all -- oh, then we have a request to change Item G on Item 5G, and it's to add the -- any development changes for that paragraph will be through a conditional use process.

That's all the notes that I have. If anybody wants to make a motion, the motion will be on behalf of the Planning Commission and the EAC.

Does anybody wish to make a motion?

MR. BELLOWS: And I believe you're going to do the comprehensive plan amendment first.

CHAIRMAN STRAIN: First, the Comp Plan is first, yes.

COMMISSIONER HOMIAK: Can we do them both at the same time, read the numbers?

CHAIRMAN STRAIN: We'll do them -- no, we've got to vote on them separately, so do them one at a time.

The first one is the Comprehensive Plan amendment. It's PL20130001767/CP2013-10. Is there a motion for that?

COMMISSIONER HOMIAK: I'll make a motion to approve.

CHAIRMAN STRAIN: Motion made by Karen. And is that motion subject to the corrections that we've put on record?

COMMISSIONER HOMIAK: Corrections, and the corrections Corby --

CHAIRMAN STRAIN: Corby passed out -- Corby made?

COMMISSIONER HOMIAK: Corby made.

CHAIRMAN STRAIN: You have to use the mike.

COMMISSIONER HOMIAK: And that one correction Corby made.

CHAIRMAN STRAIN: Okay. And that is on behalf of both the Planning Commission and Environmental --

COMMISSIONER HOMIAK: And the EAC.

CHAIRMAN STRAIN: -- and EAC.

Okay. Is there a second?

COMMISSIONER DOYLE: I'll second.

CHAIRMAN STRAIN: Seconded by Brian.

Is there any discussion?

(No response.)

CHAIRMAN STRAIN: Hearing none, all in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

The next -- the companion item is PUDZ-PL20130001726. Is there a motion from the Planning Commission?

COMMISSIONER HOMIAK: I make a motion to approve with all the corrections in the handout.

CHAIRMAN STRAIN: Corrections made on record and the handout passed out?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay. And is that for both the CCPC and the EAC?

COMMISSIONER HOMIAK: Yes. I thought the EAC was just for the other -- for the Comp Plan.

CHAIRMAN STRAIN: Well, to be safe, it could be for both. It doesn't hurt, just in case.

COMMISSIONER HOMIAK: Okay.

CHAIRMAN STRAIN: I don't remember myself.

But is there a second?

COMMISSIONER DOYLE: I'll second.

CHAIRMAN STRAIN: Seconded by Brian.

Is there any discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Also, we're not waiving consent on this. So we'll review all the writeup and any comments from the East Naples Civic Association at the consent hearing.

MR. MULHERE: Is that typically two -- your next or --

CHAIRMAN STRAIN: Well, we have a meeting that is going -- well, I don't know if we have a meeting. Well, it will be our next meeting.

MR. BELLOWS: Yes. I believe we do have a meeting.

MR. MULHERE: April 2nd.

CHAIRMAN STRAIN: April 2nd, yes. In fact, we talked about it earlier. It will be April 2nd.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: Thank you all.

Now, before Kay dares to leave, I've been working in this position for many years, and even before that I have been working in the county for -- I can't go back as far as Kay can, but I've always worked and been interacting with Kay. And she is leaving us at the end of this month.

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: And she's been like an anchor for that building. Her expertise, her history, her corporate knowledge has been invaluable.

I've pleaded with her to reconsider. I've asked her for all of her phone numbers, where she's going to retire to, her vacation numbers, anything so that we can use her for a sounding board. She has refused everything, so...

COMMISSIONER HOMIAK: I'm sure she wouldn't give them to you.

COMMISSIONER EBERT: Do you blame her?

CHAIRMAN STRAIN: But, Kay, your presence will be sorely missed.

COMMISSIONER EBERT: Sorely missed.

CHAIRMAN STRAIN: You're invaluable to us. So thank you for all the years you've been helping this Planning Commission and everybody.

MS. DESELEM: Thank you.

COMMISSIONER HOMIAK: We'll miss you.

(Applause.)

MR. BELLOWS: Not only is she a top-flight planner, she's a top-flight person. It's been just a major asset to all of us.

CHAIRMAN STRAIN: Well, her going-away party's got to be a huge bash, so...

Thank you, Kay.

***And with that, we will move on to our next agenda item, which is ordinance by the Board of County Commissioners. By the way, it's 9D, amending Ordinance 04-41, the Collier County Land Development Code, by amending Section 5.04.05, temporary events, to allow temporary events on Collier County property without a permit.

This is an LDC amendment, so we'll move right into the discussion. Has this one got to be heard twice, or is it just once by us? Once, okay.

With that, Caroline. As soon as Bob gets out of your way.

MS. CILEK: You're fine.

Good morning, Commissioners. Caroline Cilek, for the record.

We have an amendment before you today that is a board directed amendment. It's pretty straightforward.

On the 10th of February, the board directed that staff prepare an amendment to allow for temporary events on county-owned property.

These events will no longer go through the more traditional temporary use process. They will go through a board-approved agreement.

This can be done in two different ways. The first would be to fill out a more standardized form, more of a template, and be approved, and then the other way would be to go to the board and seek approval if it's outside of that standardized form.

CHAIRMAN STRAIN: I think that's pretty straightforward. I notice there's two sets of language. I see no reason not to accept the county attorney's recommended language, which is the one on Page 5. It seems to cover everything, and anything outside of that would automatically have to go to the board anyway for approval.

So I think that sure seems to be sufficient and as simple as it can get.

MS. CILEK: Happy to answer any questions.

CHAIRMAN STRAIN: Anybody have any questions, concerns?

(No response.)

CHAIRMAN STRAIN: I'm assuming that under the board's program they could enter into any policies they wanted to in this document. So if they want to address food safety, health, handicap, anything at all, it would all be in that document and be able to be changed based on the way the document's created outside -- as long as it's required by the code, that's all we have to worry about.

MS. CILEK: Yes. It is my understanding that these can be flexible and that they can be pertinent to that specific temporary event.

CHAIRMAN STRAIN: And I think that does address the concerns that the board has -- I've heard them express at their meetings, so it seems covered. Does anybody --

COMMISSIONER ROMAN: This basically streamlines the process?

CHAIRMAN STRAIN: It does. It takes the -- it clarifies that these temporary events at civic facilities, which is what their purpose is, don't need temporary permits. They can go straight to the board's agreement. And if the board wants to modify the agreement because they don't like something they see, they can do it much more readily. It seems to work out real well. I'm glad that this is coming through, so...

MS. CILEK: Great.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER EBERT: I do have a question on this.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Jeff, can this be for one -- for different areas, or would all areas be

treated the same? I heard them say at that meeting it would be, you know, 52 weeks if they didn't have something else. Is that -- is it location specific?

MR. KLATZKOW: It could be. It's board discretion.

COMMISSIONER EBERT: Okay. Good. Thank you.

CHAIRMAN STRAIN: Okay. If there's no other comments, is there -- any members of the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. With that I'll ask for a recommendation to approve or deny, whatever you want to do.

COMMISSIONER HOMIAK: I make a motion to recommend approval.

CHAIRMAN STRAIN: Motion made. And that is the language presented by the County Attorney's Office, which is the original document.

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: And I'll second.

CHAIRMAN STRAIN: Motion made by Karen, seconded by Charlette.

Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Caroline, that's probably one of the simplest presentations you'll ever get to make.

MS. CILEK: I've enjoyed it. Thank you all very much. Have a great day.

CHAIRMAN STRAIN: Okay. Thank you.

Next item up, we have no -- is there any old business? I don't believe there's any.

Next item is new business. It's a presentation by John Pod for the expansion of the county TCEA. Now, this isn't a required item for the Planning Commission. You're just looking for cover.

MR. PODCZERWINSKY: Yes, just looking for a little guidance today. I'm not sure if this has been put in the system yet or not. Do you guys have this in front of you, by chance?

COMMISSIONER ROMAN: Does our person need a break or -- like I need a break, maybe for five minutes?

CHAIRMAN STRAIN: Okay. Well, let's just take a -- well, we'll take a 10-minute, 13-minute break. Let's come back at 10:40. I like round numbers. Then we'll go on from there.

MR. PODCZERWINSKY: Thanks.

CHAIRMAN STRAIN: Thank you for the reminder, Charlette.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. If everybody will please take their seats, we'll resume the meeting. And this particular agenda item coming up is the TCEA expansion discussion. It is not a required element for the Planning Commission to hear. Transportation, I think, is just seeking our opinion on it, so...

MR. PODCZERWINSKY: Absolutely.

CHAIRMAN STRAIN: John, why don't you go forward.

MR. PODCZERWINSKY: That's exactly what we're looking for here today is not an endorsement yet, but your -- basically your direction to staff to move forward, and we would take it then to Board of County Commissioners to ask for that same permission to move forward with the Growth Management Plan amendment using this contract that's presented for you -- or this work order that's presented for you here

today.

There's some documentation in here from Stantec, which would be our consultant. This discusses the scope of services for the project at hand.

Basically what we're proposing to do is expand the south county TCEA, which is an exception area; not to be confused with the two TCMAs, which are Transportation Concurrency Management Areas.

I would be glad to go into detail on what each of those are if anybody has any questions on those. But in this case I'd rather just focus on the TCEA for the moment, unless there are questions.

CHAIRMAN STRAIN: Oh, I'm sure when you get done, we'll have some questions.

MR. PODCZERWINSKY: Recently we faced a rezone process off of Rattlesnake Hammock Road in which there were two parcels that are caught in this analysis. There was a CF parcel, community facilities, and a GC parcel, golf course community, that were being converted over to a residential development.

During the review of this process and during the review of two previous AUIRs, review and development of those documents, we realized that Rattlesnake Hammock was approaching capacity mostly based on vested trips, not based on background alone.

In this case there really is no opportunity to widen Rattlesnake Hammock Road. There's no opportunity to add capacity to it. We're somewhat constrained at four lanes. Adding things like signals on this segment would serve to only degrade the throughput of traffic, which would lower the level of service. Basically, it would remove capacity from the road.

So the problem that we face is that there's a lot of friction on this segment of roadway and, as such, what we would like to do is add that section of roadway to the exception area that exists just to the north and west of it today.

The purpose of doing that, basically, would allow the parcels that take direct access to this section of roadway from U.S. 41 over to Charlemagne. It would give those parcels an opportunity to seek exemption from concurrency and would allow those parcels to fall in under some of our infill provisions, and they would allow -- it would allow them to move forward in spite of the lack of capacity on the roadway network in that area.

They'd have to offer specific mitigation packages, as you may have seen in Policies 5.5 and -- I'm sorry, just Policy 5.5 of the Transportation Element of the Growth Management Plan.

With that, I'd like to make one last reference here; actually two last references. These are the maps that we've been looking at. The map that you see in front of you includes the existing TCEA, plus the expanded portion that we would be looking to include in it. If there are any questions on that, I'll be glad to explain.

What I'm going to move forward to now is just the addition area in which you can see all of the parcels that have been selected to be included in this. Some of the direction I'd be more than happy to listen to today is whether or not we should include this area called zoning MH on the north side of Rattlesnake Hammock. It looks to be built out today with mobile home properties.

You'll notice that some of the properties are highlighted in this area, particularly on the south side of Rattlesnake Hammock, the CF and GC facilities that were recently heard by this board. Also, some C4 properties with frontage on U.S. 41. But they do have direct access via a local road to Rattlesnake Hammock in this area.

The guidance would be either to include those, to exclude those, from this report.

CHAIRMAN STRAIN: Okay. Questions of John?

COMMISSIONER ROMAN: Yeah. I have a question, John, and I'm trying to understand the report. The area highlighted in blue is the area that's currently being used for the capacity of Rattlesnake Hammock Road?

MR. PODCZERWINSKY: Actually Rattlesnake Hammock Road in general has the capacity calculated for it through the AUIR. These are the properties that directly access that.

COMMISSIONER ROMAN: The ones that are highlighted in blue?

MR. PODCZERWINSKY: That's correct.

COMMISSIONER ROMAN: So the additional properties outside the blue outline on this diagram are those that could be included as well?

MR. PODCZERWINSKY: That's correct.

COMMISSIONER ROMAN: Now, my question is, didn't we face some challenges with one of our petitions recently with the fact that Rattlesnake Hammock Road is already approaching failure?

MR. PODCZERWINSKY: Yes.

COMMISSIONER ROMAN: With the blue outline, without adding any additional ones. What would be the advantage of adding more? Wouldn't it just show more failure?

MR. PODCZERWINSKY: Essentially, yes. It would give the opportunity for the county to allow approval in this area using other forms of mitigation, such as the ones that have been spelled out in the Transportation Element policies on the TCEA, things like mixed use developments being encouraged, interconnections -- let's see -- transit uses being encouraged, that sort of thing.

So the purpose behind this is that if we were to fail to address the failure on this segment of roadway, we would probably fall into a moratorium at that point, in which case -- and I'm sure that Mr. Klatzkow can probably help me clarify this. I haven't had a chance to speak with Jeff about it. But if the county enters a moratorium, we are obligated to find -- you know, to create a plan to exit that moratorium at some point.

And Jeff, I'm sure, has dealt with this in the past, so he could probably help me with the Florida Statute requirements on that.

MR. KLATZKOW: Yeah, John's absolutely right. I mean, you get to a point where if you declare a moratorium, the point of a moratorium is to give the county the ability to come up with a solution, but eventually everybody along that corridor has the right to develop their property.

MR. PODCZERWINSKY: And, ultimately, in this case, since there is no opportunity to improve capacity on this roadway, because it's a constrained roadway, preemptively the plan that we have at this point is to expand the TCEA, the exception area, to include this roadway segment and thereby give those properties a chance to develop with the rights that they have.

COMMISSIONER ROMAN: When we heard that petition, we also came up with those bus passes or came across those bus passes. And one of the things that I know that I was interested in and other commissioners was the fact that what other options are we going to explore to have to mitigate some of the problems that we already have on this road. Is that a part of your proposal as well?

MR. PODCZERWINSKY: Somewhat. I'm not proposing to change anything that's in the Growth Management Plan at this point. The policies would remain the same. And if you'll notice here specifically with reference to that development, they would have fallen under the residential developments within the south U.S. 41 TCEA that choose to obtain an exception from concurrency requirements. They would have fallen under this requirement had they been in the TCEA at that point.

And you'll notice that there are A, B, and C below, which are mitigation measures that they can adopt. Those including neighborhood commercial uses within the residential project; providing transit shelters within the development, which is something we find out that's not particularly practicable at this point. You can't have a public transit stop within a private development, so we typically put those at the roadside where it serves that development.

COMMISSIONER ROMAN: That was one of our challenges was that short list of only three things.

MR. PODCZERWINSKY: Correct. Without that opportunity within the TCEA, they don't have the opportunity to even adopt this mitigation unless it's by special recommendation.

MR. EASTMAN: John?

MR. PODCZERWINSKY: Yes.

MR. EASTMAN: I understand the concern for the unimproved land, but can you help me better understand the concern for the already improved land. Is it the case that where there is, say, a house and if somebody wants to demo that house and come back with a new house, they would be not allowed to do that due to traffic concurrency?

MR. PODCZERWINSKY: No, they would be allowed to come back. If they were demolishing a single-family home and replacing it with the same use, they could do that, okay?

MR. EASTMAN: That doesn't sound like a moratorium, though.

MR. PODCZERWINSKY: Correct, correct. That is not what that is meant to assist with. The idea is that the properties that are within that area that would be allowed to redevelop with a higher or more

intense use under the existing growth management plan, that those properties could be accommodated.

I would like to give for you an example of, again, what we've had with the community facilities and golf course parcels that were amended recently with the most recent PUD that you guys heard, the Hibiscus PUD. It would allow those to move forward with consistency with the Transportation Element of the Growth Management Plan rather than a special mitigation requirement.

We wouldn't have to deny it up front. We would be able to find them consistent as long as they agree to provide those TDM strategies.

COMMISSIONER HOMIAK: So you're just talking about --

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: No. Wait. Let's make sure Tom's done first. Tom?

MR. EASTMAN: I guess with the -- for a single-family residential lot that's currently -- and it seems like there are several included in the new extend zone, I really am still lost as to why there's a need for this.

MR. PODCZERWINSKY: Okay. Basically, because those single-family homes -- and I'm getting to the map here that you'll notice. The single-family homes that you'll notice that -- I won't call them single-family. The MH zoning that fronts Rattlesnake Hammock, some of those parcels today are actually developed as a recreational facility. If they were to choose to put multiple mobile homes there, say, anything more than one unit, we would have to look at that for a concurrency impact.

MR. EASTMAN: Okay.

MR. PODCZERWINSKY: This would exempt them from having to look at those multiple units as concurrency impacts.

MR. EASTMAN: And then to the south of there, sort of the teardrop shaped zoning RSF-3, that looks like a large residential neighborhood. It's platted with the yellow lines.

MR. PODCZERWINSKY: Yes, it is. And those -- if those were to develop as a single-family home, those would also be exempt from concurrency. At this time we don't look at one individual single-family home as an impact on concurrency. It's when you reach multiple unit developments is when we start to address those for concurrency.

MR. EASTMAN: So why would the single-family, this section, be included in the new extended zone for exemption from concurrency?

MR. PODCZERWINSKY: It doesn't necessarily have to be. The reason that it was included here before is that basically that these are direct access to Rattlesnake Hammock, direct access to a failing link. I didn't want to deprive this neighborhood the right to access that link. If they come in one single-family home at a time there wouldn't be an issue with it. If, let's say, a developer came in to buy out, let's say, six or nine lots all at once and redevelop those, they would be subject to concurrency at that time, and it would be a limiting factor for them.

MR. EASTMAN: And they would be -- they could be buying that cluster of lots to develop it at a higher density?

MR. PODCZERWINSKY: Correct.

MR. EASTMAN: Which only exacerbates the problem.

MR. PODCZERWINSKY: Correct.

MR. EASTMAN: So we're allowing them to exacerbate the problem by including this within the exception area?

MR. PODCZERWINSKY: If it's allowed -- if it's an allowed use within the Growth Management Plan uses, yes, we would have to accommodate them, and this is the way that we would do it, through the roadway exception area, through the Transportation and Concurrency Exception Area.

CHAIRMAN STRAIN: Okay. Karen, then Diane.

COMMISSIONER HOMIAK: So then you only want to do this now so the vacant properties can develop?

MR. PODCZERWINSKY: It's primarily to address the vacant properties. It's also going to be important in years to come when looking at the properties such as the C4 zoning that's at the corner of the intersection with Rattlesnake and 41. Right now the C4 does not have a limitation on square footage. If they were to develop that as some other use within the C4 zoning, it could present an increase in impacts. That's

the sort of thing that we would be bound to accommodate.

COMMISSIONER HOMIAK: But they couldn't do it now?

MR. PODCZERWINSKY: Within their existing zoning, I believe they could. The problem is that they'd run out of capacity on the roadway network.

COMMISSIONER HOMIAK: Right.

MR. PODCZERWINSKY: Right. And then we would -- again, we would enter a moratorium at that point. We would have to declare them -- you know, declare a moratorium because we would not have sufficient capacity. We wouldn't have a way to address it at that point.

COMMISSIONER HOMIAK: So it's really just about the commercial developing?

MR. PODCZERWINSKY: No. It's about all of the undeveloped parcels here and the potential for the commercial development to increase its impact within its existing zoning.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: John?

MR. PODCZERWINSKY: Yes.

COMMISSIONER EBERT: Hibiscus, had they built, I think -- was that 24 that they could have built if it were --

MR. PODCZERWINSKY: They could have moved forward under a certain threshold, which would have been up to a 1 percent impact on the adjacent roadway.

COMMISSIONER EBERT: Okay. But originally, I mean, the way it was zoned, it was zoned for 24 homes? There was -- and he wanted to increase it. We brought it back down.

MR. PODCZERWINSKY: Oh, no. You were -- I think you're referring to what they had proposed originally?

COMMISSIONER EBERT: Yes.

MR. PODCZERWINSKY: And they reduced their proposal.

COMMISSIONER EBERT: Yes.

MR. PODCZERWINSKY: Uh-huh.

COMMISSIONER EBERT: Could there be -- could you put that they -- I mean, can you put a limit onto what they could build? Can you, as transportation, just put a limit and say, we can't have 80-some units, we can only have -- or you can't do that under the Growth Management Plan?

MR. PODCZERWINSKY: My understanding is no; the Growth Management Plan governs what can be zoned there. The zoning then caps what can be constructed there. We can tell you what capacity is available to serve that but, technically, transportation capacity concurrency issues do not drive zoning. We are -- we are a piece of the puzzle.

CHAIRMAN STRAIN: Anybody else? Brian.

COMMISSIONER DOYLE: Yeah. Thanks, John.

It seems that even our last case we just heard, that transportation's cap played a large piece of the puzzle for us to make determinations.

MR. PODCZERWINSKY: Correct.

COMMISSIONER DOYLE: And if I've noticed correctly, I guess, part of the challenges being met with County Barn being expanded. I mean, is that east or west of Charlemagne?

MR. PODCZERWINSKY: That's going to be east of Charlemagne.

COMMISSIONER DOYLE: Okay. So that's a good tributary to kind of get the flow out of there. And just what Diane was saying, if we could somehow figure out to say, no, you're -- you can't go that high. You know, we can't handle this on our roadways. It's been shown.

And, going forward, we have to find a way to amend the zoning in some way, shape, or form to say here's what transportation says, here's what we can do, and no.

MR. PODCZERWINSKY: I'm going to look to Jeff for a little bit of assistance on this. If we were to move forward with a "no" answer, that would push us into a moratorium, correct, and then we'd have to find a way to address the moratorium? I'm not sure that we'd be able to bring ourselves back out of it in a short time frame, but I know that we have a two-year requirement to address it.

MR. KLATZKOW: You're talking two different issues.

COMMISSIONER EBERT: Yeah.

MR. KLATZKOW: You get to the moratorium because of bad planning, okay. That includes bad planning at the inception as far as setting the base density along your arterials along with over the years when we increase density from one application at a time.

And through the planning process, eventually you get to the point where John says the road's had enough, we've got to do something, all right. So the issue at the end of the day is planning.

Now, if you want to see if you can ask planning staff to get back with you with solutions long term on this, including amending the Comp Plan, you could do that. You can ask them to do that.

But he's coming at the end of the process, okay. You can't fix this now, all right. But there may be other arterials down the road that aren't constrained right now that, with good planning, you can fix.

MR. PODCZERWINSKY: Our typical process when it comes to this is we try to identify these deficiencies ahead of time. We've worked hard to do that. And in this case Rattlesnake Hammock outpaced our planning efforts, okay. It developed faster -- you know, the background volumes on that developed faster than we thought they would. The vested trips developed on that faster than we thought they would.

The end result here is that we have allowed land uses that really crowded this roadway. We don't have an opportunity at this point to expand it. That would be our typical answer in this case. If the land uses that were adjacent to this roadway -- the church, the residential uses, the commercial uses, all of those uses, if they were not built in the position that they're in today, we would look at widening this road. We would put it into the capital program, and we would look at expanding capacity here.

In this case, like I said, it's a constrained roadway. It's not possible to do without buying homes, without taking churches, without impacting commercial, detrimentally affecting the neighborhood.

So that's the goal here is to avoid what could happen if we're required to increase the capacity on this roadway. We want to avoid that scenario.

COMMISSIONER ROMAN: I feel a little uncomfortable with the fact that traffic -- a traffic cap is going to be guiding our planning and growth in that area. I think that it should be our Growth Management Plan and the Planning and Zoning Department. And you almost have, like the city -- the county attorney pointed out, that, you know, the tail wagging the dog.

You know, we've got to the point of this traffic, so it's going to set direction for future development. And I think we have to look for what other options that we have. And it did -- it must have outpaced it, but I don't think this is the best situation for us to be in where traffic leads, like Brian pointed out with that last petition.

MR. PODCZERWINSKY: I certainly understand your point, and that's the reason we've brought this forward to you today is to amend the Growth Management Plan to give us this option. This is -- in staff's opinion, this is the only option we have available to us other than, you know, unreasonable answers, like I said, taking properties adjacent to the roadway. Another unreasonable answer would be an example of double-decking the roadway, which is something that would never occur.

COMMISSIONER EBERT: Doing what?

MR. PODCZERWINSKY: Double-decking a roadway. That's the only other way that you could add capacity on something like this, and I don't think that's appropriate in this case.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER HOMIAK: So this is really the only option because you really can't tell anybody that they can't build.

MR. PODCZERWINSKY: That's correct.

CHAIRMAN STRAIN: If you do, you have to take care of it somehow.

MR. PODCZERWINSKY: That can be handled through the zoning process. That can be heard at the Planning Commission level and at the board level with your recommendations. If you guys find a development not to be appropriate within the community, you can always make that decision. But this is how we would handle the capacity issue in that area.

CHAIRMAN STRAIN: Okay. Anybody else?

John, let's go back and start on Page 1.

MR. PODCZERWINSKY: Okay.

CHAIRMAN STRAIN: Third paragraph, last sentence.

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: It says, the county still maintains the responsibility to address these constrained roadways when they reach their respective capacity limits.

How do you determine what is their capacity limits? And the reason I'm asking the question is I know you do it by trips on the road and all that. But if it's de minimis, how does that impact capacity limits?

MR. PODCZERWINSKY: Typically, we're required to allow de minimis development, meaning impacts that are less than 1 percent directionally, even if a roadway is failing, up to the capacity of 110 percent.

CHAIRMAN STRAIN: And are we obligated, then, to address the constrained roadway if it's a de minimis impact? So, in essence, if they're de minimis, do they have to come in under any of the criteria of a TCEA?

MR. PODCZERWINSKY: In some cases yes. In some cases no.

For roads that are evacuation routes, hurricane evacuation routes, the Growth Management Plan spells out that, yes, they must be mitigated.

CHAIRMAN STRAIN: But those are hurricane evacuation routes at a time of the year when we have the least population.

MR. PODCZERWINSKY: Which most arterials are, in fact, in Collier County. And this area included.

CHAIRMAN STRAIN: Those are only looked at as hurricane evacuation routes for the hurricane season, I would assume, which means that the season when your traffic counts are the lowest in Collier County.

MR. PODCZERWINSKY: We actually don't differentiate between the time of year when it comes to a hurricane route.

CHAIRMAN STRAIN: So you take your peak season application of traffic counts and you apply them to a hurricane -- then we don't have a single hurricane evacuation route available in Collier County.

MR. PODCZERWINSKY: Understood. We've run into this problem on Davis before.

CHAIRMAN STRAIN: We brought this issue up from this panel -- not the people sitting here today, with probably the exception of me -- years and years ago, the hurricane evacuation routes -- and I think it even might have been in reference to Sabal Bay or one of the projects that was really coastal and internal -- aren't adequate, and the response was, no, you can't look at it during the peak season. They are adequate during the hurricane season because nobody's -- I mean, a lot of people leave. Now you're telling me just the opposite.

MR. PODCZERWINSKY: Yes. Yeah, in my time here, I haven't seen it distinguished between the two. So I'm a little bit surprised that somebody has given you that.

But I do agree with your theory that, yes, hypothetically, during hurricane season is our low season for population.

CHAIRMAN STRAIN: Okay. Let's go back to de minimis impact. Can a de minimis impact trigger a moratorium?

MR. PODCZERWINSKY: If the capacity of the roadway is exceeded by 110 percent or more, 1.10 V over C, yes.

CHAIRMAN STRAIN: How do you know that if it's a de minimis impact since you don't do the studies on a de minimis impact?

MR. PODCZERWINSKY: We do the studies on the de minimis impact.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: All increases in trip generation are studied.

CHAIRMAN STRAIN: When we dropped the density on Hibiscus from 84 to 62, or whatever the number was to get it below de minimis, what was the advantage of that to the TCEA application?

MR. PODCZERWINSKY: There was none.

CHAIRMAN STRAIN: There was none.

MR. PODCZERWINSKY: There was none, other than the background volume wouldn't be as high

as it could have been.

CHAIRMAN STRAIN: Okay. Within a TCEA -- this is the next paragraph -- provisions of TDM strategies will, in theory, reduce the demand on the adjacent roadway network and address these anticipated and known failures. And I notice you put the words "in theory" there, and the reason that became important to me is I tried two years ago, from this panel, to suggest that the AutoZone store in the City of Golden Gate, because it was in a TCEA, I believe, was allowed to go through. And that particular roadway is not only constrained, it was packed up cars to cars, especially during people coming and going to work. And I was told because it was in the TCEA, and they met those requirements, it could go forward even though it was impractical.

MR. PODCZERWINSKY: This goes back to the first part of the discussion. That's actually a TCMA.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: The difference between the TCEA and the TCMA -- very briefly and just on a very high-level view -- the TCEA is an exception area. We basically -- we cut out and recognize an area of the roadway network that we say, it's at or above capacity. We can't do anything to address the capacity in this area because the roadways are constrained. We're at our maximum that we can build there, but we don't want to stop development within that. We still want things, like the Bayshore area, the Triangle to redevelop, to continue redeveloping and not be constrained by concurrency in an area that it otherwise would be.

The MA, the management area, the TCMA, what that basically does is take a grid network of roads, and it counts the capacity of all of those roads within that area against the whole. So, basically, when you have one roadway within that management area that is at or near failure, the realization is that parallel routes would be utilized for traffic to go around that area.

So, for example, when you have Golden Gate Parkway, we start counting the capacity of Green, we start counting the capacity of Santa Barbara and 951, and we look at the entire area as a whole to make sure that it stays no higher than .85 V over C.

CHAIRMAN STRAIN: You're correct. I remember that discussion now. So a T -- would there be any advantage to this area being a T -- instead of a C -- and, what is it, TMCA or EA?

MR. PODCZERWINSKY: TCMA, a management area.

CHAIRMAN STRAIN: It's in lieu of a TCEA.

MR. PODCZERWINSKY: Not particularly, because we don't have a parallel reliever for it, and that's -- therein lies the problem. We don't have anyplace to move traffic to.

CHAIRMAN STRAIN: Which brings me to another question involving the current capacity of Rattlesnake Hammock. I think you said it was E or F? Which is it?

MR. PODCZERWINSKY: It's F in this section.

CHAIRMAN STRAIN: As it operates today or as it's predicted to operate?

MR. PODCZERWINSKY: As it operates -- I believe it's as it operates today. I apologize. I didn't bring my AUIR with me, but I think we're five trips over based on background trips.

CHAIRMAN STRAIN: Okay. If it's that way today and Isles of Collier is probably not more than 10 percent built or sold out at this point, what do you think a TCEA is going to help to solve a problem of the magnitude that's going to hit Rattlesnake Hammock when the quickest way for them to get to I-75 is to go down Rattlesnake Hammock and a left on 951 and up to I-75?

MR. PODCZERWINSKY: I understand.

CHAIRMAN STRAIN: I mean, how is this little drop in the bucket going to even impact that other than make it worse when they come online?

MR. PODCZERWINSKY: Basically, it's a recognition that it is bad, and it's going to continue to stay bad and be worse.

CHAIRMAN STRAIN: But that doesn't fix it.

MR. PODCZERWINSKY: Correct, it doesn't fix it, but it allows the remaining parcels in this area to be built with their zoned rights.

CHAIRMAN STRAIN: And what studies do we have that show this is the only alternative?

MR. PODCZERWINSKY: We don't, and that's what the question is before you today.

CHAIRMAN STRAIN: No. The question before us today is to recommend approval of doing a TCEA with a \$10,000 expenditure that may not be as limited -- may be more limited than what -- and we'll talk about that when we get to that page.

MR. PODCZERWINSKY: Let me help with that. What's before you today is actually a request that you endorse us moving forward with the study, and we will actually, basically, take a look at all of the individual land uses within this area, within the defined area. We'll look at the maximum buildout of the parcels that are yet to be constructed on, the infill parcels. We'll also look at the C4 parcel on the corner and any of the related commercial uses there to make sure that we address their maximum impacts, and then that will be part of the analysis that we bring back.

You guys will see this again if we move forward. So you'll see this again when it comes time to do the Growth Management Plan amendments later this year.

CHAIRMAN STRAIN: But your closing statement says that you want it for the study and subsequent direction to forward to the DOT a preliminary endorsement of the TCEA expansion. I, personally -- and, first of all, you don't need our -- you don't need to come to us. But if you're going to come to us, this is the kind of thing I couldn't endorse until I knew all the alternatives, and those alternatives ought to include improvements to that entire corridor, not just a TCEA, and the time frames in which you've got planned for the other -- especially something like Isles of Collier hitting the roadway.

So, I mean, I don't buy into the TCEA as the only concept. I think we ought to be looking at all the concepts still. I understand your discussion today, but that doesn't mean -- and you've acknowledged we haven't really looked at them all. So I would prefer that as an alternative. Not going to a TCEA as the endorsement as the first one.

MR. PODCZERWINSKY: You're correct with that, but I'll tell you the reason we haven't looked at all of those.

Just a quick analysis, looking at this roadway, you can see that there's no way for us to expand it. There's no way to add additional capacity there, and there's only one signal that could come out --

CHAIRMAN STRAIN: You just said the analysis wasn't done. I asked you that.

MR. PODCZERWINSKY: The reason it hasn't been done is based on staff's preliminary look at it.

CHAIRMAN STRAIN: Staff who?

MR. PODCZERWINSKY: Myself, one other staff member that helped out with some GIS work. So, really, the reason for that is there's really no way to expand this roadway. I don't know if we need to expend county money on determining that a no is a no.

CHAIRMAN STRAIN: Okay. Well, I'm not -- I'm not there that a --

MR. PODCZERWINSKY: Okay.

CHAIRMAN STRAIN: -- yes is -- a yes is needed without that -- knowing that a no is a no other than the casual review by staff members who are not focused strictly on that corridor, so...

MR. PODCZERWINSKY: Okay. We'll include that --

CHAIRMAN STRAIN: I've got a problem with that myself. The other members may not have.

MR. PODCZERWINSKY: If you'd like to include that in the recommendation, I'll be glad to include that in the analysis.

CHAIRMAN STRAIN: Well, I think I do have some other -- let me roll through these. The strategies that are available, if they do not do a TCEA, are designed to offset the elements hitting that roadway, basically, because you're doing transit shelters, bicycles, and commercial.

So by declaring that a TCEA, all we do is open it up, especially for de minimis impacts, without any additional contributions of these kind of items; is that correct?

MR. PODCZERWINSKY: I'm not sure that I'd agree with it in that exact context. It's not just --

CHAIRMAN STRAIN: Okay. If someone -- if this wasn't a TCEA and they came in and wanted to add some density to that corridor, they'd have to then look at this section of our code and apply A, B, or C or all three to whatever extent is reasonable, whatever extent is deemed to be needed. If they were in a TCEA, then that section of the code would not be applicable because the TCEA already gives them the access they need; is that fair?

MR. PODCZERWINSKY: The TCEA guides them on how they can achieve that. The TCEA requirements, Policy 5.5, would guide them on how to achieve consistency with the Growth Management Plan through those predefined mitigation measures.

CHAIRMAN STRAIN: Okay. So either way, with the TCEA or without the TCEA, they still would have to do something. It's A or I if it's a TCEA; it's A, B, or C if it's not a TCEA.

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: Okay. Why wouldn't we want to expand the elements that they could have -- or that they would be required to do if they weren't a TCEA? Instead of putting three, put A through I; that way you've still got the same effect without declaring -- without opening the door more for additional density without a requirement of doing anything at all or limited requirements.

MR. PODCZERWINSKY: Okay. I think that could work in the case of -- I think that could work in the case of any zoned -- or any rezones that would come forward. The concern is for those developments that already have their zoning in place that would not be heard before a public board. How is staff to accommodate those with their existing rights?

CHAIRMAN STRAIN: Well, if they've got existing rights, we have to accommodate them.

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: But then -- so the TCEA --

MR. PODCZERWINSKY: And then at the same time, we would have to reject them.

CHAIRMAN STRAIN: -- is only a cure for Jeff's bad planning -- not Jeff's, but his comment that there's been bad planning. I think that's what this is doing then.

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: It's a CYA for the county is what it boils down to.

MR. PODCZERWINSKY: Yes. To keep us out of a moratorium, yes.

CHAIRMAN STRAIN: Okay. I'm slowly figuring it out. Sorry it's taking so long.

MR. PODCZERWINSKY: That's all right.

CHAIRMAN STRAIN: On your map that you showed with the various crosshatchings of the properties --

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: -- I know that you believe the C4 over on 41 have access to Rattlesnake Hammock through a back door somewhere, but the practical consensus -- the practical application is anybody going into that C4, up until you get to the Winn Dixie parking lot, is going to go on and off of U.S. 41. So to include those in a -- those calculations into an impact on Radio Road probably isn't that relevant.

And so I would suggest that in -- and, again, it's not a TCEA that I'm suggesting this study do, but any review of this corridor and how it could be improved, not bring in places like that because they really aren't -- I mean, you're not going to go to C4 -- in fact, C4 becomes an advantage to the corridor, because people who would go out on Rattlesnake Hammock to get around down to that C4, if you're saying there's interconnecting streets to get to it internally, that would take them off Rattlesnake. Just the opposite.

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: And we'd be happy to exclude those parcels if you feel that that's the right direction to go.

CHAIRMAN STRAIN: Well, I would suggest that. Plus the few units left in that mobile home park, they have an added access onto County Barn Road, if I'm not mistaken, so their traffic's going to go in both directions, not just in one. I mean, I don't know why it would.

MR. PODCZERWINSKY: Like I said, we could exclude those as well. If that's --

CHAIRMAN STRAIN: Well, I think if you're -- well, first of all, I don't believe it -- I don't know that a TCEA is the only solution. I think if you're going to drag this board into these decisions, which I don't mind, but it's going to be typical to the way we look at other documents. We want all of it, not just a piece of it. And you're presenting a nice piece as a solution, but I still don't understand how the analysis is done to show that that is the only solution. And that's kind of where I'm coming from.

MR. PODCZERWINSKY: Okay.

CHAIRMAN STRAIN: I also am very concerned about the long-term goal knowing that if you already have a Level of Service F, and Isles of Collier is barely out of the ground in regards to sales and people living there, before you tell us we need a TCEA to clear up some of these small parcels and little hits like this, I need to know what transportation is planning for the bigger picture.

When Isles of Collier hits the mat and we've got to have hurricane evacuation and access to people who are practically going to use the straightest line to get to I-75, and that's going to be down this road to 951.

What alternatives are there? What else is out there? I, myself, am not comfortable with saying what you've presented today is the right way to go without that other information. The others may feel differently when a motion's made, if they even want to make one today. But that's kind of where I'm coming from in looking at this.

Also, when we started out today, I thought you said that Stantec -- this was going to be done for a potential Growth Management Plan amendment or whatever. I'm reading the Stantec scope of work or schedule of work -- first of all, they're going to do this within 90 days. You can't get to us in 90 days with a GMP amendment.

The deliverables are only analysis and supporting documentation. That means they wouldn't be available for questions, answers, or additional meetings.

So I'm wondering if their scope of work is complete in the sense of what you think they're doing.

MR. PODCZERWINSKY: It's very preliminary at this point. This scope of work came out of a 15-minute phone call with Stantec to tell me what would it take to do this analysis so that I could provide that over to the Planning Commission and to the state, should everybody choose to move forward with this approach.

CHAIRMAN STRAIN: And I know your department has had -- or transportation, even as a whole in some regards, has had periodic periods where they're missing people. And haven't they been hiring Jeff to fill in?

MR. PODCZERWINSKY: On occasion, yes, with that backing --

CHAIRMAN STRAIN: And he has actually occupied an office over there? I mean, I saw him in one --

MR. PODCZERWINSKY: That's correct.

CHAIRMAN STRAIN: -- so I'm assuming that's true. And isn't he part of Stantec?

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: Isn't there some kind of conflict there?

MR. PODCZERWINSKY: We actually have him on a general services contract.

CHAIRMAN STRAIN: I don't care.

MR. PODCZERWINSKY: And that general services contract is to cover items like this. That's where this work order would come into play.

CHAIRMAN STRAIN: Well, then how can they have a contract where they actually sit in an office and review things that affect the contracts that they put through through general services?

MR. PODCZERWINSKY: No, he doesn't write or control any of the contracts or work orders that go to Stantec. He only --

CHAIRMAN STRAIN: I know that. But I don't know what he was working in as -- in the offices for, but if he was there to review transportation matters, how is this not something he -- that might touch his desk? And I'm wondering, why are we looking at -- are we only looking at one firm, or do we have other firms that may not have such a conflict?

MR. PODCZERWINSKY: We did look at other firms for this one. There was another firm locally that would have been just ideal for this planning study. The problem is is that they also represent one of the local private developers in this area, so I couldn't bring that firm into this consideration.

Most -- there's basically four to five primary traffic engineers here in Collier County that really get involved with this level of study. All but Stantec would have conflicts --

CHAIRMAN STRAIN: Stantec --

MR. PODCZERWINSKY: -- from what I see.

CHAIRMAN STRAIN: -- has no clients in this area?

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: So they're not doing any Isles of Collier work, they're not doing any of that work --

MR. PODCZERWINSKY: Treviso Bay is their nearest client that I know of, Wentworth Estates.

CHAIRMAN STRAIN: Okay. But then the only concern I have is that they're in the offices as well. Not that they're not qualified; I know they are. I'm more concerned how these things interact together.

MR. PODCZERWINSKY: Yes. We did look at that ahead of schedule to figure out who could even qualify for this work to make sure that there were no conflicts of interest.

CHAIRMAN STRAIN: Okay. That's the last of my questions or comments on this, John. It's up to the Planning Commission. Or are there any members of the public want to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Is there any comments from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: We've got to -- John's asking for our endorsement of this. If any of you feel that that's warranted, then so make a motion. If not, make something -- suggest some kind of direction.

I mean, my direction would be, I don't think a -- it's not that I don't know that a TCEA isn't warranted. I don't know that there's been enough review done to know that's the only solution, and I'm more concerned about a long-term fix over just this -- a postage stamp fix when we know Isles of Collier is going to dump thousands of potential trips on that road. And if we've got to fix that, then the TCEA just isn't -- may not be the solution we need to be looking at.

MR. PODCZERWINSKY: And that's kind of the point is that there really is no repair to that. There is no repair to this link. There's no means of mitigation to actually repair it.

MR. KLATZKOW: John's waving the white flag.

CHAIRMAN STRAIN: Okay. I'm more concerned to hear the overall picture from transportation, not that you're not. But something seems still -- I'm just not comfortable with the TCEA as being the only solution that we could come up with. And I'd sure like to know how we're planning to handle -- and transportation should be prepared to answer that from their long-range side of things, how they're planning to handle Isles of Collier. That's kind of like the elephant in the room that nobody had mentioned. And I'm more concerned about that than I am a little tiny piece of property along this roadway.

MR. PODCZERWINSKY: Part of this right now is that the segment that we're looking at of Rattlesnake Hammock has a westbound p.m. peak hour peak impact, okay. That would be the background traffic that we're measuring that's headed westbound between 4 and 6 p.m., the highest peak hour then, is what exceeds the capacity of the roadway. So during that evening rush hour, westbound traffic is what the problem is. Not so much the eastbound outflow of traffic from, you know, Isles of Collier.

But that is a concern for us is to figure out really how far their impacts go.

COMMISSIONER HOMIAK: Hacienda Lakes.

MR. PODCZERWINSKY: Hacienda Lakes would have an impact on this as well, yes.

COMMISSIONER HOMIAK: They shoot across at that time of the day just to go into Naples.

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: And a part of this westbound traffic impact is that intersection. I mean, I go down there frequently, and you've got to sit there and wait to try to make right turns and everything else.

We just got done taking out a pharmacy at a high rate of pay at the intersection of 951 and 41 because we insisted we needed to improve that intersection.

Well, there's a small little convenience store at the corner that may be subject to some expansion. And I can't see that being as big of an item to overcome as that pharmacy may have been.

So the mere fact that we have the ability to clean up that westbound direction would include that intersection, and I think that would be your biggest relief valve immediately. I'd like to know what transportation is, looking long range, about improving that.

We're looking all over the county at these other interchanges or other intersections. But until that information comes to us, I'm not -- I certainly don't feel we should endorse an expansion of a TCEA until we

know all those other parameters, John.

MR. PODCZERWINSKY: Understood. We'll include that in the study.

COMMISSIONER EBERT: I agree with you.

CHAIRMAN STRAIN: Is that the consensus from this board, or do you guys have other positions? If you do, just please say so.

COMMISSIONER ROMAN: No. This presentation has created more questions for me than answers; although, John did focus on the area that came up in the previous petitions that we were interested in, and I think that was helpful. But it's just painted such a bleak picture that we need to have a broader view, and I would agree with that.

CHAIRMAN STRAIN: Well -- and one point, too, I just learned on a broader view, County Barn Road. That was scheduled to go to a wider footprint than what's now being anticipated. The relief that that road may have offered to Rattlesnake Hammock, I'd like to know why we decided to narrow it back down to two lanes when we could have gone to four lanes. We had the right-of-way.

MR. PODCZERWINSKY: I can answer that one for you today.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: This was during Norm Feder's administration. The reason --

CHAIRMAN STRAIN: Which was?

MR. PODCZERWINSKY: The decision on County Barn.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: It was basically because we -- because Santa Barbara was built at that time, and that was the major relief to the County Barn deficiency. A year after Santa Barbara was built, when we took background traffic volume measurements at that time, County Barn was no longer in failure, so that's why it removed it from the capital program. There was no need to improve it at that point since there was no failure experienced at that time any longer.

CHAIRMAN STRAIN: But you looked at it in comparison to the failure as a result of Santa Barbara. I'm more concerned about the relief it's going to offer to the westbound or eastbound Rattlesnake Hammock, especially for the example of Hacienda. They hit Rattlesnake Hammock to head into town. If they had County Barn to zip up to Davis, they could head into town even closer by jumping that route. So there is a potential there.

I mean, those are the kind of things I'd like to see before we endorse spending money and studies on just one focused element, and that element we know is less than the Band-aid.

So, I mean, I think that is the consensus from this board, John. If -- I mean, I know we're not required to weigh in. And you came to us hopefully to help. I'm not sure it always works out the way people expect, but that's probably the responses I can summarize.

MR. PODCZERWINSKY: I'm absolutely grateful for the advice that you folks have given. The reason why is because now I get to bring back a little more complete study to you and make sure that we address those extra concerns. I mean, if you have those concerns, the community has those concerns, and we need to answer those.

CHAIRMAN STRAIN: And that leads me to my next point. For the benefit of this board -- I don't know how many of you know this, but John's leaving this month, so he's not going to bring anything back to us.

COMMISSIONER ROMAN: Everybody's leaving.

COMMISSIONER EBERT: That's why he felt so brave today.

COMMISSIONER ROMAN: Everybody's leaving. What's going on?

CHAIRMAN STRAIN: Well, no. John has got another position, and we will be seeing him, but he'll be wearing -- he'll be on the dark side. He'll be coming in as a developer's -- or probably as an engineering firm's representative for various clients, developers, or whoever.

The only thing I want to say, John -- you're not as old as Kay, so we can't tell you you've been as good for so long, but you're valued --

COMMISSIONER HOMIAK: He's good.

CHAIRMAN STRAIN: Oh, you've been good for the times that you've been here. And we have

certainly valued your input, and especially your way to break it down in laymen's terms. Too much of what happens with traffic analysis, it's all smoke and mirrors. They can come up with -- it's like appraisers. They'll come up with anything they're told to come up with. You have always been straight with us. You've told us the best you could, and you've broken it down in terms that have been very meaningful to us.

And that expertise that you have and that background we're going to miss dearly. And I want to thank you for all the time you've helped with this board. It's been tremendous.

MR. PODCZERWINSKY: And thank you for being so polite and kind to me over the years.

CHAIRMAN STRAIN: You're a good guy to work with, John, and it's -- by the way, it's Davidson Engineering, and they're very lucky to have you.

MR. PODCZERWINSKY: Thank you.

COMMISSIONER EBERT: John, you have another meeting yet with us?

MR. PODCZERWINSKY: I do, I do. I'll be back on the 2nd.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Good. I didn't know if today was your -- I thought you were leaving at the end of March, but if you're going to --

MR. PODCZERWINSKY: April 3rd will be my last day with the county.

CHAIRMAN STRAIN: Oh, you're staying for one more meeting; good.

COMMISSIONER EBERT: What are you doing, Mark? Everybody's leaving.

CHAIRMAN STRAIN: I'm not doing anything. Not me.

Thank you, John.

MR. PODCZERWINSKY: Thank you.

CHAIRMAN STRAIN: And, Mike Bosi, I think there's someone you want to introduce to us, new member of your team? I think -- she came during break, and I'd like, if you could just formally introduce her and let her (sic) know what her responsibilities are so we can see Michele's replacement.

And by the way, Michele didn't leave. Michele moved to another department, so -- and she was in comprehensive planning.

MR. BOSI: Thank you, Chair. Mike Bosi, Zoning Director.

And Michele is filling in the absence that was created within our Transportation Department. Remember, Reed Jarvi left because of medical reasons; John P. is leaving because of an opportunity within the private side; Debbie Armstrong left for retirement; and Stacy Revay left to work on the Blue Zone project for the Community Health Department. So there were four individuals. So the intellectual capacity of the Transportation Department, who Amy Patterson is the managing entity or person, has really been depleted.

And Michele's filling in a little bit on that side. But Michele's departure from Comprehensive Planning left a hole within our organization. It basically was down to David Weeks and Corby Schmidt as the two Comprehensive Planning staff members, other than Marcia Kendall, who does a great job but more on an administrative side.

We've recently retained the talents of Sue Faulkner, who was with the Collier MPO previously. She has a master's degree in planning from the University of North Carolina. And she's been in the office for about three weeks, so we're going to give her another week, and then we're going to overload her.

But she's a bright individual who is willing to, you know, roll up her sleeves and kind of learn the idiosyncrasies and, under the tutelage of David Weeks, will get to know the idiosyncrasies of our Growth Management Plan, the processes and soon will be before you making presentations and providing the comprehensive planning perspective related to a lot of the various issues that we deal with.

But Sue is here today to witness the Planning Commission in person. I said, you really lose a little bit of the feel for this -- for the meetings unless you come down, hear the dialogue, hear the interaction between the staff, between the applicant, community, and the Planning Commission. But we're excited to have her.

And just to let you know that we did retain a principal planner for the replacement of Kay, just accepted the offer. We expect him to be down within three to four weeks, a gentleman who's 16 years in planning with a master's degree, AICP certified, 10 years of Florida planning and zoning experience, so we're hoping we're going to be able to have -- his name is Eric Johnson. We're going to have Eric come in and hit

the ground running.

But I'll soon be here again introducing another staff member, and we have some additional staff members that we will be introducing to Planning Commission as well to initiate the master plan studies that the Board of County Commissioners directed from Growth Management related to the Rural Land Stewardship Area, the Rural Fringe Mixed Use, Golden Gate Area Master Plan, and Immokalee. Those four individual areas all needing to have a formalized restudy, take it from the beginning and take it across the finish line.

So there's going to be a lot of changes, a lot of new faces within the Planning Department that we'll be introducing to the Planning Commission, and we look forward to always working with you.

CHAIRMAN STRAIN: Thank you, Mike. And welcome aboard, Sue. I'm sure -- you've got some good shoes to fill, and I'm sure you will.

MS. FAULKNER: Yes.

CHAIRMAN STRAIN: Michele did a great job in working with this board, so we appreciate her very much. It's good to know she stayed in the county.

Mike, the fellow you have, the planner coming in, does he have any Collier County experience? Because Collier County is probably unique.

MR. BOSI: Oh, no. He has no Collier County experience, so we know he knows the Florida zoning regulatory environment, but it will take him a number of months to get to the idiosyncrasies and the peculiar processes that we've developed within Collier County.

CHAIRMAN STRAIN: Yeah. I'm sure the LDC will be a simple thing for him to understand.

MR. BOSI: Yes, it will be.

CHAIRMAN STRAIN: Thank you very much.

MR. BOSI: But I appreciate the opportunity to come up and speak and just to give you a touch-base on some of the things that are happening within the department.

CHAIRMAN STRAIN: Okay. Thank you.

And the last thing I want to mention to the board, as you all know or may have heard or may not have heard, Nick Casalanguida is now our Deputy County Manager. Now, part of that responsibility, I believe, was for him to come in here and get fried once in a while by comments from this board, but he has failed to show up today. But I do want to express congratulations to Nick. It's a position well deserved, and Nick will do an excellent job there, and I'm looking forward to his guidance from that level as well.

And in his place, I believe Jamie French is here today. Jamie is operating -- participating in operating right now, I think it's Interim Director is the title, Jamie? What position do you have? But Jamie's kind of filling in the shoes over at Developmental Services, and it's nice to see that we have Jamie here representing Developmental Services today.

What is your official new title, or do you have a new title? What's going on?

MR. FRENCH: Well, I am the -- they've recently retitled us. I am now the Deputy Department Head for what used to be the Growth Management Division. Prior to that I was the Deputy Administrator.

But I will continue to serve in that role and support Mike as well as the rest of the Growth Management Division as we transition on and find another Division Administrator or now known as a Department Head.

CHAIRMAN STRAIN: Okay. Well, thank you and congratulations.

MR. FRENCH: Thank you.

CHAIRMAN STRAIN: I'm sure we're going to enjoy seeing more of everybody around here and yourself.

MR. FRENCH: Yes, sir.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER EBERT: So we know who to yell at.

CHAIRMAN STRAIN: No. You do the yelling. I'll just sit here quietly.

With that, the remaining agenda is public comments. Is there anybody in the public wishing to comment on anything?

MR. BELLOWS: Yes, we have one speaker, Bradley Estes.

CHAIRMAN STRAIN: Okay. Mr. Estes.

MR. ESTES: Brad Estes, 3384 Balboa Circle West.

I'd like to talk to you about tower -- cellular telephone towers in general. It may be that we're on the cusp of a proliferation of towers throughout our community because of the need and the expansion of the use of cellular telephones that have actually become more, to some extent, video as well as communications, two-way communications.

And what I found as a citizen -- and I don't want to comment on the Wilson Professional Center, but that's why this came up -- is I did not find the regulatory framework in a PUD. I found it in zoning, in the Land Development Code zoning, but I did not find the regulatory framework to evaluate this application under the 1996 Telecommunications Act that says a local government has to have substantial evidence to deny an application.

So I just want to express that concern particularly, for example -- and please correct me if I'm wrong -- it doesn't look like any regulatory standards exist under 185 feet.

CHAIRMAN STRAIN: Well, you're definitely wrong.

MR. ESTES: I'm wrong?

CHAIRMAN STRAIN: Yes. There's a section of the code that -- just for towers. There's two parts of it; 185 and above, and then if you scroll down towards the end -- and I think it's 9.03.04, maybe, 9.03.07, something like that.

MR. ESTES: I'll take a look at that.

CHAIRMAN STRAIN: Please look at that, because you'll find sections in there that are for all ground-mounted towers. And those are the issues that we'll be bringing up. And if you were here this morning --

MR. ESTES: Yes.

COMMISSIONER EBERT: He was.

CHAIRMAN STRAIN: -- when I read that long list of missing parts, some of that was in that.

MR. ESTES: Right, exactly. And that was the concern, because -- well, I'll look at that, because I thought that was only at 185 feet or longer where you can consider other towers and whether the tower is needed and things that nature, so...

CHAIRMAN STRAIN: Except the part of that section of the code that refers to the variance requirements. The variance --

MR. ESTES: Variance, okay.

CHAIRMAN STRAIN: -- requirements required hardship, proof. All that falls under that, and that's part of the way that they're going to be bringing it in and having to discuss it with us. So it will all be there. I know you'll be watching it, too.

MR. ESTES: Yes, right. Well --

COMMISSIONER EBERT: Or he could join us.

MR. BELLOWS: On his cell phone.

MR. ESTES: The other thing that I -- another consideration -- and I really think the county needs to step back and take a look at all the cellular telephone tower regulations as to the future of cellular telephone need for towers that is emerging, and one of them is that there's an assumption that the monopine tower is mitigation, for example, at least by the users, by the applicants, and that's a consideration, too.

The height consideration, how it impacts neighborhoods, those are the kind of considerations. I'll give you an example of where I struggled was that in terms of looking at compatibility, aesthetic compatibility, our definition says "unduly." Well, what is unduly? There's no definition of it, and will any court that's reviewing this, if a cellular telephone tower objects to our county's decision, will that be based on some professional opinion or some collective opinion. If we pack this chamber with people who are opposed to it, would that be substantial evidence? So those are some considerations that I just mention. That's my reflection from what I've experienced from the last -- about the last 60 days I've been looking at this, so...

CHAIRMAN STRAIN: No. I appreciate it, and I've done similar research, so we will have an active discussion when it comes back, sir.

MR. ESTES: Okay. Thank you for your considerations.

March 19, 2015

CHAIRMAN STRAIN: Thank you very much. We appreciate it.
Okay. And that brings us to the last item on the agenda. Is there a motion to adjourn?
COMMISSIONER ROMAN: So moved.
COMMISSIONER EBERT: Second.
CHAIRMAN STRAIN: By Charlette, seconded by Diane.
All in favor, signify by saying aye.
COMMISSIONER EBERT: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER DOYLE: Aye.
COMMISSIONER ROMAN: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: We're out of here. Thank you all.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:40 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 4-16-15, as presented or as corrected _____.

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