

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
August 20, 2015

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

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

ALSO PRESENT:

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

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, August 20th meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

COMMISSIONER EBERT: There he is.

CHAIRMAN STRAIN: Thank you. And Brian rolled in just on time.

Diane, would you please --

COMMISSIONER HOMIAK: Mark has to make sure everybody knows.

CHAIRMAN STRAIN: Welcome, Brian.

Diane, could you do the roll, please.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Solis?

COMMISSIONER SOLIS: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle?

COMMISSIONER DOYLE: Here.

COMMISSIONER EBERT: And Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: ***Okay, addenda to the agenda. We have had one request for continuance, Item 9.A, which is the east gate -- I'll read it right off, East Gateway mixed use planned unit development, located on the north side of Davis Boulevard.

That one has been requested to be continued to the September 3rd meeting of the Collier County Planning Commission.

COMMISSIONER HOMIAK: 17th, I thought. September 17th.

CHAIRMAN STRAIN: Okay, maybe it was the 17th.

MR. BELLOWS: 17th.

CHAIRMAN STRAIN: I'm sorry, I had my notes wrong.

Does anybody wish to make a motion to --

COMMISSIONER HOMIAK: I make a motion to continue.

COMMISSIONER ROMAN: And I'll second.

CHAIRMAN STRAIN: Made by Karen, seconded by Charlette.

All those in --

COMMISSIONER HOMIAK: September 17th.

CHAIRMAN STRAIN: September 17th.

All those in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

The other item -- the other addenda to the agenda is more of a matter of explanation. Item 7.A is a discussion on sidewalks. This was scheduled, there are people who have come in from different areas to address that item today.

The next item after that will be our regular agenda item, which is now just 9.B. And it's the Briarwood PUD. At the time of the Briarwood PUD scheduling I certainly didn't expect to see this much of a turnout for what appears to be Briarwood, but we will still have to maintain our schedule for the sidewalk discussion first and then we'll go right into Briarwood after that.

So I'd ask you all to bear with us. It's the first time Briarwood came here, which was probably a couple months ago now. The turnout wasn't even a small percentage of what's here today, so this is kind of unexpected. But we'll certainly find out what your concerns are when we get into the issue.

***And with that, Planning Commission absences. Our next regular meeting is September 3rd.

Ray, do we have agenda items for September 3rd? I don't need to know what they are, I just want to make sure we have a meeting.

MR. BELLOWS: We have two items.

CHAIRMAN STRAIN: Okay, thank you.

Does anybody know if they're not going to make it to the September 3rd meeting?

(No response.)

CHAIRMAN STRAIN: Looks like we'll have a quorum. Thank you.

***The approval of minutes. Our July 16th minutes were distributed electronically.

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Made by Karen.

COMMISSIONER CHRZANOWSKI: One comment. Page 15, I said the word, the term a niche, N-I-C-H-E, and it came through an itch, A-N I-T-C-H. You fill a niche but you scratch an itch, so --

CHAIRMAN STRAIN: Well, Stan, it's hard to figure sometimes what you're saying. I mean, that's --

COMMISSIONER CHRZANOWSKI: Other than that, I second the motion.

CHAIRMAN STRAIN: Does the motion maker accept --

COMMISSIONER HOMIAK: I'll amend my motion to include --

CHAIRMAN STRAIN: The itch to niche.

COMMISSIONER HOMIAK: -- not an itch.

CHAIRMAN STRAIN: Motion's been made and seconded with the correction noted.

All those in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

***BCC report. Ray, I bet you don't have anything, because they haven't been here.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: ***Okay. And with that, we'll go directly into our discussion, Item 7.A, which is a discussion on sidewalks. And I'll briefly indicate how this came about, and then Mike is going to make a comprehensive presentation and then we have other staff members who will address their department's concerns and issues over this, and then we'll go to private speakers.

But I -- some of the panel members here may recall, over the years we've had a number of projects coming through. And one that strikes to mind is one called Brandon up on Livingston Road extension. That was the first time we've encountered that I can remember a substantial request to deviate from sidewalks. And on that particular one, they only wanted to put sidewalks on the side of the road that the houses were on. That seemed to make a lot of sense and the Planning Commission at the time went along with it.

Since then we've had a couple other projects come through, one was Lido Isles, for example, that was most recently. They asked to have sidewalks on one side where the houses were and not where there were easements like a big FP&L easement on the other side. On Brandon place it was preserves. So between the two of them there were some exceptions where it made sense to consider not having sidewalks.

Well, then we got to Argo Manatee, and Argo Manatee if you recall came through with sidewalks initially that would have been required on both sides, because it was double loaded with housing on both sides of the roads, and the applicant wanted it on one side and they had various reasons for that.

Staff originally had supported -- or not supported it and then came back and thought that because of the changes in the width of the remaining side they could support it. Planning Commission went along with it and we agreed.

But as -- the following week we got our notice that the RLSA, the Rural Land Stewardship Area, wanted to change the LDC to include a cross-section of a road that allowed only one sidewalk in that entire 200,000-acre overlay. And that's kind of where at least from my perspective I saw a potential problem in not hearing both sides of this argument. Because when developers come forward and make their argument and the members of the public aren't here to tell us how they feel about it, which had not been the case on the sidewalks, we're only getting a piece of the information.

Well, the RLSA one was pulled, it didn't succeed. Or at least it didn't go through the full process, so that has not yet happened. Argo Manatee was reversed at the Board of County Commissioners meeting to where they're putting sidewalks on both sides now.

And because of that series of events, I thought it would be good if we heard from staff any information that they could provide on this issue and then from the private sector who has never weighed in on sidewalks in our meetings that I know of, yet we've had them -- we've had the deviations on record for quite some time. So it would be good to understand the pros and cons from both sides and then when we go forward we can better, you know, understand what we're voting on in regards to how it affects the walkability and health of our neighborhoods.

So that's kind of how we got here and that's more -- it's more of a lead-in to Mike Bosi, who is the head of our Comprehensive Planning Department.

Mike, I'll let you take off and we'll go from there.

MR. BOSI: Thank you, Chair. Good morning, Planning Commissioners. Mike Bosi, the Planning/Zoning Director.

Within underneath my division is the zoning department, which is the current planning section. The here-and-now, they deal with basically the Land Development Code; normally the regulations that the Planning Commission will deal with on a case-by-case basis.

But also the Comprehensive Planning Department, the Comprehensive Planning Department is the long-range planning department maintaining the Future Land Use Map, maintaining our Growth Management Plan and all the elements contained within the Growth Management Plan.

And I say that in relationship, because the regulations that we deal with at the Planning Commission, the Land Development Code all gain their basis from the goals and the objectives and the elements that are within the Growth Management Plan. And so when we discuss with the Chair and the Planning Commission about the desire to talk about sidewalks, the logical rational point of embarking in the discussion is at the Growth Management Plan stage.

So I'm going to provide within the memo and -- that I provided to the Planning Commission was just the references within the Growth Management Plan towards where sidewalks, where walkability, where pedestrian facilities were referenced, and then I will turn it over to Mike Sawyer from our transportation division who's going to address how the LDC currently treats the issue of sidewalks and what the requirements are for.

So as I noted, within each of the elements within the Growth Management Plan, the desire, the goals are expressed for each element; for the Future Land Use Element, for how land is arranged to how the interrelationship between your residential and your nonresidential land uses are contained, those are expressed within the Future Land Use Element.

And the other area where sidewalks are contained is the transportation element. Obviously pedestrian movement is one of the modes of transportation, so that's one of the areas that the transportation element, you know, will cover.

Where sidewalks and pedestrian facilities first occur within the Future Land Use Element is underneath Policy 6.2. And it's underneath the underlying concept of obtaining high quality urban development. That means how our commercial and our non-residential land uses are interconnected with the larger transportation systems. And both Policy 6.2 and 6.3 reference pedestrian facilities that are encouraged to help reduce vehicular miles traveled and also that there is connection and adequate linkages between how the pedestrian and bicycle facilities in this matter for the pedestrian facilities are interconnected to the larger transportation system.

Probably the strongest policy we have regarding sidewalks provides a term that I think sometimes the Planning Commission has questioned staff and that's Policy 7.6. And 7.6 really says that the county shall encourage new developments to provide walkable communities with a blended density as common open space, civic facilities and a range of housing types.

In that pedestrian -- that mixed use projects are going to be pedestrian scale, pedestrian oriented, and interconnected with abutting projects.

Those are the two areas within the goals and the policies where sidewalks are addressed and pedestrian facilities are addressed. As you'll notice, there's not a requirement within there, but it encourages the concept that our planning and the way that we design our facilities will take attention to that mode of transportation and that there is -- that there is -- recognize the benefit of providing for interconnected pedestrian access ways.

Within the various subdistricts within our Future Land Use Element, within our Future Land Use Map, the county is broke down and allocated within the individual subdistricts. It starts with your urban residential mixed use district and there are subdistricts below that they fall. A number of them: The Goodlette/Pine Ridge Road commercial infill subdistrict, the mixed use activity subdistrict, the interchange activity subdistrict, all indicate pedestrian. Pedestrian accesses are areas that we want to make attention to within the developments that come forward within those individual subdistricts.

We have a number of different overlays also in addition to subdistricts. And I think the Chair had mentioned one of the strongest overlays that really stresses the pedestrian oriented nature of design and the requirements for sidewalks is related to the Rural Land Stewardship Area, and the Rural Land Stewardship Area is based upon the concept of mixed use compact urban development in a full attention to the multi modes of travel that is provided for within the transportation element. Not only vehicular and bicycle but pedestrian. The full range of modes of travel that our citizens engage within.

Within the transportation element there is references within pedestrian features within Policy 3.3.

Objective 4.4 talks about providing a safe and convenient movement of pedestrians in non-motorized vehicles through the implementation of the Collier County Comprehensive Pathway Plan, another document that is maintained primarily by the Collier County Metropolitan Planning Organization, or the Collier MPO, which deals with the long-range transportation plan, but also the maintenance of our pathway and pathway systems.

And then finally in objective nine the Growth Management Plan through the transportation element encourages neighborhood involvement and establishment in the maintenance of safe and pleasant conditions for residents, pedestrians, bicyclists, motorists, another area where the stress and the attention of -- and the mode of pedestrian movement is allocated within our Growth Management Plan.

Throughout the GMP and throughout those two elements, as I have kind of noted, there's not a specific requirement. But it does say that the attention towards pedestrian movement is something that we stress within our planning, and we want to make sure that we do an adequate job for that type of recognition and consideration for the projects that come before you.

So that basically sets the stage. That sets the regulatory stage that says okay, we've made the -- recognized within our goals and policies that we want to make sure that we have an adequate means of pedestrian movements throughout the county, throughout our developments.

And from that basis, from that national nexus, we have developed the land development codes that speak toward what is required in terms of each development moving forward from a pedestrian standpoint and what's required in terms of what needs to be provided for regarding sidewalks.

And at this point in time I will transition to Mr. Mike Sawyer who works within our Transportation Department who's going to address the regulatory aspects of the LDC and what is currently required by our LDC for all projects that come before the Planning Commission.

CHAIRMAN STRAIN: Mike, I've got a question about what we're -- how we're interacting with some of the private groups that are now promoting sidewalks, like the Blue Zone. And they provided some really good literature in the 231 pages of backup that you all provided.

MR. BOSI: Yes. And I'm sorry, Chair. We've reached out to not only to all interested parties, the development community, the CBIA, the DSAC, but also to the advocates who are champions for pedestrian and pedestrian movements: Blue Zones, Naples Pathway Coalition, the Collier County Health Department. Each has indicated that they have -- would like an opportunity to discuss the issues. And we've loaded a couple of their power points that they want to provide to the Planning Commission.

And one of the things, this discussion, there's not an expectation for an action item. The hope is this discussion will provide for a better understanding of the role of the mode of travel of pedestrian movement, of sidewalks, how they fit within the overall community, and what effects and the benefits that they could provide, you know, to the community as a whole. And this is really as a backdrop for as projects go forward through the Planning Commission, and if there are requests for deviations or sidewalks for deviations from how sidewalks are treated, that this provides a backdrop for evaluating those individual requests as they come forward.

So it's really informational to expand in terms of the role sidewalks play within our individual community.

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

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir?

COMMISSIONER CHRZANOWSKI: When you're done, could I ask?

CHAIRMAN STRAIN: I'm fine, go ahead.

COMMISSIONER CHRZANOWSKI: When I started with the county's growth management department, within a little while they had a bike path coordinator named Jeremy Battes who was a very militant biker. He and I cycled most of the roads in Collier County.

They got rid of Jeremy in my opinion because he was a little too militant. I didn't like that. Jeremy had certain ideas on how sidewalks should be done, but the guy had a lot of expertise. He went on to become the coordinator I think in Seattle or San Francisco or something.

When you have people talk in front of you, could they say what their specific expertise is in sidewalks? You know, not just what their job is, but what experience they've had.

After Jeremy they had a few bike/ped coordinators come onboard who never even biked. I mean, how can you be the county's bike/ped coordinator if you don't get out on the roads and try them?

For years I have been trying to get the county to do Bike to Work Week. We used to do it and then somebody took over for a bike/ped coordinator and decided that the county was too dangerous to bike. Now, we're building bike paths -- seriously. We're building bike paths way out where nobody uses them. But the ones close in, Airport Road, you can't bike those things.

And the people, if you get out at 3:00 and 4:00 in the morning when people are going to work -- and sidewalks mostly should be to get to a destination. It's nice to be able to exercise, but you can get on a treadmill. The biggest joke is you go to the north county fitness center up at the park and they have a beautiful path, but there's people inside the nicest day of the year and they're doing the treadmill. Now you explain that to me, okay.

I don't see sidewalks -- you know, it's great to have a place to exercise out in the open, but we've got

plenty of those places. I think sidewalks should be a destination to get somewhere. And for some reason we've lost sight of that. Close in sidewalks should be improved because those are the ones being used. I'd say 10 times as many people use the Airport Road sidewalk as use the one on 951 and ever will. But why you're concentrating on building new stuff way out there, I have no idea, when you need a whole lot of maintenance close in.

So people that talk, I would like to know where their heads are at, where they've gotten their expertise. Did they take any courses in this? You know, do they get sent to training, anything like that. Please.

MR. BOSI: So noted. And we will ask each of the presenters to give their experience. And one of the things the Planning Commission regularly does is ask whatever witness to at least qualify their expertise within the individual matter.

I will say that what you do bring up in terms of the need within the -- you know, the more urbanized portion of Collier County, and in retrofitting some of those street systems with pedestrian pathways, highlights a need for and the difficulty if those requirements for sidewalks aren't present within development as they go forward. The ability to go back and retrofit and add sidewalks to the existing environment is that much more of a costly endeavor. And that's one of the reasons I think that we have new regulations that do require and have attention to a greater degree because of some of the past shortcomings of our regulatory environment that did not provide sidewalks on all these urbanized environments that would clearly have benefited from today.

But with that, I will transition over to Mr. Mike Sawyer, who I think has been hit a number of times riding his bike, and I think that qualifies him an expert.

COMMISSIONER CHRZANOWSKI: I remember two of those specifically. I saw one.

MR. SAWYER: Good morning, Commissioners. Mike Sawyer, Transportation Planning.

I've got a brief Power Point basically going over the information that you received. That's not the right one. Hang on.

CHAIRMAN STRAIN: That's Deborah's. Maybe she can do yours and you can do hers.

MR. SAWYER: I'm sure she'd do a better job on mine than I would on hers.

Okay, basically I'm just going to go over the information that you already received for the most part. Basically the section of the code that we're actually looking at is LDC Section 6.06.02. It includes other elements certainly other than just simply sidewalks.

Principally what we've got with the sidewalks in the section of the code, it says applicable to all developments in Collier County. Must be constructed within public and private right-of-way or easements. The construction is authorized by either a final subdivision plat, SDP Site Improvement Plan. Those are the applications where they're actually constructed as part of that infrastructure systems.

Sidewalks are required on both sides of arterial and collector roadways. At six feet on local and internal development access ways they're at five feet.

Sidewalks in public right-of-ways are required at six inches of concrete. Sidewalks on private right-of-ways are at four inches. They're all done to FDOT standards.

One of the things that I think we don't always take note of in the code, the code does allow alternative sidewalk designs, and those aren't -- we don't see a lot of those. So that might be one area that we want to try and encourage possibly more consideration of.

This is LDC appendix B. Basically this lays out the right-of-way designs that the county has recognized. Basically I just included those that you should have that, because they do in fact have sidewalks as part of them.

This is one thing that unfortunately I did not include originally with the packet of information that you got. It's the clear zone measurements that we've got, which is the recommended clear zone, or the distance between the pavement edge and the outside edge of the sidewalk.

And it's broken down by the type of roadway that it is, as well as speeds. As you can see, the minimum recommended is a minimum of one and a half feet.

We also have clear sight distances. These are required where you have an access point that is on a right-of-way. And basically it's a visibility triangle that says that you need to keep material -- you know,

plant materials at a certain height, and that you have clear visibility going in each direction.

And that's pretty much what I've got as far as our presentation. I'd be happy to answer any questions that might come up.

There was an awful lot of information that was included for you, and basically our intention with that was that you could refer to that information, kind of as a packet, as a snapshot of where the county is currently with our sidewalk regulations.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Mike, how long have you been biking to work?

MR. SAWYER: Stan, if I remember, I think I started probably about -- I'm guessing 10, 11 years ago. You were the inspiration, by the way.

COMMISSIONER CHRZANOWSKI: You've been hit two or three times?

MR. SAWYER: I think it was four total.

COMMISSIONER CHRZANOWSKI: I remember you walking around with broken arms at one time.

MR. SAWYER: Both of them, yes.

COMMISSIONER CHRZANOWSKI: So you have some exper-- do you ever go biking other than to work?

MR. SAWYER: Generally that's the only place that I really do a lot of biking. As a youth I used to bike all over the place when I was up north. But that was in a community where we basically had pathways going all over the place. It was much different than here.

Quite honestly, I'm not biking as much as I used to.

COMMISSIONER CHRZANOWSKI: Neither am I.

MR. SAWYER: Honestly, I was unfortunately finding myself getting rather angry when I was biking, just because I was having to stop at every intersection, which isn't a big deal. But quite honestly, the hand signals that I was receiving and the verbal communication that I was receiving, it kind of wore me down after a while, so I don't do it as often. And that's unfortunate.

COMMISSIONER CHRZANOWSKI: Mike was stopping at the intersections, because when you go north up Airport Road you're on the side facing traffic. The people come out of their driveways, they look left at the traffic, but they don't look right at the sidewalk.

And the one I did witness, you went in front of the guy and you should have gone behind him.

MR. SAWYER: I should have, you're more than correct.

COMMISSIONER CHRZANOWSKI: And ended up under the car.

MR. SAWYER: Right. Which brings up a point, it's not the drivers that are at fault, it's not the bicyclists that are at fault; we're all at fault.

COMMISSIONER CHRZANOWSKI: There's no sidewalk on the other side of the road.

MR. SAWYER: Well, exactly. You're right, part of it is the infrastructure that we've got and, you know, potentially the lack thereof.

I think it's a recognition that we don't always recognize each other and given ourselves enough time.

COMMISSIONER CHRZANOWSKI: Thank you.

CHAIRMAN STRAIN: Mike, you're -- I know you were in the planning department, now you're in transportation. We have the deviations come through periodically. In fact there was a project scheduled for right after this meeting, the first one up, 9.A, that asked for the deviation that we are discussing right now, to forego sidewalks, at least on one side of the street.

Who in the -- which department now reviews that deviation? Is it your department or is it over on the planning side?

MR. SAWYER: No, that's with transportation planning. Laurie Beard from our department actually does the principal reviews on those.

CHAIRMAN STRAIN: Can you, as you do those requests if they come in much in the future, hopefully they won't, but let's assume they do the basis for the deviation, it has to be justified by the applicant. And usually it's just ambiguous language that, well, we don't think they're needed or it's just not specific. In fact, one said it was too costly or they lose square footage.

I went back and did the calculations on how narrow our lots are. So when you've got a 26-foot wide lot for a townhouse you've only got 26 feet to put a sidewalk in on a quarter million dollar or plus building. The thousand dollars that the sidewalks cost is not an extensive cost. And I learned that after I checked out some of this justification that came to the Planning Commission.

The same goes for it takes up usable space because of the setback. As you know from a sidewalk if you have a front entry garage, we've got to be back 23 feet. Side entry is 15 feet or 10 or whatever they're coming up with.

So they were arguing that they're losing buildable square footage. But then if you look at the PUDs and the other flexibilities of having rear and side square footages, and the fact that most of them are only asking for minimum footprints that have -- are half of what the area they have to build in or less, none of that now seems justified. And we never looked at it before until the issue started being questioned when it started becoming more popular as it was in these last couple of examples.

But from now on when your department reviews these deviations and you send one to us, could you include more detail in the way the applicant is saying they justify it? If they say their buyers don't support it, I'd like to see that. Because we keep hearing that, but I don't know anywhere, and I've never talked to anybody in this community, and I've been here 40 years, and I have to listen to my wife all the time, "Why don't we have sidewalks?" That's what I hear more than I want to get this sidewalk out of my front yard. I've not heard anybody say that, I've heard just the opposite.

So I'm not -- I think we could take a closer look at the justifications and determine if they're really justified. And that would help us a lot from our level, knowing staff has done that review a little bit tighter than we have in the past.

And that also takes me to the clear zone issue. You remember Vanderbilt Beach Road going out to Olde Florida Golf Club and the arguments we got into with them about having a clear zone between the sidewalk and the curb, and we finally ended up with one. But until then the clear zone was never much of a discussion.

The sidewalks that are going in, and I noticed the footage is somewhere from one and three-quarter for 25 mile or less, but it's even up to four feet I guess on the other ones. Are we really getting that clear zone? I mean, so are we -- or is it being deviated from?

Because it just doesn't strike me when I drive down these roads we've got that much distance. It seems a lot less. And I'm wondering, if that's the rule, how are we -- if they're not asking for a deviation from it, how are they not installing it that way?

MR. SAWYER: Yeah, just for clarification, the clear zone is from the green book from FDOT. And quite honestly, I don't believe that we've been looking at that as clearly or as regularly as we should be, quite honestly.

Also, as far as the deviations moving forward with sidewalks, we are going to be looking at those more closely. And when we are -- you know, assuming that on some of them we'll be recommending, you know, approval of those deviations, we're going to want to make sure that we've got good justification for it and make that clear as far as what goes into the staff report that comes to you.

CHAIRMAN STRAIN: And I think after Argo Manatee and the way it was discussed at the board, from my understanding of their discussion, they have established that the sidewalks on both sides of the street, especially in the double loaded streets, are warranted. And so I think it does justify looking much more closely at these deviation requests in situations like that, so --

MR. SAWYER: We're very much in agreement.

CHAIRMAN STRAIN: Thank you, sir, appreciate it.

And what I was hoping, we'd get the county staff or department speakers first and then we'll go to the private organizations that are here to add any comments that they'd like to have. So --

MR. SAWYER: I believe we've got Pam Lulich, also from transportation, and we have our CAT people here as well.

CHAIRMAN STRAIN: And I see Trinity is there. Trinity, did you want to -- you moved up front for some reason, or is that just to support Mike?

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

I just came up to talk a little bit about the clear zone. Florida Green Book is applicable to public streets and the clear zone is measured from the edge of the travel lane to the edge of the sidewalk. So if there's a bike lane within the project or a paved shoulder, that would count toward your clear zone as well. So it is from the edge of the travel lane to the edge of the sidewalk.

CHAIRMAN STRAIN: What about valley gutter? Because a lot of times they take an additional width of the travel lane by saying they got a valley gutter which is really about a two-foot flat area of concrete which you show in this picture. Is the valley gutter part of the clear zone?

MS. SCOTT: I would not count that as part of the clear zone. And the reason that we have the two pictures up here is that the bottom picture seems to happen a lot for us here on our private roads, which is the valley gutter with the sidewalk with no clear zone in between. And they're probably counting that valley gutter as their clear zone in that particular picture that we showed. And this was not a picture from here, this was a picture we pulled off the Internet.

And what that does, I wouldn't allow that through a right-of-way permit for a public roadway, but on a private roadway what happens many times, and I know Stan dealt with this many times when we were going through site development reviews, is folks park on them and then they can't be used for the actual purpose.

CHAIRMAN STRAIN: Well, my concern, understanding this from the Planning Commission's perspective, we're tasked with enforcing the Land Development Code. And for those instances where someone wants to deviate from the code, they've got to ask for a deviation. So what I'm trying to understand is does our code endorse the table you have here? You said it was from the FDOT Green Book.

So from our codes perspective, what would be the clear zones that we would be enforcing?

MS. SCOTT: We require all of our sidewalks be built to FDOT standards. So the Green Book would be applicable and clear zone would be applicable. I don't know if in the past if that cross-section that's provided has been reviewed for that. As you know, as this whole Planning Commission knows, our department's fairly new as far as having all of our folks together.

Previously when Stan was at the county sidewalk reviews were separated between internal and external. That's since come all together and it does fall under my department as far as from the zoning and conditional use, so we will make sure that we're looking at all the deviations more closely and provide more staff input as well.

CHAIRMAN STRAIN: Thank you, I appreciate that. Stan?

COMMISSIONER CHRZANOWSKI: Trinity?

MS. SCOTT: Yes?

COMMISSIONER CHRZANOWSKI: Do you bike around Collier County?

MS. SCOTT: I do. I do. And --

COMMISSIONER CHRZANOWSKI: Where?

MS. SCOTT: -- actually I bike from Golden Gate City over to the offices over on Horseshoe.

COMMISSIONER CHRZANOWSKI: How often do you do that?

MS. SCOTT: Not as often as I used to.

COMMISSIONER CHRZANOWSKI: Which way do you go?

MS. SCOTT: Golden Gate Parkway.

COMMISSIONER CHRZANOWSKI: Yeah. When I used to do it, I used to have to come in Radio Road because Golden Gate Parkway wasn't as pretty.

MS. SCOTT: Yes.

COMMISSIONER CHRZANOWSKI: It's a lot more dangerous.

MS. SCOTT: Golden Gate Parkway now is not as bad as it used to be. And I -- when I started biking to work was actually on Golden Gate Parkway, it was under construction. Stan was nice enough to let me in that building over there so I could shower before work. But now I don't have the pleasure of being able to do it as often as I'd like.

COMMISSIONER CHRZANOWSKI: What's your expertise with sidewalks?

MS. SCOTT: I was a sidewalks pathways -- the bike/ped project manager for several years here at the county, and probably arguably built most of the sidewalks and all that. So I did various trainings through

the years.

While I was doing that with FDOT in federal highway, and then dealing quite a lot with ADA accessible routes with Collier Area Transit and helping folks be able to maneuver the system.

CHAIRMAN STRAIN: While -- you just mentioned ADA. Does a valley gutter meet the requirements for ADA as far as crossing it?

MS. SCOTT: Everything that I could find said no because of the running slope. And I went to Federal Highway Administration --

CHAIRMAN STRAIN: I agree with you.

MS. SCOTT: -- to try to find if there was a way to build it in a different manner, and everything that I could find said no, that it causes wheel -- it's for wheelchair accessibility, it causes wheelchairs for the slope down to tip forward and on the way up the valley gutter to tip backwards. I'm not standing up here telling you that I'm a P.E. either, so --

COMMISSIONER CHRZANOWSKI: There is a way to do it. You have to widen the valley gutter at the handicap ramp, because the two-foot wide valley gutter inch and a half deep has a certain slope to it. When you make it like three feet or four feet wide, the slope changes, which is what meets ADA.

CHAIRMAN STRAIN: That's what I was --

COMMISSIONER CHRZANOWSKI: So yeah, there's a standard out there for it.

MS. SCOTT: For a curb ramp, yes. I was -- and I was assuming. I was assuming that you're kind of going if you build a sidewalk on one side of the road. I don't think that they would modify that valley gutter the entire way, but yes, that curb ramp certainly would make it work.

COMMISSIONER CHRZANOWSKI: Which is the only place you really need it if you're dealing with handicap situations.

MS. SCOTT: Potentially.

CHAIRMAN STRAIN: My question originated from the fact some projects that come through arguing they could do it on one side and that they would have numerous crosswalks for people who live on the opposite side to get across to the one crosswalk. And then that spurred the concern that I saw as far as ADA accessibility with a valley gutter that had slopes that were typical to valley gutters, so that's what the question was about and I appreciate your input. Thank you.

Staff members in the county who would like to come up and express their position of their department, I'd sure like to hear it.

Hi, Pam.

MS. LULICH: Hi, good morning. Good morning, Commissioners. My name is Pam Lulich, I'm a landscape architect. I'm the Landscape Operations Manager within the Road Maintenance Division.

I'm just here to answer any questions you may have about trees. I think subconsciously I dressed like one this morning, knowing I would be here.

But we do have canopy trees planted along Livingston Road. Basically there is a direct relationship between the size of the canopy and the amount of soil. For a 16-inch caliper tree you basically need 1,000 cubic yards of soil. So when planting sidewalks and trees together, it's important to place the trees where there's sufficient soil.

We maintain the trees in Collier County within the right-of-ways, we trim for a 10-foot clearance over the sidewalks, and basically run 16 feet over the arterial roadway. So we're constantly trimming.

And also when you're planting a tree it's important to look at power lines. If you have overhead power lines, then there are -- there are pamphlets that we refer to, Right Tree, Right Place, so we don't -- we would typically -- you know, we would never put a canopy tree under a power line. We would put something much smaller. And so this is what we look for when we're designing roadways.

And I was asked just to come here and answer questions, if you should have any, regarding trees.

CHAIRMAN STRAIN: Stan? This is a good subject for you today.

COMMISSIONER CHRZANOWSKI: I love this.

Airport Road from Golden Gate to Pine Ridge, the sidewalks on the west side, the trees are in the middle and the lights are on the east side so that the trees shade the sidewalk from the lights. And at night when you come to work at 6:00 in the morning in the winter, it's very dark.

Anything can be done about that?

MS. LULICH: We get a lot of requests from traffic operations to trim trees. When it's within the right-of-way we do it immediately, we take care of it.

Recently we've received several requests on Pine Ridge Road, also on Vanderbilt Beach Road, and we're reaching out to the homeowners, the associations, to trim those trees that are on their property.

So yes, there's something we can do. I mean, there's Florida statutes that FP&L follow, which gives them the right to trim along the power lines. So we're looking at the different statutes, we prefer calling them and meeting with them and asking them to do some selective pruning to make it more visible. But yes, Stan, I'll look into that.

COMMISSIONER CHRZANOWSKI: Do you bike in Collier County at all?

MS. LULICH: No, but I walk the medians. Does that count? I mean, I know exactly what you're talking about and where the problems are, because we're in the middle of the roadway all the time.

COMMISSIONER CHRZANOWSKI: Do you bike at all?

MS. LULICH: Not really, no.

COMMISSIONER CHRZANOWSKI: You should.

MS. LULICH: Thank you, we'll have to go sometime.

COMMISSIONER CHRZANOWSKI: It gives you a different perspective when you're looking at the car from that end.

MS. LULICH: Yeah, I'm sure it's a lot quicker than walking, so --

COMMISSIONER EBERT: I have a question for you, Pam.

MS. LULICH: Okay.

COMMISSIONER EBERT: Do you use root barriers in the medians in the center?

MS. LULICH: No, we don't. No, we don't.

COMMISSIONER EBERT: So some of this can cause problems with the -- depending upon the canopy tree that's put in there?

MS. LULICH: Well, we have -- okay, before we put trees in we coordinate the placement of the trees. Well, first we follow the FDOT standards which take the sidelines into account as well as, you know, the trimming, some things that Mike had talked about.

But we then look at the utilities manual, and utilities requires a 15-foot offset for canopy trees. It's impossible for us to reach that. So we'll put -- you know, we have to see what's underground first. If there's a utility, we will not be placing a canopy tree on top of it. We'll put like a ligustrum or a jatropa or a small palm that -- at a closer offset, maybe five feet. But we won't put an oak tree, for instance.

So we look at those two standards. We look at FDOT and then we coordinate with our own utilities department before we place anything in the ground. It's really important, because we don't want to cause them any damage or any additional work. So it's a lot of internal coordination before we start landscaping.

And that's why it's important that, you know, when you put a sidewalk in and you want to put trees in, that you plan it in advance, you know, the whole design becomes more sustainable. You look at the soil, you look at the roots, and there's lots of different details for addressing the issue of roots. Uplifting sidewalks.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Pam, I've got one question for you. I've been working with planning staff on different applications that are trying to modify setbacks, and the green space is getting narrower and narrower. I also have learned through Dan Smith, as example, Dan's one of our landscape reviewers, or he was, he's one of our planners now.

There were some projects that have had problems with roots between when they're placing trees between the sidewalks and the curb. As we've heard testimony, the clear space can be small, especially if you're taking up not all of it with grass but with some kind of hard surface.

Are there species of trees that can be planted in those areas that minimize the amount of rework someone has to do 16, 15, 20 years down the road?

I know for a fact there's a project in town on the north end that had some beautiful oak trees in that clear space along their roadways, shading the sidewalks. The speed limit was 25 or less. It wasn't a lot of clear space there. But when the project first went in, the oaks were nice skinny little trees and then they grow

and now their roots are taking out some of the sidewalks. So the HOA is saddled with having to deal with it.

MS. LULICH: Right.

CHAIRMAN STRAIN: Are there species that aren't as aggressive with their roots that we could recommend but still provide the canopy coverage that so many people need to walk on side -- to use the sidewalks? Because without the trees, sidewalks aren't as practical.

MS. LULICH: You have to look at the sidewalk and how the sidewalk is detailed.

The canopy tree, I mean if you have a large canopy tree, you have to have a root system to support that. So you have to have the soil space, you almost have to plan for the root growth. So either you place that tree further away from the sidewalk -- and I know space is limited, but each -- I guess now that everything is in you would have to look at each site and design for the correction. I mean, if it's lifting up a sidewalk, perhaps you forego part of that sidewalk or you redirect the sidewalk or you look at a different sidewalk material, a crushed shell. Compaction is an issue too.

In the northeast I worked for the parks department years ago, and when we did -- and I also designed sidewalks in New York. But we -- first we started with -- compaction was an issue. We looked at continuous tree pits to get that soil volume. So that was one thing we considered. So we looked at the way the tree grows, how it will grow in 10 years, 20 years.

And then recently, I haven't done this, I haven't designed this myself, but in Washington there's a landscape architect, his name is James Urban, and he has built these silva cells which are like metal cells where you can put this under sidewalks and then the roots -- and then fill it with soil and the roots can grow within these cells. So that's one way to address this volume, this soil volume.

We could look at different surfaces. You know, it's interesting, I mean, the roots, you want the canopy, but you have to consider the roots.

CHAIRMAN STRAIN: Has anybody looked at the material the sidewalks are made of? Maybe if we use a material that doesn't crack like concrete that has more flexibility, is any of that nationally being done? We had a memo from a gentleman today who talked about some type of asphalt that softens the impact of walking. Well, I was on a sidewalk in a park that was made of recycled tires, and it was real nice to walk on.

Is that practical for applications in general?

MS. LULICH: From what I've read here, from what I've read, okay, the four-inch will crack, there's no subbase to it. It's probably on sand. If you have a six-inch sidewalk with aggregate underneath, the roots will grow under the aggregate, the six-inch. So you have a thicker base for the roots to grow.

For asphalt, asphalt will crack. And Travis is here, Travis Gossard with the road maintenance department is here, he can talk about some of the issues with maintenance. But that asphalt will crack and it does need to be, you know, maintained.

There's crushed shell. There is porous asphalt; I've never used that. There's porous pavements. And so all of this, you know, is very sustainable and could be used and addresses the issue of compaction of the roots. So those -- I mean, I guess if there's some design flexibility, you know, then that would be beneficial for the placement of trees and the sustainability of the trees.

CHAIRMAN STRAIN: I noticed based on some of the literature we got we'll probably hear a little bit more about that today. So hopefully we'll get some more input. Thank you.

MS. LULICH: You're welcome. Thank you.

COMMISSIONER CHRZANOWSKI: Pam?

MS. LULICH: Yes.

COMMISSIONER CHRZANOWSKI: The Oaks Boulevard sidewalk, Travis may want to talk about it, it's asphalt. I see a lot of bikers and walkers on there. Walkers seem to appreciate asphalt more than concrete. I know the runners do, because it is a lot softer. It doesn't feel like it when you go down, but it is a lot softer.

MS. LULICH: I've designed multi-use paths that are 10 foot, eight to 10 feet, and those are asphalt and those are widely used and really popular. It's just -- I think there's a place for the asphalt and, you know, communities should be able to have that flexibility, I think.

COMMISSIONER CHRZANOWSKI: The one at the north county park works nice. But I'd like to

know from Travis how often he maintains the Oaks Boulevard sidewalk.

MR. GOSSARD: Good morning, Commissioners, Travis Gossard, I'm your Division Director for the Road Maintenance Department, and Pam falls under our purview. And I'm here, I'll do the best I can to answer some questions.

We're doing an annual sidewalk survey or pathway survey once a year. I don't have specifics on Oaks, Stan. I can tell you based on what we're spending annually countywide for sidewalk, bike path maintenance and repair, and that's anywhere between 6 to 700,000 a year. And that's countywide.

Out of that, our best estimate, and I don't have hard facts for you, we're going to try to come up with a type of button in our asset management program system that will let us know when it's actually root damage. But right now our number is about 30 percent of the repairs countywide are caused by tree root damage. And some of our hotspots specifically is Vineyards Boulevard, Pelican Bay, areas like that where we've got some of the larger trees right next to the edge of the sidewalk or bike path.

CHAIRMAN STRAIN: Isn't it ironic, those are some of the nicest parts of the county too.

MR. GOSSARD: They're beautiful.

CHAIRMAN STRAIN: Yeah, that's -- well, okay.

MR. GOSSARD: And so we were talking about the Biobarrier, the root barrier. We did try, we had a major project in there, Stan was aware of it, probably about 12 years ago inside Pelican Bay where we actually trenched along the sides of the bike paths and walkways there and put in an item called Biobarrier. We did not really receive a great review from that and didn't see much of an improvement. It seemed like they were either going under -- the roots were either going underneath it or over top of it. And again, that could have been installation problems, but it was very, very non cost effective to install it after the fact, and we have not seen a great result from it.

CHAIRMAN STRAIN: Thank you.

Go ahead, Diane?

COMMISSIONER EBERT: Yes. Travis, I have a question for you.

On the multi-use path, I believe when they were going to put one in on the Cocohatchee canal on Immokalee Road that they said from transportation that if it is eight feet wide, at least eight feet, that's where the cost savings comes in with the asphalt. It's easier to repair this type compared to cement. And if -- to me now if there are tree roots, wouldn't it be better if it were asphalt, if it's a lot less to repair? Because mainly you're right, runners, Stan, do not like cement at all.

And the commute -- people's ideas are changing, too. They're much more mobile now, and they're going out and riding bikes and walking.

I'm just going to ask you, is there -- would it be easier for the county to put in asphalt if they're at least eight feet wide?

MR. GOSSARD: I think you -- that's a very complex question. People say it's easier to maintain. We've read directives on asphalt versus concrete, how long does asphalt last versus how long does concrete last, what thicknesses.

What we've seen is vegetation will grow in asphalt. You've seen new asphalt placed and you see grass growing right through it. There's so many different issues there. I've watched it where the grass has actually pushed up the asphalt near the edge of curb but it didn't touch the concrete curb. So I think there's so many variables there that I couldn't give you a definite answer to say that it's better to use asphalt than it is concrete.

I can tell you that it's cheaper to use asphalt in the installation phase than it is concrete. But overall maintenance, once you start repairing asphalt, there's a process that needs to be performed to make that a smooth transition at every repair.

So if you start getting this what we call patching every 100 feet where the asphalt has failed, that's going to be undesirable as far as I'm concerned for bikers and walkers because you're going to have that joint at every section.

And then you've got basically the same item on the concrete, every saw cut when you're riding a bike, they feel that. That's a thump at every saw cut.

So what we've been doing is trying to fall back, we've been dealing with Joe Bonness, the bikeway

pathways coalition, and getting out and doing extra sweeping cycles and letting them kind of direct us of what they want to see when we're overlaying roads, the striping program. So we're trying to get involved with the community when we look at that, but that really falls to the construction side of the house.

COMMISSIONER EBERT: Thank you.

MR. GOSSARD: You're welcome.

CHAIRMAN STRAIN: Thank you, sir.

And to get a better handle on the timing today, how many people are here that will want to speak yet on sidewalks, please raise your hand. One, two, three, four, five, six, seven, eight, nine, 10, 11, 12.

Okay, the reason I asked is I know a lot of you are here unexpectedly on our part at least when we schedule this from Briarwood. We have previously heard Briarwood once and the turnout was minuscule compared to what's here today. I'm trying not to keep you people waiting too long, so what I'm going to ask, with the indulgence of this panel, I know some of you have time sensitive issues, and we generally take an hour break for lunch. I had expected the issue of sidewalks to last one to two hours, and we've already gone an hour, we have about 12 people left. So I would probably expect the remaining hour is going to be used to get through at least some of those people.

You might want to change the order of appearance today, since county employees have an ability to stay here longer than some private members do.

And so what I'd like to suggest with this panel's approval, or if you think there's a better idea, we go through another hour of sidewalk discussion, we listen to the private sector folks, and then for those members of county staff that can stay later we go into Briarwood at 11:00 and then we're going to have to take our lunch like we normally do, then come back and work on Briarwood and finish up sidewalks.

That kind of messes up the order of the day. Briarwood's turned out to be a bigger issue than it started out to be and it's unexpected, but I don't want to inconvenience as many people as it seems to be with what we've got in front of us today.

What does the rest of the board think of that scenario?

COMMISSIONER EBERT: That's fine.

CHAIRMAN STRAIN: Everybody? Anybody?

(No response.)

CHAIRMAN STRAIN: Okay. And I apologize to the sidewalk staff members who may be put off a little bit on this, but I would like to hear from the private sector groups that are here especially for this today now. And then at 11:00 we will start Briarwood, no matter where we are with the sidewalks at that point. So I'm just letting you all know, in one hour we will start Briarwood. We won't start before 11:00, but I can tell you we'll start at 11:00.

So if any of you want to take a break and wander around or continue listening to this discussion, you're more than welcome to. At least it will give you some possibility there.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: We're still going to break at 10:30 for Cherie'?

CHAIRMAN STRAIN: Yes, we're going to take a short break at 10:30 and then we'll see what we'll do after that.

Okay, with that, Michelle, since -- Mike, how many speakers do you have listed?

MR. BOSI: Chair, we have four submitted slips, but obviously I think there were more people who --

CHAIRMAN STRAIN: Well, the four submitted slips are probably from the organizations that are registered. And then the others are members of the public. The registered speakers will take a little longer, and I expected that. And that's the route we may go.

But Michelle, did you have a presentation of a --

MS. ARNOLD: I did, but you know what, it didn't save to the i-drive like I wanted to, so I'll come back and show that to you.

CHAIRMAN STRAIN: That would be great, if you don't mind. And I'm sorry for the inconvenience, we do want to hear what you've got to say, Michelle.

Okay, with that I would like to go into the public speakers first who have signed up for this subject. And Mike, would you mind reading off their names in the order that you have them.

MR. BOSI: The first would be Stacy Revay with the Blue Zone project.

CHAIRMAN STRAIN: Are you looking for your slide?

MS. REVAY: Yeah.

CHAIRMAN STRAIN: Oh, there it is right there.

By the way, your information was interesting. Thank you for the stuff in the packet. Lot of reading.

MS. REVAY: Sorry. Trying to get this to the slide show.

Hi, good morning. Good morning, Commissioners. Stacy Revay, Blue Zones Project of Southwest Florida.

First and foremost, I want to thank you for inviting everyone here today to speak about our built environment, sidewalk, sidewalk construction, landscape, anything that impedes sidewalks, walkability, bike-ability, and most importantly safety.

I was hoping to go very last after everybody, Naples Pathways Coalition, Safe Route to School and Health Department. So each and every one of the entities that have spoken or will speak today have been doing a tremendous job forging this effort in making our community safer and healthier.

The Blue Zones Project is here to coordinate with all these entities, ultimately bring one collaborate effort in promoting a healthier community.

The Blue Zones Project is a community well-being initiative designed to make healthy choices easier for the community through changes in the environment, policy and social networks. By helping people live longer, better through behavior change, communities can lower healthcare costs, improve productivity, and boost national recognition as a great place to live, work and play.

Today there are about 27 U.S. communities that are engaged in the Blue Zones Project. There are six sectors that make up the Blue Zones Project. These sectors can participate by pledging to make changes that will create healthier environments for customers, employers, students and community residents by choice.

The Blue Zones Project team will provide a list of suggestions for groups to choose from and help get them started.

Community policy is broken into three subsection, one of them being built environment. The term built environment refers to human made surroundings that provide the setting for human activity ranging in scale from buildings and parks or green space to neighborhoods and cities that can often include their supporting infrastructure such as water supply or energy networks. The built environment is a material, spatial and cultural product of human labor that combines physical elements and energy in forms for living, working and playing.

As you have heard today, infrastructure design, sidewalk development and construction can increase active living and healthy eating, provides connectivity amongst neighborhood schools, parks and shopping, increases multimodal transportation options, and preserves green space for children to play and wildlife to thrive.

Two more definitions encompass public health and neighborhood design when optimizing built environment. In public health built environment refers to physical environments that are designed with health and wellness as integral parts of the communities. Research has indicated that the way neighborhoods are created can affect both the physical activity and mental health of the community's residents. Studies have shown that built environments that were expressly designed to improve physical activity are linked to higher rates of physical activity.

Neighborhoods with more walkability had lower rates of obesity as well as increased physical activity among its residents. This is by Carlson, Gardner and Rogers.

They also had lower rates of depression, higher social capital and less alcohol abuse. Walkability features in these neighborhoods include safety, sidewalk construction, as well as destinations in which to walk.

In addition, the perception of a walkable neighborhood, one that is perceived to have good sidewalks and connectivity, is correlated with higher rates of physical activity.

I provided some info graphics on optimizing the built environment through Parks and Recreation and

promoting physical activity as well as transportation. I'm sorry a few of these are a little bit hard to read.

First one, property values. Homes near parks can sell for up to \$2,000 more than homes without parks nearby.

Trails: A study in Nebraska found that for every dollar spent on trails there was almost \$3.00 in savings in direct medical costs.

Sidewalks: People who live in neighborhoods with sidewalks are 47 percent more likely to be active at least 30 minutes a day.

Public transportation: Public transit users take 30 percent more steps per day than people who rely on cars.

The role of communities: Sidewalks and crosswalks. In five states: Florida, Mississippi, Texas, Washington and Wisconsin, walking and biking to school increased by 37 percent after sidewalks and crosswalks were improved.

I have to read this one up here.

Walking school bus in Houston. The number of children walking or biking to school increased by 125 percent after walking school buses began.

Walkable communities: People who live in walkable neighborhoods are two times as likely to get enough physical activity as those who do not.

Joint use: The number of children who are physically active outside is 84 percent higher when school yards are kept open for public play.

And trails again: People live near trails are 50 percent more likely to meet physical activity guidelines.

As you can see, our built environment can directly affect the amount of physical activity our community residents and children participate in daily.

The role of the Blue Zones Project: The role of the Blue Zones Project in the built environment sub-committee is to provide a synergistic approach for allocation of resources, collaboration, choices and tools to local governmental agencies, organizations and private entities alike in order to increase active transportation through walking, biking, public transportation; increase their well-being of a community through encouraging the built environment to take shape through the goals, policies and objectives within the Land Development Code and the Growth Management Plan; support ongoing community efforts in the way of walkability, bike-ability and liveability through the Naples Pathway Coalition, the Metropolitan Planning Organization, the Community Traffic Safety Team, the Pathways Advisory Committee and Safe Route to School Program.

In conclusion, this is a project to improve the health and well-being of generations to come. I agree with what my colleagues will say before me, and I believe we have the responsibility to our youth and our community to do the right thing in constructing safe and walkable neighborhoods.

Thank you for allowing us this opportunity.

CHAIRMAN STRAIN: So if your colleagues say something outrageous, you've already pre-agreed to it, right?

MS. REVAY: I'm pretty sure I'm astute to what they're about to tell you.

CHAIRMAN STRAIN: Deborah (sic), you have been involved with the county -- Stacy, I'm sorry -- a long time, at least before I even got there. You know the way the operation is. You know how we interact and how -- do you have opportunities to see some of these projects, and involve yourself still? I mean, you were really involved because you were at the pre-app meetings, but --

MS. REVAY: Yes.

CHAIRMAN STRAIN: -- that doesn't happen anymore.

MS. REVAY: Yes. So just a little bit of history. I worked for the Florida Department of Health in Collier County as a Healthy Communities Coordinator, and I did chair Healthy Communities Coalition. And then from there the last two years I was the bicycle pedestrian coordinator or transportation --

CHAIRMAN STRAIN: Talk a little slower.

MS. REVAY: I'm sorry.

CHAIRMAN STRAIN: Just out of the corner of my eye I can see her typing as fast as ever.

MS. REVAY: Sorry. I'm running in my mind, but I'm walking slowly on the sidewalk.

Yeah, so the Healthy Communities Coalition, I did chair that coalition. And in the last two years I had the opportunity of working with a lot of you lovely folks at the county as the Bicycle/Pedestrian Coordinator or Transportation Planning Project Manager.

CHAIRMAN STRAIN: Have Blue Zones -- the graphic you showed with the percentages and the effectiveness is something I had wanted to see, and I'm glad that you produced it.

MS. REVAY: I can get you a copy, I think.

CHAIRMAN STRAIN: The benefits of that, have you -- has the Blue Zone requested support from the Board of County Commissioners for various interactions that would affect our Land Development Code and things like that, or have you not got to that point yet?

MS. REVAY: At this point we have a steering committee. The steering committee is a committee that's made up of -- there is one commissioner, the city mayor, the city manager and some different folks, and we are looking at -- we have a report or a blueprint that is sort of I guess paving the way in a sense. It's definitely malleable for kind of some different things and opportunities that we have as far as built environment goes.

CHAIRMAN STRAIN: Because if we can institute anything that we can do kind of in stride --

MS. REVAY: Absolutely.

CHAIRMAN STRAIN: -- that is simple enough to just put in terms so that when we produce something we reap some of those benefits, that would be much, much better than what we're doing now.

MS. REVAY: That's exactly what the plan is and shows.

CHAIRMAN STRAIN: Thank you. And I would like a copy of that, if you don't mind.

MS. REVAY: Sure. Absolutely. Thank you.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Why don't we do Bike to Work Week or Bike to Work Day every May like the rest of the civilized world?

MS. REVAY: I don't know, you were asking me that for two years.

COMMISSIONER CHRZANOWSKI: And five years ago when you worked with me, yes.

MS. REVAY: Yes, yes.

I would say that it probably depends on which governmental entity is promoting that. You know, sometimes like from the Health Department angle, if they were to promote Bike to Work they feel that maybe they're not able to do that in a way because infrastructure might not allow safe route, or -- if that answers --

COMMISSIONER CHRZANOWSKI: But you're saying it's too dangerous. New York City does Bike to Work Week. San Francisco does Bike to Work Week. I mean --

MS. REVAY: I'm saying that I think that -- one thing that Mike Sawyer had said is that it's not one fault of the driver, it's not the blame game, it's not it's the driver's fault or the bicyclist or the pedestrian. It sort of needs to be a collaborative effort and education towards everybody sharing the road. I know that's sort of a buzz phrase, but really, sharing the roadway.

So if people can become more aware of their surroundings, whether I'm walking I need to be more aware of cars or cars being more aware of pedestrians and cyclists, then -- I think that we lack that maybe as a culture here.

COMMISSIONER CHRZANOWSKI: About 25 years ago we used to do Bike to Work Week. They used to hand out T shirts. The T shirts were very bright. There were large groups of people biking so that it caught your attention. And now it's too dangerous to do that? That's what I'm hearing?

MS. REVAY: Well, it is interesting actually what you're saying, because probably then there maybe weren't as many facilities. But I think that it can be on the dangerous side, and I don't think anybody wants to be responsible for someone getting --

COMMISSIONER CHRZANOWSKI: So now that we have more bike facilities we don't do Bike to Work Week. Okay, not a problem.

CHAIRMAN STRAIN: But -- now, just for the context of this meeting, we had set this up to focus on sidewalks. And I knew bikes are an issue, but it's an issue far more intense than the one on sidewalks, and there's a lot of people that are passionate about it, including myself in an opposite direction of Stan's.

So I would hope that we don't spend a lot of time on bike paths and we work on the purpose of the meeting which is sidewalks. So I'd like to get back on that, because we do have limited time. And I want to make sure we hit that as comprehensively as we can.

MS. REVAY: And Stan, I know you had asked for a background. I do have a Bachelor of Science in Community Health and Public Health, and my Master's is Public Administration with a focus in Urban Planning and Environmental Policy. So that would be my education and background. And working in this realm. I am from Oregon, but I've been here about 10 years now, so --

COMMISSIONER CHRZANOWSKI: And you bike around Collier County?

MS. REVAY: Yes. I live in Lee County, but I also bike in Lee County.

COMMISSIONER ROMAN: I have a question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: Have you done any research or are you aware of communities that are employing sidewalks that benefit some of our elderly community that have mobility devices or some of our disabled members of the community? And are there special design characteristics that are more important for a sidewalk?

MS. REVAY: I have not done any research on that, but I can get some information. AARP is one of the organizations that is looking at basically aging in place or how to create a walkable bike-able and livable community so people can grow old within their community. And those are very important points that you're --

COMMISSIONER ROMAN: Because I'm seeing more personal mobility devices. Not a bike, and they're not walking. You know, they're scooters or whatever the case may be to assist them.

MS. REVAY: Right, right.

COMMISSIONER ROMAN: Thank you.

MS. REVAY: Good question, thank you.

CHAIRMAN STRAIN: Okay, thank you, Stacy.

Mike, next speaker?

MR. BOSI: Next speaker is Jane Cheffy.

MS. CHEFFY: Can I hand these out?

CHAIRMAN STRAIN: Absolutely, Jane, thank you. You need one for the court reporter too.

MS. CHEFFY: I only have 12.

CHAIRMAN STRAIN: Well, the County Attorney's Office can share one, and so can I and somebody else. I do most of my stuff electronically anyway.

You've got plenty.

MS. CHEFFY: Do have -- hi. Thank you, I'm Jane Cheffy, I'm the president of Naples Pathway Coalition, and I've been living in Collier County for about 31 years. I love it here, wouldn't live anywhere else.

And I'm here really to talk about the safety aspect of sidewalks and to address the issue of why we might need sidewalks on both sides of the street when we have a double loaded as you call it community.

What we know statistically is that about 4,500 pedestrians are killed by cars each year in this country. And we also know that the State of Florida is number one in pedestrian deaths by car in all the states. So that's a really bad statistic. And we really do need to keep safety in mind when we're talking about sidewalks.

Many of these pedestrians are killed while walking along the roadway. And according to the Federal Highway Administration, providing walkways that are separate from the roadway could help to prevent up to 88 percent of these walking along the roadway crashes.

Sidewalks then are the preferred accommodation for pedestrians. Sidewalks provide many benefits, including safety, mobility and healthier communities.

I'd like you to look at the chart that I put up there. This chart is prepared from statistics from the federal highway administration. And it demonstrates -- it demonstrates that when there are no sidewalks you are 2.6 times at more risk of being hit by a car than if there are sidewalks on both sides of the street.

In the middle ground there an interesting statistic shows that if there is one sidewalk on the street but not on the other, there's a great reduction in the risk of being hit by a car, but still there is a 1.2 times greater

risk of being hit by a car than if you have sidewalks on both sides of the street.

And while that margin -- when you look at that middle column as opposed to the left-hand column, that doesn't look like a big amount. If your child or your elderly parent falls within that little statistical part that is a greater risk, you will consider that to be very significant.

And Mr. Chrzanowski -- am I saying that right? Am I close?

COMMISSIONER CHRZANOWSKI: That's close enough, yeah, I know who you're talking about.

CHAIRMAN STRAIN: Stan is the easiest way to say it, yeah.

MS. CHEFFY: Stan, you've been talking a lot about bicycles when we're talking about sidewalks, but there's a really big connection. Because our service workers, our commuters are riding on our sidewalks to get to work. And while in these new developments that's a whole other issue, and I'm just going to real quickly segue into what you mentioned. What you mentioned is so valid in that if we have sidewalks on only one side of a roadway such as Airport, which I'm not saying that's the way it is, but any of these roadways, if we have them on one side, then if you have to travel against traffic, once again you're in that situation where the car is looking left but yet you're coming up on the right. And if you're the service worker riding your bike at night, often in black coming home at midnight, 1:00, you're going to get hit by the car.

So, I mean, I thought that that was a very interesting thing that you pointed out about your friend who got hit riding on the sidewalk.

The next slide that I have is taken from the Green Book of Standards for Local Urban Streets. And this was prepared by the American Association of State Highway and Traffic Officials, or ASHTO.

Now, their conclusion in their materials is that sidewalks are desirable on both sides of the street. But they will allow as how you at least need to have one on each street in a residential community. But the key there is it's desirable to have the sidewalks on both sides of the street.

So when we're looking at a situation here as we are in the future with these new developments of basically raw land, it could be created almost anyway that would fit within the zoning constrictions, and we have an opportunity here to follow the Land Development Code which requires sidewalks on both sides of the street when it's a double loaded street, then why would we want to opt for something less than what is desirable? Why would we want to grant these deviations? I think we need to keep in mind that while I'm not an expert, other experts are saying that it's desirable to have them on both sides of the sidewalk.

So if we're talking about retrofitting a street, something that's already built and they didn't put sidewalks in and then we know that the taxpayer has to cough up a whole lot of money because retrofitting sidewalks is very, very expensive, then I can understand why ASHTO is saying that well, maybe just one side of the street is okay. Under those circumstances it's certainly better than having no sidewalk at all.

But I guess what I'm saying here is that we do already have the Land Development Code. It does already call for sidewalks on both sides of the street.

And we see on that first slide that I showed you that if your risk of being hit by a car is reduced by even 20 percent because of the two sets of sidewalks, why wouldn't we go along with that? I mean, it's only logical that we have an opportunity. It's not the taxpayer that initially pays for the building of these sidewalks, it's the developer. And why wouldn't we want to just follow the Land Development Code that supposedly was developed by people who knew what they were talking about?

So in those materials that I gave you in those little green folders, there are citations to other materials that support my argument that you should have the sidewalks on both sides. But I want to read real quickly, because I know we don't have a lot of time, from a book done by the National Committee for Traffic Safety, they have a booklet called Building Traffic Safety Into Residential Developments. And I'm just going to read part of it. They say: Traffic safety demands good sidewalks on each side of every residential street. How inappropriate it would be for new residential developments not to provide them. There may be places, as in Estate developments, where a sidewalk on only one side or even no sidewalks could be justified, but this should be a very rare exception.

And thank you for your attention, that's all I have.

CHAIRMAN STRAIN: I have one question for you, Jane.

MS. CHEFFY: Sure.

CHAIRMAN STRAIN: You -- the name of the organization you represent is the Naples Pathways

Coalition or something like that?

MS. CHEFFY: Yes, Naples Pathway Coalition.

CHAIRMAN STRAIN: The reason -- we've heard at -- some arguments in favor of eliminating sidewalks on both sides of the streets or even one side, that look at the City of Naples, they have -- all their old walkable area in the City of Naples where they go to the beach, they don't have sidewalks on both sides of the streets and they're doing just fine; that's a great community and everybody likes it. Then subsequent to that I've heard that there's been a lot of retrofitting going on. So can you kind of validate or not validate those statements?

MS. CHEFFY: I'm so glad you brought that up. Because Naples Pathways Coalition came about because of the lack of sidewalks in the City of Naples. And right now if you want to drive down Mooring Line Drive, you're going to see that the City of Naples is about to rip it all apart and retrofit it with sidewalks. Which can you believe it, they put a street in that leads right to the beach from a residential area, there are no sidewalks. So currently people are walking in the bike line, which, you know, we're -- I'm a cyclist, I ride my bike 100 to 200 miles a week, so I know about that. We're happy to share it with pedestrians. We have to. But if they had sidewalks we would hope that the pedestrians would be using those.

CHAIRMAN STRAIN: And in the process of retrofitting and putting those sidewalks in, are the neighborhoods all upset and mad because they're getting sidewalks or do they seem generally in favor of it?

MS. CHEFFY: Not to my knowledge. I think that there are some of these huge sort of estates with, you know, \$50 million houses that they would prefer not to have anybody walking anywhere near their property. But that's a different situation from normal people who live on a street with, you know, normal homes and I think they welcome the sidewalks.

CHAIRMAN STRAIN: Okay, thank you.

Stan?

COMMISSIONER CHRZANOWSKI: My apologies, I have been concentrating on bikes. But when we had the program, it was called BBPOP. It stood for Bike, Bus, Pedestrian or Pooling. And what they encouraged was during that week, depending on where you lived, you can't -- six, eight miles, I'm not going to walk to work and walk back, although I did a couple of times just to see if I could do it. But it takes, you know, a long time.

But if you're -- you know, at a certain distance the bike seems to be the way to go. But they did encourage alternate modes of transportation, which is why it's called that.

And I don't like pedestrians in the bike lanes either. They're a real hazard. They wear earphones and they can't hear you, even if you yell. Thank you.

MS. CHEFFY: That's true.

CHAIRMAN STRAIN: Thank you.

Okay, thank you, Jane.

Next speaker, Mike?

MR. BOSI: Next speaker is Beth Bernard. (sic).

CHAIRMAN STRAIN: Jane, thank you for the handouts. Appreciate that.

MS. CHEFFY: You're welcome.

MS. BRAINARD: Good morning. My name's Beth Brainard, I'm the Executive Director of Naples Pathways Coalition, which is a citizen advocacy group.

As the executive director, my job is to research and analyze data regarding issues that affect bicyclists, walkers and runners, and to help my organization come up with positions.

My education is in Social Sciences at Harvard University. I was doing communications in marketing before this, and a ton of research with that for Disney and Harvard University. So I come to you today as a citizen and as a representative of Naples Pathways Coalition.

What I'd like to talk about is that we're all walkers. I'm a bicyclist, but we're all walkers. And walking is important. And it isn't just about -- exercise is a part of it as well, but it's also just about transportation. Sidewalks basically are streets for pedestrians that keep them safe and away from traffic so that they can go easily and traffic can go easily. They're particularly important to the elderly and to young children who need to stay away from traffic more, especially.

A future transportation national survey found that 73 percent of Americans currently feel that they have no choice but to drive as much as they do, although 39 percent of their trips are less than three miles from home and 17 percent are less than one mile from home. 54 percent of them would walk and bike more if they felt safe.

According to AARP, as Stacy said, the livable community study, bicycling and walking are the number one activities, as we've talked about, with the late baby boomers and with the millennials. Both AARP and Smart Growth America are citing the lack of sidewalks and safe crosswalks, particularly in suburban areas, as major deterrents to walking.

So the county has a choice at this point, why we're here today, to either plan and build developments and towns that acknowledge this important trend or to keep doing same old same old and following the steps like the City of Naples who is now spending a great deal of money on retrofitting.

The cost of installing sidewalks in a development as it is being built is minimal. The -- Mark mentioned approximately \$1,000. Although there are many, many variables. And the cost is assumed by the buyer. Sidewalk layout can be planned to accommodate utilities, landscape construction, setbacks and so on at the time with minimum disruption to the neighborhood.

On the other hand, retrofitting a neighborhood with sidewalks is extremely expensive and the county has to fund it. There are many variables, like I said, to take into consideration, but roughly retrofitting a sidewalk cost six to eight times more than installing it at the time that the development is being built.

So an example from the City of Naples is that it cost roughly \$13.00 a square foot to lay sidewalk. So this is a four-inch thick. So at 93 feet long by five feet wide, four inches thick, the sidewalk cost \$6,000 plus the cost of excavation, sod and irrigation. So that's considerably more than the roughly \$1,000 that it cost. And it's a huge amount of money. And when you multiply it by the number of lots on the street, you start seeing how this adds up.

Additionally, earthwork, vegetation, utilities, driveway pitch and driveway material all come into play and become factors when you're retrofitting. So if you look on Gulf Shore Boulevard now down by 12th Street South where they're going to start putting in a sidewalk, there are driveways made of brick, there are driveways of asphalt, there are driveways of stone, some are pitched like this, some are like this. Every single part of that is going to have to be taken into consideration doing the building and accommodated for with time and labor to make those sidewalks work. And there is a huge cost associated with that, a cost that the county has to bear.

Additionally, there are arguments, I guess that as Commissioner Strain was saying, that it's impossible for developers or very hard for developers to try to fit sidewalks onto lots because the houses fill up so much of it. There's such a narrow little front yard, it's filled with utility lines and has setback issues and landscaping, oh, how can we do a sidewalk?

And I think the argument doesn't hold water because you don't have to put something that big on such a little space. And perhaps that's something that needs to be taken into consideration, as you were saying, going forward. How much do you have to squeeze into a tiny little space? And is that appropriate? And while it works well for the developer, does it really build a livable, walkable community? And I think as the planning group, this is something that really and truly needs to be taken into consideration.

The high cost of work, the burden to the county. I didn't even mention the staff time that it takes to go to a neighborhood, to get the buy in, to have all the meetings, to get all the neighborhoods to agree that yes, retrofitting is the thing to do. That's a huge part of it. And disruption to the neighborhood. You know, Gulf Shore Boulevard is closed here and there all the way along, it's going to be for a while. To get back and forth are all considerations that make planning and installing sidewalks in advance at time of development more desirable for the community than trying to retrofit. Thank you.

CHAIRMAN STRAIN: Thank you, Beth. And you touched on quite a few issues that are really relevant to Collier County.

Something though and I think inadvertently we hope to look at in the future is the amount of open space that we look at for projects. Because right now we allow a project to come in and its open space is calculated on the gross area of the project. So if they have a big required preserve, that's part of their open space. But each little lot isn't restricted by open space, so it's almost solid impervious area.

And that's turning out to be a rather difficult thing. Because then we have problems with shade trees and green space that really would be more desirable on each lot rather than just in some preserve that nobody can really use.

So those are all issues we hope -- I hope this board in the future will start looking at some more of these issues as we go forward on an item-by-item basis. But thank you for your input, especially about the city.

If you have cost numbers and how much the city's budgeting for this and you could forward those to me, I'd sure appreciate it.

MS. BRAINARD: I will do that. Thank you. And I do think there should be a Bike to Work Week, Stan.

COMMISSIONER CHRZANOWSKI: And she did touch --

CHAIRMAN STRAIN: Without even asking that you brought it up.

COMMISSIONER CHRZANOWSKI: You did touch on one thing.

CHAIRMAN STRAIN: What's that?

COMMISSIONER CHRZANOWSKI: You're supposed to run the sidewalks through the driveway, not the driveway through the sidewalk.

CHAIRMAN STRAIN: That's right.

COMMISSIONER CHRZANOWSKI: The material is supposed to be consistent on the sidewalk. I don't know if we say that in our code anywhere, but if we don't, we should.

CHAIRMAN STRAIN: Well, that's what I'm hoping out of all this input, we eventually as a board can suggest changes to the code, especially after the Board of County Commissioners reviews it.

COMMISSIONER ROMAN: I think that's an engineering standard, Stan, as well. But I'm not sure.

CHAIRMAN STRAIN: Cherie', we normally break at 10:30. We can break now or we can break like 10 minutes of 11:00 and just go through the transition, if that works for you?

THE COURT REPORTER: Yes, it works fine, thank you.

CHAIRMAN STRAIN: Thank you.

Then with that, our next speaker, Mike?

MR. BOSI: The next speaker is Steven Bracci.

CHAIRMAN STRAIN: Steve. Steve lives in the area, Oakes area, don't you?

MR. BRACCI: Yes, Mr. Strain. Thank you very much. Steve Bracci, folks, thank you very much.

My name is Steve Bracci. I've been recently more vocal about the Blue Zone project. It's concerning to me today the context of sidewalks, the involvement of the Blue Zone project apparently in placing so much information on the record. I'm not aware of what it was, I'm not aware -- not really up to speed on the genesis of this meeting here today, but folks, we have to wake up what this organization is and -- as a community. They came in to this market I guess about a year ago, declared themselves to be an expert of our market on wellness by virtue of some study that they did to see whether or not we as a community are prepared for wellness under the Blue Zone initiative. We know very little about it.

This goes back to Mr. Chrzanowski's comments earlier, to ask for the credentials of the folks that are before us today. They give us a lot of statistics, and of course being the mechanism of NCH Hospital and all that they have, they're a statistical factory if they want to be.

But what's the real impetus behind this Blue Zone Project? It concerns me already in one year's time the inroads that they've made into our community in terms of their supposed validation. I would give an example. Mr. Bosi spoke today and gave a presentation. The first question that was asked from the board today was what do private groups such as the Blue Zone have to say about this. Well, that's an interesting question to be asked because for instance the Naples Pathways Coalition, they've been in existence in this community for, correct me if I'm wrong, but 13, 15 years. Why weren't they the first person to be asked what about the Naples Pathways Coalition.

Somehow already in our society here the Blue Zone initiative, the Blue Zone Project has worked its way up the ranks. And I don't understand what significance they have in this community. For instance, there is a steering committee that's been created, the Blue Zone steering committee. It was referenced by the Blue Zone speaker here tonight (sic). On that committee is Penny Taylor, Collier County Commissioner. She's on

that commission in her capacity as Collier County Commission. And she along with the superintendent of the school board, the Mayor of Naples, the Vice Mayor of Bonita Springs, the Sheriff, the publisher of the Naples Daily News, the head of the Naples Chamber, the head of the Bonita Springs Chamber, all people who are essentially, you know, in control of government or some big voice in our community, they're all on this steering committee --

CHAIRMAN STRAIN: This is a discussion on sidewalks, not an attack on individual groups or our feelings about a group. I don't care if it was you personally who had information you'd like to express to us about sidewalks or Blue Zone, purple zone or whatever. They're here today to talk about sidewalks. And I'd like to ask you to focus on that issue, please.

MR. BRACCI: Very good.

So to the extent that the Blue Zone committee has provided information on sidewalks here today and the planning committee is considering that information, I guess I'd ask the question what weight is this commission giving to the Blue Zone's information? I think that's a relevant question in the context of sidewalks which is being pushed by the Blue Zone. And what is the significant of Ms. Taylor as a Commissioner signing the document that says we approved on the blueprint that includes -- the blueprint has in it --

CHAIRMAN STRAIN: Steve, you're getting way outside the purview of what we're here for today.

MR. BRACCI: But the blueprint I believe -- I don't know for sure because it really hasn't been published, but I believe that there's context of the sidewalks and walkability and these concept of moais, which are these six-person walking people who would walk around their communities or ride their bikes together as a part of wellness. That's all part of the Blue Zone initiative. They're here today, so I would like an understanding between the Blue Zone initiative and this meeting that pertains to sidewalks. That's what I'm concerned --

CHAIRMAN STRAIN: We're seeking information to help us make future decisions. From my perspective and I'm sure the rest of these members, it's irrelevant on who's providing the information as much as what the information that we have to absorb to make our future decisions on.

It's nice that there's organizations who address the issue, but that's why they're here is because they happen to address the issue we're interested in. It's the facts of the issue that we're trying to get to, not the organization.

MR. BRACCI: Okay, then my last comment, then and I will depart.

With respect to sidewalks, the Blue Zone initiative folks have been saying that they are bringing their project to the community with no additional cost to the community. They stated at the school board meeting that it was their gift to the community. So my question would be as it pertains to these costs, if it's no output to the community, including owners and developers of land, if they are pushing these sidewalks and they're pushing this initiative, what is their contribution to the creation of sidewalks and these exorbitant costs of sidewalks that Naples Pathways Coalition has brought in tonight? I think that that's a relevant question to be asked by the Planning Commission, that the Blue Zone folks clarify their position. Because they are trying to create an important role for themselves in our community. Thank you very much.

CHAIRMAN STRAIN: Thank you, Steve, appreciate it.

Mike, do we have another public speaker registered?

MR. BOSI: Yes. Dayna Frederick (sic).

MS. FENDRICK: May I hand these out?

MR. BOSI: Sure.

CHAIRMAN STRAIN: I like your letterhead.

MS. FENDRICK: Thank you, and good morning. I'm Dayna Fendrick; I am the chair of the Pathways Advisory Committee for the MPO, and I'm also a professional landscape architect and land planner.

And I'm kind of here with two hats on today, one to represent the PAC community and one to express my opinion about walkability in the community.

And first from the pathways committee viewpoint, our position is that we strongly support the requirement for construction of sidewalks in all new developments and roadways. And because we've seen

firsthand the difficulty and the expense of retrofitting sidewalk and pathway facilities into existing roadways for -- you have constrained right-of-way, you have drainage issues. And unfortunately a lot of our urban area was constructed without the foresight to put in these facilities, so a lot of our major arterials are lacking -- most are lacking bike lanes. A lot of the arterials only have a sidewalk on one side, as Stan mentioned earlier. So we're all for building it when -- putting the facilities in when the roadway or development is built.

And we've even been approached by several communities to add sidewalks long after the developer is gone, and these are mature communities come back and say can you help us put some sidewalks in. And unfortunately a lot of times they're private roads. So with the MPO being federal dollars, you know, we can't help them.

So unlike you, Mr. Strain, I don't think it's the buyers that don't want the sidewalks. I think we've seen the people who live there do want the sidewalks later.

And we would encourage you to not go down the road of approving a lot of deviations for, you know, seemingly not justified positions.

And to kind of take a little global look at just the walkable communities, sensibility and how do you define walkable. And you can look at it both as a neighborhood context of the developments that come in and also as the countywide kind of more global context.

And from -- you know, from a broad sense, you know, to define what walkable is, it's not just that there's a sidewalk there, but there's a whole picture of the integrated land use, the quarter-mile distance, the comfortable distance to goods and services, to destinations. You know, the walkway itself is interesting and pleasant with site furniture and benches and, you know, landscape, and it's not right next to a 50-mile-an-hour road or 45-mile-an-hour that everyone drives 50 or more. There's a connected open network that you've got variable routes you can explore, you know, take on different days.

Here's one example of a nice walkable area. This is Tenth Street North in Naples. And you can see they have a nice sidewalk with landscape and there's, you know, benches and trash cans and bike racks all along there. And it's a human scale, it's, you know, two lanes, so it's a comfortable, very pleasant experience.

And then we have a new roadway. This is Santa Barbara Boulevard, just recently six-laned. And you can see it's not so walkable. I guess you could walk there, there is a sidewalk and there's a bike line lane, but I don't know why anyone would want to walk there, it's going to be a long ways to get to anywhere and there's no shade in sight, and you have a lovely sound wall barrier on the one side that they have landscaped a little bit in front of, but this is not a walkable experience here.

And this kind of leads into my next point which is, you know, in the last few years Collier County's kind of gone on a road building binge that when they thought everywhere that we build should be six lanes. Well, six-lane roads are not walkable, and they're not human scale. The roads themselves becomes barriers to pedestrians, because at some point you have to cross them.

And then when you get to the intersections, you know, the intersections are all but impossible for anyone but an Olympic sprinter to get across. As you can see here, my favorite intersection, Pine Ridge and Airport, you know, a six-lane road becomes a nine-lane road or more when you add the turn lanes and everything. And there's no median there at that point where there's a stopping point or a pedestrian refuge, so, you know, you have to make the whole length across before -- you know, to get to the other side.

And in many of the older intersections, like this one there's not even crosswalks on all four legs, there's sometimes only the crosswalks on two legs, so you can't really even get to the corner you want to get to sometimes.

The -- in another point with these is the six-lane roads and the lack of pedestrian friendliness, as we also get into the lack of pedestrian connectivity to adjacent commercial centers, which this is the Pine Ridge and up on the top is the entrance to the Target center. I'm not sure what the name of that one is, but there's Publix and Target.

And there is a sidewalk along Pine Ridge there and a crosswalk going across the driveway, but there's no walkway into the center itself. So even if you live next door in Forest Lakes and you wanted to walk to Publix to get a jug of milk, you have to walk in the traffic lane to get into the parking lot.

So there's -- and we have a lot of these centers that were built this way that just never anticipated, you

know, an actual human being arriving on foot to come get their goods. So -- and backing up to the Santa Barbara photograph, you know, a lot of these, whenever you put up these six-lane roads past existing residential neighborhoods, then they're impacted, they want to have a sound wall put up and you have this barrier that's there and you have like miles and miles that you've created a canyon of these sound walls. And it's like, well, is that Naples, is that the community character we really want for our reputation as a beautiful place? I don't think this is the image we want.

So -- and unfortunately as a whole, and I know we're looking at sidewalks, but I think sidewalks are intrinsically tied to our whole transportation network and the roadways and our land use patterns. And as a whole, the urban area of Collier County is not walkable. You know, we have these six-lane arterials spaced three miles apart, if you go north to south. We have, as I've already mentioned, no bike lanes on the arterials, sidewalks on one side, they're high speed, there's a lack of smaller interconnecting roads or parallel routes. We have segregated uses, you have to get on the arterial to go to Publix.

So I'm asking you as a group to please don't repeat this pattern in the eastern part of county where we have an opportunity to do something different. If we can let's look forward a little better than we did in the past. And get the right-of-way bought, get it reserved, get a robust public road network established so we don't end up with these super blocks that are completely uninhabitable to regular people on foot.

And lastly, I think there's an opportunity also to integrate the landscape beautification which Pam spoke of earlier with the complete streets concept. You know, this side obviously we need some street trees out here. And I think the landscape creates the traffic calming, provides the shade, a nice environment for the pedestrians. I think we need to concentrate on our landscape program, maybe more on some side trees and maybe less on the real busy shrub plantings on the medians, but just maybe create a little more structural approach to the landscape and how it integrates with the complete streets and the sidewalk and bike lanes.

And aside from that, I think that's what I wanted to cover. Oh, I did just want to mention, I am a recreational bicyclist and I had early training on with Dan Burden back when he was with FDOT as their bicycle coordinator. And I've had the pleasure of working with him on walkable communities a couple of times, so --

CHAIRMAN STRAIN: Thank you, and I appreciate the photographs. They help. Good way of -- says 1,000 words, so thank you very much and we certainly appreciate it.

Now with that last speaker at this time, we're going to have to take a break for the court reporter. We're going to come back at five minutes after 11:00 and we're going to have to go into the Briarwood project for the accommodation of the 50 or 60 people that are here for that project.

We'll resume with the public speakers and staff speakers after we get back from the Briarwood project. That's the best we can do at this time. So with that we'll take a break 'til five after 11:00.

(Recess.)

CHAIRMAN STRAIN: Okay, everyone, if you'll take your seats, we'll resume the meeting. And we'll go into the Briarwood project.

***So with that, next item up will be 9.B. PUDA-PL20150000178, known as the Briarwood PUD, located on the east side of Livingston Road, north of Radio Road.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. If you think you're going to speak on this item, please stand up.

(All speakers were duly sworn.)

CHAIRMAN STRAIN: Thank you. We'll start with disclosures on the far end with Stan.

COMMISSIONER CHRZANOWSKI: I talked to Tony Pires.

CHAIRMAN STRAIN: Okay, Andy?

COMMISSIONER SOLIS: Nothing to disclose.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I spoke with Mr. Hood.

CHAIRMAN STRAIN: And I had met with Mr. Hood, I've met with various members of the applicant's team, the applicant themselves, I've talked to Tony Pires, I've talked to the commissioner from the district, I've talked to staff, I've reviewed all the files. That's as thorough as I can be on that issue.

Karen?

COMMISSIONER HOMIAK: Just emails.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: Yes, emails.

CHAIRMAN STRAIN: And Charlette?

COMMISSIONER ROMAN: Yes, I spoke with several members of the community and also the emails and staff.

CHAIRMAN STRAIN: I didn't mention emails, because they're on record, but we've all received -- and I made sure that the ones I got that got addressed to me got forwarded to all of you. So you all should have seen probably anywhere from 40 to 60 emails; I don't know how many.

COMMISSIONER SOLIS: And that's a question as a new commission member, the emails that we're receiving from staff, we're receiving from staff. I haven't received anything directly from a member of the public. But we need to disclose those as well?

CHAIRMAN STRAIN: Well, we usually do.

COMMISSIONER SOLIS: Okay.

CHAIRMAN STRAIN: We just acknowledge that we've received emails. And there's been so many, I can't tell you who sent them all. But everything that was sent to staff or was sent to me was distributed to the Planning Commission. So if you all sent us emails, we're all acknowledging we got them in some form or another.

COMMISSIONER SOLIS: Well, then I have received and reviewed a lot of emails and the staff reports.

COMMISSIONER CHRZANOWSKI: We do disclosures because that's not public information, right? But the emails are?

CHAIRMAN STRAIN: Well, the emails are because they're in the county system.

COMMISSIONER CHRZANOWSKI: So you still have to disclose them even though they're in the county system?

MS. ASHTON-CICKO: Yes. You'll need to disclose if you've had emails, if you've spoken to anyone. It's part of the requirements for a quasi judicial proceeding that you disclose any ex parte communications.

COMMISSIONER CHRZANOWSKI: What is ex parte?

MS. ASHTON-CICKO: It's when, you know, there are two parties and you're talking with one of the parties and the other party isn't there. You understand what I'm saying?

COMMISSIONER CHRZANOWSKI: Yeah, but the emails are to like everybody, and everybody's copied on them.

MS. ASHTON-CICKO: Well, for example, say you got a letter of objection, was the applicant copied on the communication?

COMMISSIONER CHRZANOWSKI: I don't know.

CHAIRMAN STRAIN: No.

MS. ASHTON-CICKO: That would be an ex parte communication, because you'd be communicating with some of the opponents without having the applicant be a party to that. So you would disclose that you received those.

COMMISSIONER CHRZANOWSKI: I understand. Thank you.

CHAIRMAN STRAIN: Andy?

COMMISSIONER SOLIS: Okay, so I just want to clarify then. I have reviewed lots of emails, all of which were forwarded to me by staff. And I did speak with Mr. Pires, who came up and reminded me that he had been calling me Tony for about six months. But that's it.

CHAIRMAN STRAIN: Did he think you were him? My goodness.

COMMISSIONER SOLIS: It was all very confusing, but we didn't discuss anything about this item.

CHAIRMAN STRAIN: Okay. Anybody else want to make any additions? If not --

COMMISSIONER EBERT: All emails.

CHAIRMAN STRAIN: We all acknowledge email. So let's go on and we'll go to applicant's presentation at this point.

MR. HOOD: Mr. Chairman, Commissioners, good morning. For the record, Frederick Hood with Davidson Engineering.

I'm here this morning representing the applicant for the PUD amendment application permitting automotive storage facilities, also known as upscale storage facilities. I'm still trying to figure out what that name is.

The proposed land use will be for the development of automotive storage suites for boats and personal watercraft, automobiles, recreational vehicles, motorcycles and the like.

If you recall, I was before you earlier this year in January when the proposed land use was applied for as a Conditional Use. Subsequent to that hearing and the BCC hearing a month later, we have converted and -- we have converted the Conditional Use application to a full PUD amendment application to address the increased floor area, the planting of an alternative buffer configuration along Livingston and Radio roads, clarification of the architectural review process for this specific property, and the addition of the conceptual master plan and alternative landscaping exhibit for this specific land use.

The property is 15.99 acres and is situated at the northeast corner of Radio and Livingston roads. It's within the Briarwood PUD. And the latest ordinance for the Briarwood PUD is 95-33.

Inside the Briarwood PUD this property has been set aside for nonresidential uses and has the designation of community commercial.

The subject property is bordered on its northern and eastern boundaries by a small portion of Briarwood's native preserve, residential and water management area tracts of the Briarwood PUD.

It is important to note the size and location of the preserve area along the northern boundary. The preserve area set aside in tract B per the survey and the plat is .09 acres or about 3,900 square feet and is near the access point along Livingston Road.

I've highlighted that area in yellow. That section will not be impacted at all. The trees that are in that .09 acres will not be touched.

(Laughter.)

CHAIRMAN STRAIN: Ladies and gentlemen, I've got to ask you not to make any sounds while we're trying to listen to the speaker. Thank you.

MR. HOOD: Getting on to the purpose of the PUD amendment. As I mentioned earlier, the purpose of this application is to provide the applicant the ability to develop automotive storage facilities. The land use has been accepted by review staff as being comparable and consistent with the uses that are already permitted within the Briarwood PUD in the community commercial section of the Briarwood PUD.

I'll let staff speak a little bit more to consistency and compatibility on that issue when the staff report is presented to you.

The proposed concept plan illustrates that the applicant is seeking to develop 159 individual privately owned garage suites and nine buildings on the site.

These units will be offered for the purpose of individual owners to store and admire their vehicles.

An associated clubhouse/office building will accompany those nine buildings as an amenity for owners and their guests near the Radio Road entrance. This amenity area and all common areas within the project will be for the sole use of the owners and their guests.

The maximum floor area as defined in the PUD is currently 20 percent of the commercial land area. That 20 percent equates to 139,305 square feet. The total footprint floor area of -- and square footage sought for the full use build-out is approximately 198,200 square feet. That's the footprint floor area that we're talking about.

The difference is 58,895 square feet, which amounts to an increase of 42 percent over what is already approved in the PUD.

The proposed footprint area in relation to the property size equates to 28 percent of the site area. That's if we're looking at that, as I said, 198,200 square feet in relation to the 15.99 acres. That's what the 28 percent comes out to be for floor area.

An issue came up in the Conditional Use hearing in January where we were looking at the mezzanine areas as being a part of the floor area. That additional area is the 63,600 that was one of the tipping points for us to go to the PUD amendment because we were looking at resolving the square footage, the floor area issue.

If you're looking at the 63,600 square feet of the mezzanine areas, if you add that to the 198,200 square feet of the floor area, all of that together is 261,800 square feet.

That divided by the developed -- the property area would equate to 37.6 percent of the area, which is why we were asking for a 40 percent land area for this specific project.

So that 40 percent came from the mezzanine areas and the floor area. If we're looking at just the floor area, the footprint area of a one-story development, that's the 28 percent. Just wanted to clarify that.

CHAIRMAN STRAIN: You believe that the floor area is 198,200. I'm saying you believe, because that number so far has only been used by you.

MR. HOOD: That number is in our plans that we have submitted for engineering review for the SDP.

CHAIRMAN STRAIN: I have them right here.

MR. HOOD: If you look at the square footage of the building and the land use area, it should be 4.4 acres.

CHAIRMAN STRAIN: Well, Fred, it just says total building footprint area, including -- excludes carwash stalls, 191,279 square feet. So, I mean, I don't know --

MR. HOOD: Yes, and -- okay.

CHAIRMAN STRAIN: We'll get into that in a bit. But I just wanted to point it out before you -- I wanted to make sure you believe it's 198,200.

MR. HOOD: It's 198,200 on the SDP drawings that have not been submitted for the third submittal yet. So everything that's coming in, as I've related to you and to staff in previous communications, the SDP is lagging behind the PUD amendment. So those numbers that you're looking at in the SDP are going to be different than what we are providing when you come in and look at it from the engineering side.

So I would caution -- to the original items that you're looking in the SDP, they may not match up with what's here in the PUD amendment. Because they're lagging behind. So this PUD amendment is going to dictate what we're going to have to provide in our SDP and our building permits.

CHAIRMAN STRAIN: We'll see. Thank you.

MR. HOOD: No problem.

Buffering setbacks and height. Where the project is adjacent to residential uses, we're providing the required Type B 15-foot wide landscape buffer per the Land Development Code. Where existing residential uses are located adjacent to the property, an eight-foot high masonry wall meeting the standards of the LDC will be provided.

As the LDC dictates, a minimum of 50 percent of the trees and hedge plantings required for the landscape buffer will be located on the residential side of the wall. As identified in the proposed section 6.37.H, any retained native vegetation within this buffer can be used to meet the landscape buffer requirements.

The maximum height permitted for buildings on site is limited to 30 feet above finished grade.

On to access and traffic: In the interest of maintaining a secure development, the applicant has proposed several gates and fence location of sufficient height where a gap would be left between buildings, internal roadways and perimeter vegetation. The project when finished will use the existing driveway access points that are present on Livingston and Radio roads. No new vehicular access points are planned.

The traffic impact statement which was prepared by our traffic engineering consultant has been accepted by county review staff.

Just to wrap up and summarize, on the request, the proposed use, we believe will be less in intensive than the majority of the permitted commercial uses.

The maximum height for structures within the development will be limited to 30 feet above finished grade. The project will not be open to the public. And no new vehicular access points are being requested on either Livingston or Radio roads.

I'll do my best to answer any questions that you have, and I'm sure you have a lot.

CHAIRMAN STRAIN: Okay, with that, I'll turn to the board members first. Does anybody want to start questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Well, then I guess I'll ask the questions.

I know this was here before us before, and at that time I reviewed it as a phased project with a recommendation that before the second phase were to start we'd have to have some change to the PUD, which is what you're -- what you were attempting to do.

In the process I notice it evolved into a greater change than what I think I anticipated in the beginning. And as a result of that change there's been some other questions that need to be answered.

And the first one is the use. And the use is critical on this project to know what it is, for numbers of reasons. And the following is what I've found. And you were at a meeting with me yesterday in which we had the most recent SDP submittals, which I think you just said was the second or third revisions, and you now have another one that I've not seen yet.

MR. HOOD: That's correct.

CHAIRMAN STRAIN: But as of yesterday we had the following references to this facility: An upscale storage facility; that's what was said in the PUD. The SDPs that were of yesterday, they call it either just storage or a storage facility. On another page they call it a luxury auto garage. On another page they call it a storage area. On the architectural plans you call it self storage. And then on the master plan, which we're going to look at today, it's called commercial and private parking lots and garages.

Now, there's four, five or six different references. They're important for a lot of reasons. Whatever this is called will dictate how it's architecturally reviewed. And since you're looking at architectural issues that have been questioned by the public, I'm concerned about the type of review.

And Madelin, are you here today? Yes, our resident architect, for lack of a better term, was at the meeting yesterday, and she expressed concerns over your submittals. And I know you've got some rejections from architectural. But every different designation of this use could entail a different form of architectural review. And this is not something that you get to pick and choose. You need to lock it in and the definition that that's utilized needs to be one that will be reviewed under all aspects. You can't go under architectural and say it's a self storage facility because you get a better review architecturally than if you were to call it something else.

And a bigger item is impact fees. In one case if it's considered warehousing, and I saw that word in one of the reviews, it's -- mini warehouses which is self storage, 4225, the total impacts fees for about this size would be \$340,000. If you go to warehouse, it's 951,000. If you go to condominiums, which seems to be what your website calls it, it's 1.5 million.

So what we call this is critical. And the way this thing needs to be reviewed to meet the intent of what was supposed to go on that property, which was basically a commercial use, I don't know how we're going to get to it today, but by the end of today's discussion, we've got to lock in a name for this thing and have it agreed to by everybody so we can at least make sure it's reviewed in each department for the same thing.

MR. HOOD: Yes, I agree with that.

I think some of the confusion, just if you'll allow me on that, differences of where it's been in each application is a product of this PUDA and the Conditional Use morphing into what it's supposed to be.

Also, as I mentioned before, the SDP is lagging behind this. So whatever we decide in this zoning document is going to domino into the rest of those documents. So I understand that they're different right now, but they will have to be consistent with what the zoning is describing.

CHAIRMAN STRAIN: In -- and I'm going to go through my points from the document that some will hit on the use and other things.

The staff had said in the staff report on Page 10 under the zoning services review, it is not considered self storage. So the fact that your architectural plans come in using that term, I think that's going to have to stop immediately.

MR. HOOD: Yes.

CHAIRMAN STRAIN: And staff also said, comprehensive staff said in their review that this project has no new uses, yet we notice that in the PUDA you're adding a new use under the principal use, it's use number 14. I had asked you to try to find a resolution to that. I saw 6:30 or 7:00 this morning you had sent an email to staff. Have you gotten a response to that?

MR. HOOD: I did get a response from Marcia Kendall. She is not attending today. I believe Ray and/or Mike is going to opine on that issue. They hadn't had a chance to -- or Marcia hadn't had a chance to see that section that had been changed since she had signed off on it in April, I believe it was.

CHAIRMAN STRAIN: Right. And she signed off on it as a Conditional Use.

MR. HOOD: That's correct.

CHAIRMAN STRAIN: And the Conditional Use had a combination of existing uses. This is a new use.

MR. HOOD: Actually, she signed off on it for the PUDA with the Conditional Use language inside the PUDA, yes.

CHAIRMAN STRAIN: We went from the Conditional Use language, which was calling it a parking garage and club recreation facility combined, to a new use which is called an upscale storage facility.

MR. HOOD: That's correct.

CHAIRMAN STRAIN: And that upscale storage facility, according to the staff findings, has not been utilized in Collier County before and they don't know where it could go.

So with that in mind, I'd like to ask staff to clarify the issue of whether or not this is a new use being proposed so that we through the zoning revaluation process that occurred under this project's criteria years ago, it somehow fits or doesn't fit.

Did you get an answer to that, Ray, or is David going to answer that?

MR. BELLOWS: For the record Ray Bellows, I'm Manager with Zoning Services section.

I have had discussions with David and Mike Bosi. The PUD allows for private clubs and similar type uses. We tried to classify this under that, along with the parking. When it came in as a PUD amendment we wanted to better clarify the activities to the most similar activities, which would be the storage, personal storage. That is not specifically listed in the PUD so technically that would be a new use added. But it's kind of semantic terms between the private club, which is allowed as a Conditional Use, versus a PUD amendment to codify that better.

CHAIRMAN STRAIN: Okay. But the statement made by Comprehensive Planning for this petition, no new uses are being proposed, are you telling me comprehensive planning is still saying that?

MR. BELLOWS: No. David will clarify.

CHAIRMAN STRAIN: Okay. Hopefully.

MR. WEEKS: Good morning, Commissioners. David Weeks of the Comprehensive Planning staff.

Commissioners, unfortunately as has already been noted, this change, at least from the standpoint of Comprehensive Planning staff, is at the last minute. We were not made aware of this until fairly recently, and most specifically I was out the last three days, and so I've not had a chance to review this. I've been scrambling this morning.

So the short answer is not prepared to give a definitive answer. I really have to kick it back to zoning staff and say pretty much what you said, Mr. Chairman, what is this use. Is this a new use, and if it is, what is that use, where does it fit within the Land Development Code, what zoning district would this use, whatever it's considered, fall within.

And then once that's determined, Comprehensive Planning staff can then look to see if that use is comparable to -- excuse me, if that use is allowed within zoning districts that the existing PUD uses are allowed. You made reference to the zoning revaluation program that is the basis for which the existing PUD was found consistent for these commercial uses.

Future Land Use Element Policy 5.1 has a two-part test for properties such as this. The first test is, is the new use allowed -- excuse me, is the zoning district that allows the new use higher, lower or the same as the zoning districts that would allow the existing uses in the PUD?

Let me give you an example. If the PUD right now only allows C-3 uses and the proposed use is considered a C-4 use, then that use would not be consistent with that policy, therefore not consistent with the Future Land Use Element.

Because this has come up, in my words, at the last minute, staff is not had a chance to talk with zoning to find out exactly what use you consider this to be, where does it fall within the zoning districts in the LDC. And then secondly, we've not had a chance to look at the Briarwood PUD, all of the existing

commercial uses, to see what zoning districts they fall within to see if this meets that first part of the test.

The second part of the test in the policy has to do with public facility impacts. We've already determined that this use is consistent. And I think that even if it's considered a storage facility as opposed to a parking garage, I believe that finding of consistency would stand.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: If I may. David, this is the exact same use that was proposed as part of the Conditional Use. And the change in the language came about through collaboration between me, Scott, Mr. Johnson and Ray Bellows. So it's the exact same use, it's just we attempted to actually narrow it and make it more clear what it was, because we had concerns that if you called it a parking garage and you called it a club that it would allow so many more uses than what this owner was proposing. So that's how it came about. So it's the same exact use being proposed. I just wanted to state that.

CHAIRMAN STRAIN: Well, and before it was a Conditional Use under two terms, parking garage and club, now it's a principal use. And my conflict is the statement that Comprehensive Planning put in the record that says: For this petition no new uses are being proposed.

Because it's being added a new use, I don't care if it's redundant of the conditional uses, it's a new use. I want to make sure that doesn't trigger a problem for Comprehensive Planning. And the new use has been noted in the findings as not having an allocation or not being utilized or found in Collier County before.

And that poses another problem. If it's a similar use that we've already had, that's one way to analyze it. But if zoning staff has said it's not been used in Collier County before and they don't have an SIC Code for it, I would want to know the benefit of Comprehensive Planning's review of this to make sure that as a new use it doesn't trigger a Comprehensive Planning issue because half a dozen or so of the findings are based on consistency with the Comp. Plan. And if its consistency is not there, we need to know it, because that's what this board has to weigh in on.

MS. ASHTON-CICKO: And the alternative way to handle it would be to put under the Conditional Use section of the PUD that this use is an approved Conditional Use in accordance with the site plan.

CHAIRMAN STRAIN: We already -- that was already done, and it's been undone by moving it to a principal use. And all I'm suggesting is what does comprehensive planning staff -- and the analysis that David's talking about, we did go through on another project in much detail, I know exactly what he's trying to say and do. I'm disappointed he hasn't had the time to be able to do that. Not because of him, but because of the latency in which it was not given to him until recently. That should have happened sooner.

But with that, David, does that -- anything you just heard change your perspective at all?

MR. WEEKS: I think so. Let me say this. If the zoning staff is still considering this to fall under any of the listed conditional uses that exist in the PUD right now, whether it's moved from a Conditional Use to a use by right is not at issue. But if it's still considered a commercial and private parking lot and parking garage, alone or in combination with any of the other five listed conditional uses or permitted uses within the PUD, then that is not a new use. So we don't have to say do this evaluation of whether there's a new zoning district comparison needs to be done and the conclusion could be yes. Our memo stands, other than the fact that we said it's not a new use. Maybe we say it's a new use, but not really. That is semantics.

That sounds confusing. Ultimately if zoning staff says no, this is not a new use, we might be adding words to the PUD document, but it's still considered to be one or more of the uses already listed in the PUD, then comprehensive planning staff would say yes, this is consistent with future land use element Policy 5.1.

CHAIRMAN STRAIN: Okay, and I would imagine that Ray, since you were part of the author of this new verbiage we have to add the principal use that it is what you intended when you found it consistent with the Conditional Use uses; is that a fair --

MR. BELLOWES: That's correct. When I was involved with basically the name change, it was my impression that we were still dealing with the same use that was found consistent as a Conditional Use. We were just trying to be more cautious and clear on what activities are associated with the private club, and we felt this was the best way to ensure that the public and the applicant know exactly what we're approving, not something more open-ended. But it's my opinion, it's the same as the use that this Planning Commission recommended approval for as a Conditional Use.

CHAIRMAN STRAIN: Okay, that's what I needed to hear. Thank you. Appreciate it.

MR. WEEKS: If I could tell you the alarm was that went off to me when I saw the word storage facility. Because that triggered me to pull up the zoning code to see well, where's the storage facility allowed. And what I found was the industrial zoning district for dead storage, automobile dead storage.

CHAIRMAN STRAIN: I did too, David. And that's part of why I was asking the question. Because the new phraseology lends more towards that than it does to where we started with the Conditional Use, which is where I'm trying to get --

MR. BELLOWS: Maybe we were being overly cautious and we should have left it as it was.

CHAIRMAN STRAIN: Maybe, but we created -- we're going to get into the terminology. We've created a term called upscale storage facility. I honestly have no idea what that is. Because, I mean, a new car is more upscale than an old car. So you could have anything out there. And plus it's basically all kinds of vehicles. I imagine if someone drives an old restored 1929 Chevy pickup truck or something, to me that's a pretty neat car and they might want to put that in here, and they certainly could be probably be allowed.

So I don't like the terminology we've got. I think it lends to what David's concern was, more so than what we had before. And we'll have to figure that out.

Thank you, David, I certainly appreciate your input.

Do you have something? You look like you're going to say something.

COMMISSIONER CHRZANOWSKI: No, if you're done.

CHAIRMAN STRAIN: No, I won't be done for quite a while, but go right ahead.

COMMISSIONER CHRZANOWSKI: I'll wait.

CHAIRMAN STRAIN: You're going to be waiting until this afternoon.

COMMISSIONER CHRZANOWSKI: It's just a comment, and it's not really -- there's no need for Josh to make a presentation on the drainage, because I know you guys are going to have to go through the Water Management District, if you haven't already done so. And they're going to tell you to do things right and they're not going to let you do it if you don't do it right.

But just a comment: The site looks very tight, impervious as opposed to the amount of lakes you have on there. Now, to my untrained eye, that's the way it is. But I don't need a presentation or anything about it, because I know the district will make you do the right thing.

MR. HOOD: And Stan, the district has signed off on our ERP modification permit, so that's been done.

CHAIRMAN STRAIN: But what he's pointing out is what I asked you about, because you only show 7.32 percent of the site as a water management area. Generally it's 12 to 15 percent of the site. That comes about because the master drainage plan for this project was tied into the Briarwood lakes system decades ago. And an ERP that I've got a copy of, it was approved by South Florida to take the outflows over to the nearby lake that is over to the east. So that's how they're accomplishing the water management by not having so much of it on-site, because it was never destined to be, from what I can see. Even when Lowe's -- and I have the plans from the Lowe's and from the Briarwood Plaza that was planned there, both of which have the drainage on them and they all went over to that lake.

So that has been a factor from the beginning of time on this project, or at least from the time these were originally approved.

And by the way, those two other projects, they have their valid SDPs. So Lowe's did everything, submitted everything. The only thing they didn't do was pay the impact fees and build because of the recession.

So anyway, I'll move on to my next one then.

I'm trying to get into the PUD, Fred, so just give me a minute to get there.

Okay. In the PUD you've got a new use number 14. And it says upscale storage facility for boats, personal watercraft, vehicles, recreational vehicles, motorcycles and the like. Yet we have nothing that will tell us what an upscale storage facility is. And I asked you yesterday to see if you had better terminology, because while it describes what it's for, it doesn't define itself. And like I said, upscale could be anybody's opinion in what may be upscale.

MR. HOOD: I went through last night and early this morning and just looked at what we were proposing for the land use. And the name that I came up with was automotive storage suites. It's a little bit

more definitive, because you're talking about boats, personal watercraft, vehicles. And by vehicles, I mean automobiles, recreational vehicles, motorcycles and anything that's basically got two or four or three wheels that you can drive around on that has a motor in it, or boat that has a motor in it.

CHAIRMAN STRAIN: Okay. If you do that then you're going to be negating what else goes on in these units. And with the mezzanines and with your website portraying wet bars and bar stools and ping -- pool tables and big screen TVs, it's more than an automobile storage facility. And I'm concerned that Collier County in its review will classify it just as David or Ray may have thought as more of a 4225. That's a whole different review than what a living area, which you are advertising it as living rooms where you can entertain your friends.

MR. HOOD: The reason why I'm calling them automotive storage suites -- and we can change the name. Whatever makes you as the board comfortable and whatever makes zoning staff comfortable with the name. I don't mind what it's called. I mind about the uses that are present that will be allowed.

The main one, the vehicle storage. The secondary accessory uses are the recreational areas. Those items need to be in our request. Those are what we're looking to have approved.

So the name, whether we call it auto storage suites, whether we call it -- I know we were trying to get away from the word condominiums, if we call them auto condominiums. Whichever phraseology that we come up with I think we'll be okay with that, as long as the use and the intent is clear.

CHAIRMAN STRAIN: In our packet we received some interior views of your units. And on your website you have a few more. I've printed them. And I'd like to walk through them for the benefit of this panel so we can all see what the operation's like so by the end of this meeting we can agree on a use if it's so opined that we can get that far.

I'm curious to see what everybody else thinks, because between what I saw on your website and how you're telling the use is going to be used versus how staff's being led to review it under, it's not matching up. And the Building Department's going to look at it differently. As they learned yesterday. And the fire department told you yesterday. And Madelin's here specifically to answer some questions that we're going to get into later on about her review.

Because all of the reviews have been going in different directions because it's been called so many different things. And it's not beneficial to anybody to have that happen, especially zoning.

So Ray, could put these -- we'll start with the first one.

MR. HOOD: Mr. Strain, I think that's also been an issue, just to, you know, kind of give a full picture of it, is that these applications, the SDP application and the building permit application, which has not been filed yet, the SDP application and the PUD application, they are running concurrently with each other but they're being run separately, and there has not been conversation between our project staff and zoning and engineering at the same time, and architectural at the same time. So that's just kind of the nature of what our conversations have been like and what the reviews have been like. They have been completely separate. So that's where a lot of that confusion is coming from.

CHAIRMAN STRAIN: Until yesterday.

MR. HOOD: Until yesterday, that's correct.

CHAIRMAN STRAIN: Yeah. And yesterday all the disciplines got together in one room and they all heard for the first time what was happening differently in their various submittals. Everything from architecture to engineering to civil. And it's not something that's consistent. We need to fix that.

This is the plan that's off of their website. And I've highlighted the buildings in orange, because they became a discussion yesterday, Fred, that because of their size they trigger some issues involving fire separation and how much building's going to be together. Also, the mezzanines that are on the side of the building, which is a factor, because you're asking for square footage to go along with those. My point yesterday was -- and it was all discovered yesterday afternoon at what was it, 3:00, 2:30?

MR. HOOD: About 3:00, 3:30.

CHAIRMAN STRAIN: Right. The review people stopped in and they saw some of this for the first time and they said mezzanines could pose a real problem in getting those even approved because of fire code and having to have one-hour separations. And those enveloped between the rest of the building, and you were going to talk with your client about that.

And that means that this building, especially the ones in orange, the length, they may be broken up a bit. And that's something we also will be talking about as the day goes on.

Could you put the next page up.

MR. HOOD: Just to break in just really quickly, I did hear back from John Walsh this morning on the issues between the separation of the occupancy. He is looking into it a little bit more in depth and will be in contact with our project architect to discuss where those buildings wind up, whether they need to be broken up or whether they need to have additional fire protection.

CHAIRMAN STRAIN: Well, one of the issues I was going to mention is -- I've been on this Planning Commission 14 years, and I don't know of a time that we've allowed a building to go beyond 200 feet in length. We generally say that's a breaking point, you put a separation with your setbacks, you go to another building. That massing issue has always been a problem.

At one point we had an architect sitting on this board and he focused on that consistently for year after year. I'm just making that point because before the day's over I want to talk about that.

And could you put the next slide up.

This is just a little redundancy. This is the example that we have in our packet. If you notice the way the architecture is here, you've got flat roofs and then you've got pitched roofs, then you've got a half moon roof on the north side, but there's not a continuous line of flat roofs. And some of your architectural plans don't follow that methodology.

You've got another -- next one.

This is the back side. And the reason this is important is we've got this facing all along Livingston Road, and for -- I think it twists a bit onto Radio. Plus this will be the back side facing the north of the community of Briarwood. And obviously it's the quietest side of the project, but it is a little bit plainer than this in your architectural drawings.

Can you put the next one up.

This is one interior picture from the website. You notice there's a bar there behind the boat, and you can't hardly see it but there's five bar stools there. Up top there's a room; I'm not sure what's in the room.

Put the next picture up, Eric.

This one again shows another bar downstairs, some lounge chairs upstairs.

Next one, Eric.

This one's got a lounge upstairs, looks like maybe an office of some type -- I mean upstairs and a lounge downstairs.

The next one, Eric.

This one's got a pool table and a lounge.

And the next one.

Okay, now these are the interiors, the way they're finished out. And the reason this is important is these don't appear as simple storage areas. And the fact that you've got bar stools and seating to accommodate five, six or more people factors into another element that was on your civil drawing. The civil drawing had the following comment: Parking requirements, one space for every 20,000 square feet. Now, it will take anywhere from 10 to 15 of these to make that 20,000 square feet, yet you've got potential occupancy five, six or more people based on the number of seatings you have. So I'm not sure that that's a good calculation of the parking need which would dictate then how your buildings get laid out, because you're going to -- and that's going to be important for the way you've written your master plan.

MR. HOOD: Now, the way that you've just described the bar seats and the bar areas, it seems like you're alluding to this being a destination for, you know, people to come in and have a drink or -- it seems like more of a commercial bar scene that you've just kind of painted, because --

CHAIRMAN STRAIN: That's not true, Fred. I showed what the pictures were on your website.

MR. HOOD: The reason why I'm saying that is that if you have five bar stools in your home, are you going to equate that to parking?

CHAIRMAN STRAIN: The home would have parking adequate to handle what a home does. What I was pointing out is this operates more like a living home, a habitable area, than it does a storage facility.

MR. HOOD: And I won't disagree with you on a portion of that. What I was getting at was when

you made the statement that we were looking at five bar stools here, a bar here, a living area here, to some people, to someone's ear it might sound like okay, there's five bar stools there, that could be five separate people that could be coming to this unit to have a drink with their friends or to hang out and watch a football game, and that's not necessarily the case.

CHAIRMAN STRAIN: Well, then let's see the rest of the slides I've got.

Put the next one up, Eric. We'll get to another one that I pulled from your website.

By the way, this is the architectural drawing for the front elevations that will be more or less interior.

The door fronts and store fronts are not as varied as they seem to be in the colored rendering.

Could you put the next one up, Eric.

This is the back side. Notice that we have more flat roofs, not as many pitched, at least on the top elevation.

Put on the next one, Eric.

The highlighted item is what I was trying to get at, Fred. It says these 159 privately owned units are not simply storage space. To park your vehicles away -- would you -- I can't read it now.

COMMISSIONER ROMAN: Zoom out, please.

CHAIRMAN STRAIN: You zoomed in, you should be zooming out.

COMMISSIONER ROMAN: And you need to focus.

CHAIRMAN STRAIN: But rather living rooms where you can share your toys and invite others over to appreciate them well. And it also has cable and internet.

So what do these sell for, a couple hundred, 250?

MR. HOOD: About that, yes.

CHAIRMAN STRAIN: Okay. The decorations sure don't look inexpensive. And they don't come turnkey. So that 250 doesn't include maybe 100 or 200 in interior improvements. You've got a car that's going to be well over 100 it looks like, from the ones I saw. So you're going to have a half million dollars into every one of these, which certainly helps positively from a valuation viewpoint. But I find it hard to believe that someone who's going to spend that kind of money and build it so it can accommodate more than themselves and they're not going to go in with a pool table by themselves aren't going to have occupancy equivalent to possibly what they have the seating for. That's the point about the parking. Now you can make it out to whatever you want, but that's the point.

Your application for SDP said parking requirements, use, storage, one space 20,000 square feet. Because that's all that storage is supposed to have. That's why the storage element has got me concerned.

MR. HOOD: Okay. And the storage element that is a concern was discussed with engineering and zoning staff, and that was the closest parking requirement that they asked us to use.

Now, as we discussed last night, we may be looking at -- we may look at a different option for the parking. But going with what we're looking at right now, engineering and zoning review, when asked what we should use for our parking requirement, asked us to use the closest thing that was available, and that was self storage.

CHAIRMAN STRAIN: Who in engineering and zoning?

MR. HOOD: It was Chris Scott and Ray Bellows opined on that.

CHAIRMAN STRAIN: Ray, so you agree that this is one parking space for every 20,000 square feet?

MR. BELLOWS: That was our initial assessment. But after our meeting yesterday, I think staff is supporting the concept of providing required parking within each individual unit.

MR. HOOD: Right. Now, that's part of the additional conversation that we're here to have. But the original one per 20,000, that's what's in the staff report, that's what we discussed. We can discuss additional options here, but that's where that comes from.

CHAIRMAN STRAIN: Can't fix everything in one meeting, I guess. But I'll tell you, that's disappointing that we would even consider 20,000 when this isn't a self storage area.

But regardless, I think that's all the -- is there anymore left over there? Yeah, the last series of them, why don't we put those up while we can. Not the blue one, the one behind it. Might as well get all these on the table.

This is the Lowe's Center that was approved as an SDP. It was ready to go. That's 138,000 square feet. I'm just pointing it out because I saw some emails that seemed to think this wasn't reality. Actually there was a lot of spent money to get it this far. Had the recession not hit I would have expected they may not have come out like they did.

The back of the Lowe's is facing Livingston Road, and the front with all the parking field is facing some of the multi-family off of I think it's Dove Lane or something like that.

Could you put the next one on.

This was a previous than the Lowe's. This was called Briarwood Plaza. It was a retail --

COMMISSIONER ROMAN: Would you orient that? Excuse me, Mr. Chair, we can't see it.

CHAIRMAN STRAIN: It was a retail center. And Stan, on that one you can see the drainage lines going over and connecting to the lake. That lake towards the top of the page, that was what I was trying to tell you was already approved and it's got an ERP process already done. And that's been on the books for a long, long time.

Okay, with that, let's go back to the PUD, Fred.

Under accessory uses, you've got B.1.A and B.1.B, both of them start with the word complementary. I don't think that's a useful word to have in the zoning document. If you just drop it, it reads just as well without it.

MR. HOOD: Like that? I just took the word complementary off of both of them.

CHAIRMAN STRAIN: Okay. If we go down under 6.3, regulations, this is where we get into the percentages. I would like to suggest, and this is going to obviously have further input from the audience and everybody else before the day's over, that if this were to continue, instead of using a 40 percent increase, which is not realistic, that we get to the number that's on the floor area as originally culled out in the PUD. And it was limited to a minimum of 1,000 square feet floor area on the ground level. Your ground level, based on what you said earlier was what, 198,200?

MR. HOOD: Yes.

CHAIRMAN STRAIN: Okay. And I still don't understand how that compares, but that's fine. It's 191,279 is what's on your SDP. But it's being remodeled or represented, so --

MR. HOOD: And that difference --

CHAIRMAN STRAIN: -- let's just make sure they're consistent.

MR. HOOD: They will be.

CHAIRMAN STRAIN: And what I would suggest is that you list the principal use number 14 with a percentage consistent with the 198, and then the mezzanine be listed as a separate -- or exclusive of mezzanine areas. And you will have -- and when Madelin comes up to talk later, we'll understand better how a mezzanine's looked at from the architectural standards in that viewpoint.

MR. HOOD: Okay.

CHAIRMAN STRAIN: Under 637.A, you went to an effort to define the word development, and I can't see why you needed to do that.

MR. HOOD: It's been stricken per the exhibit in front of you.

CHAIRMAN STRAIN: Okay. And under C, it says: Units are not intended to accommodate. I think that should be stronger. It should be either not per-- I think you did change it already, units are not permitted to accommodate.

MR. HOOD: That's correct.

CHAIRMAN STRAIN: That works.

Under E, all exterior balconies shall be located internal to subject development.

I think we talked about that isn't even necessary, because your architectural plans don't have any.

MR. HOOD: Right. I discussed it with my client and I provided language last night that I printed off that would make that a little bit more clearer. But we don't propose to have any balconies, so we can just strike that whole item. We're okay with getting rid of it.

CHAIRMAN STRAIN: Under K, I think your mezzanines, first of all, can't be two-thirds of the ground floor area, as we all learned yesterday from both fire code and building code, but that they can be up to, what was it, 400 square -- certain square footage.

MR. HOOD: We are proposing them to be at 400 square feet. I believe what fire and building -- I don't remember offhand, I'd have to go back and look at my notes on that one, but it was way less than -- I think he said if we went over something like 10 percent or 15 percent that some other triggers would start to apply.

But in the case of looking at -- and I'm sure we'll be getting to that later when we start to discuss architectural. But all of our building elements will have to meet or exceed the fire building code and the Florida fire code, as well as the occupancy requirements for both of those statutes.

So again, these -- I understand why we're looking at some of the SDP elements, but they're going to have to be based on whatever we come up here. So if we need to get rid of the two-thirds and define it -- I would actually rather not define the size of the mezzanine in the zoning. I would say that they can be in these units, and then the Florida Building Code and the Florida Fire Code is going to dictate by way of reviewing the SDP what those actually can be.

CHAIRMAN STRAIN: Well, the problem we have is mezzanines are going to be limited based on the building code and the fire code.

MR. HOOD: That's correct.

CHAIRMAN STRAIN: But based on the land development code mezzanines have to be calculated as part of the square footage.

So I think we need to at least indicate there is a cap on the mezzanine so that we know where the overall total square footage could go in relationship to how it's worded in this document.

MR. HOOD: Would we rather -- well, I'll ask it this way: Would the board be comfortable with a square footage cap versus a dimension cap?

CHAIRMAN STRAIN: I think a square footage cap is more easily understood. So that's what I would suggest.

MR. HOOD: Okay.

CHAIRMAN STRAIN: Then when we get to architectural review, 7.12, I don't believe there's any changes needed to that paragraph and it should remain as-is in the PUD. I mentioned that to you yesterday.

MR. HOOD: You did. I just want to put on the record, and I'll say it briefly, we're okay with leaving that paragraph alone. We just want to make it apparent that the section 7.12 looks at the deeds restrictions, the covenants for the master association. That's what's going to dictate whether architectural review is necessary by Briarwood or by Collier County LDC.

CHAIRMAN STRAIN: What it says is the buildings constructed within Briarwood must comply with the architectural review standards which shall be specified by the recorded covenants and deed restrictions that go with the properties.

Do you have a title policy?

MR. HOOD: I don't have it on me.

CHAIRMAN STRAIN: I asked you about it yesterday. And I asked if your title policy indicated the recorded covenants against your property. If there weren't, then you don't -- then that paragraph doesn't apply to you. If there are, then it does. And I don't know what the situation is unless I see your title policy, because it could have come as something after the plat as a separate instrument.

MR. HOOD: I'll have a copy sent to you.

CHAIRMAN STRAIN: Well, we need it today.

MR. HOOD: I don't have it today.

CHAIRMAN STRAIN: Can you have it after lunch?

MR. HOOD: After lunch?

I'll have it today.

CHAIRMAN STRAIN: Okay. Then that will solve that paragraph.

What the Briarwood HOA or the developer or anybody in Briarwood does in regards to that is between you and them, not between this board as a zoning matter.

MR. HOOD: I understand that.

CHAIRMAN STRAIN: So I'd just assume we not mess with something that isn't our fight. And if we change it, it becomes ours. If we don't change it, it's yours. That's the way I'm looking at it. And I'm not

sure why we'd want to even get into it.

Andy?

COMMISSIONER SOLIS: The one question I had was what is your understanding of whether or not the architectural review committee in Briarwood has jurisdiction over reviewing what's being proposed in the development? Do the covenants encumber the commercial property?

MR. HOOD: They don't.

COMMISSIONER SOLIS: They do not.

MR. HOOD: They do not.

CHAIRMAN STRAIN: They also have a letter from their attorney. Was it in the packet?

MR. HOOD: No, that was not in the packet.

CHAIRMAN STRAIN: You might want to supply that by the time lunch is over as well so you could see that letter. They have a legal letter about it that was sent as well.

COMMISSIONER SOLIS: Okay, so then the county's architectural review would govern. So --

CHAIRMAN STRAIN: I'm suggesting we don't need to disturb this paragraph. It's already -- it's already done.

MR. HOOD: Our reason for putting it in was to clarify, because there was some confusion when this first came through whether we needed to get architectural review approval from Briarwood.

To clear up that confusion we looked a little bit further into the covenants and declarations and looked at the legal description that applies to those covenants and declarations. And in that legal description it excepts this property out.

So in layman's terms, there is no architectural review control by Briarwood over this property because it's not in their covenants.

CHAIRMAN STRAIN: And you got a letter from a company called -- legal firm Conroy, Conroy and Durant, PA, dated July 9th, 2015 addressed to Jeff Klatzkow, County Attorney, describing their position on the issue.

And that's your position, so -- I don't have anymore to say about it at this point. But I think that's something that we don't need to get into unless the County Attorney's Office or this board decides they want to change that paragraph.

MR. HOOD: Just wanted to put it on the record.

CHAIRMAN STRAIN: And with that we're already past our lunch date and I apologize to the court reporter who's probably sitting there pretty angry at me right now.

Let's come back at 1:00 and resume at 1:00. And I'm going to make it a point that by no later than I think 1:30 or quarter to 2:00 -- I made a commitment to the attorney representing the Briarwood folks, Tony Pires, that he could be heard because he has to leave for another case and I wanted to make sure he had ample time to be heard. So we'll do that.

Tony?

MR. PIRES: Mr. Chairman, at the risk of incurring the wrath of the court reporter and others whose stomachs are growling, I would like to if it's possible when we come back to make objections on the record as to even conducting the hearing. I had the impression that was going to be allowed first.

CHAIRMAN STRAIN: You're right.

MR. PIRES: We never got to that because of procedural due process -- issue of due process, procedural issues and notice issues that we believe are defective.

CHAIRMAN STRAIN: Absolutely right, Tony. You're right. I know yesterday it got confusing when we discovered this new information in the afternoon, and I completely forgot to start off with that discussion. I apologize.

MR. PIRES: We could do it this afternoon after lunch.

CHAIRMAN STRAIN: First thing when we come back from lunch we'll hit that first.

MR. PIRES: Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

With that we'll take a break and come back at 1:00.

(Luncheon recess.)

CHAIRMAN STRAIN: Okay, if everybody will please take their seats, it's 1:00 and we can resume the meeting.

I had intended to start this particular issue today, the Briarwood issue, with an opening discussion of process, because the process was challenged by Tony Pires. When he first challenged it I went to the County Attorney's Office and I asked them to opine on whether or not the premise under which this board has to meet was met in the way the various process evolved up until today. And Heidi Ashton had said yes, the advertisement and the issue meets the intent of the LDC, and based on that the Planning Commission could proceed.

But I did tell Tony I would air that discussion first thing this morning, and I forgot, and for that I apologize, Tony. And we will certainly want to hear your comments now and I'll ask the County Attorney to respond afterwards.

And if anybody on this board wants to weigh in, they're more than obviously capable of doing so. So it's all yours.

MR. PIRES: Thank you very much, Mr. Chairman, members of the Planning Commission. My name is Tony Pires. I'm with the law firm of Woodward, Pires and Lombardo and I'm representing the Briarwood Property Owners Association today.

And I understand, Mr. Strain -- I appreciate taking this matter up first thing in the afternoon session. I understand why there wasn't able --

CHAIRMAN STRAIN: It's my young age, I sometimes forget.

MR. PIRES: Well, my client and I believe that there are severe distinct, defective procedural and process fundamental fairness issues that are doing a disservice to the public, to the community, to this Planning Commission and to the Briarwood property owners and the Briarwood Property Owners Association.

The reason I say that is, this initial application, just to kind of walk you through what happened, as I see it from the records that I've in the short period of time been able to gather from the county and various public records requests, and also websites, the original application in this matter for the PUD amendment was filed on March 2nd, 2015. I believe you have copies of that in your packet. If not, I have additional copies of the March 2nd, 2015 PUD amendment.

And that was to allow conditional uses, three, private clubs, and five, private parking lots and garages. Per Section 6.2.C within tracts B and C, community commercial of Briarwood PUD. Additionally this -- I'm reading from Davidson Engineering, I have copies for the record, their application cover letter: Additionally this application seeks to increase the maximum floor area from 20 percent to 40 percent for the limited conditional uses that are the subject of this application within tracts B and C and allow architectural review of tracts B and C to be consistent with the Land Development Code. That's March 2nd, 2015.

The county did not issue their initial sufficiency report until April 9th of 2015. However, on March 30th of 2015, prior to the issuance of the sufficiency letter, the neighborhood information meeting for this project was advertised for a neighborhood information meeting to be held 15 days later on April 14th, 2015.

If you all have a copy of my August 12th letter and my August -- which is included in my August 14th letter, I have a copy side by side of all the neighborhood information meetings. And I can put it on Elmo, if it's working.

And you can see --

COMMISSIONER ROMAN: You need to zoom out on that, please. Zoom out so --

MR. PIRES: Zoom out? Ray, I'll let you do it.

CHAIRMAN STRAIN: It takes a planning manager to zoom out. Eric hasn't learned that yet.

MR. PIRES: I'm going to put my magic marker and put it on there.

CHAIRMAN STRAIN: Button.

MR. PIRES: And side by side. So on the left-hand side is the advertisement for the NIM which tracks the language in the application of March 2nd, 2015.

And again, as I mentioned, there was an insufficiency letter issued at the date this advertisement was posted.

But between March 2nd and March 17th, March 30th, excuse me, there was an analysis by the

County Attorney's Office of the conditional uses in this proposed PUD amendment. The County Attorney -- Assistant County Attorney Scott Stone in his comments on this application said: The proposed uses do not fall within the scope of the existing conditional uses three and five under Section 6.2.C of the PUD, so you must add the proposed uses as a new principal use under Section 6.2.A of the PUD. Be specific.

So what we have is on March 2nd, 2015 we have an application to have these conditional uses made as permitted uses.

We then have in the note from the County Attorney's Office his comment saying you can't do that, you need to add a new use. However, on March 30th, this was advertised for a NIM for the original application. The county issues its sufficiency analysis and report on April 9th, 2015, and I believe it's in your agenda packet and references the County Attorney's letter.

A NIM is held, as advertised, April 14th.

April 17th, a new submittal is made by the applicant. And I believe it's in your packet. The new submittal says: The purpose of this PUD amendment is to allow automotive garage condominiums as a principal use within tracts A and B. It wasn't advertised. And that's what wasn't reviewed by the county staff. But this is three days after the NIM.

So I find it hard to believe the applicant did not realize and know this was what he was actually going to bring forward in his submittals. That's just my opinion.

Included in that document it says: 17 copies of the updated PUDA application. I would submit that's a revised amended application for which a new NIM needed to be provided. No new NIM was forthcoming.

Furthermore, it wasn't, as I understand it -- I wasn't at the NIM, but as I understand it, it wasn't a pleasant experience necessarily. And my understanding is that after April 14th, 2015, none of the subsequent submittals, revisions two, revision three on June 19th, 2015, revision four on July 13th of 2015, were ever shared with or sent to Briarwood, the Briarwood folks or anybody.

And as indicated in my letter on July 18th or so I sent an email to county staff saying can you provide an update. And I never received other comments that are in the packages of those emails other than we have some minor issues in it.

Unbeknownst to me, and I found out subsequently, as of that date it had been determined that this matter was going to be heard today. The fact that it was going to be heard today was not known until after July 31st.

So what we have, and I would submit to you that this board -- and I always compliment this board and this commission and the county commission, they believe in having fundamental fairness, due process, not just a technical legal process but the process of the community being involved in knowing what's going on and what's being considered by this board, what's being considered by this Planning Commission.

And I would submit to you that based upon the ad for today's hearing which is to the side, right side, much more detail as to what's going to be heard is not what was proposed and advertised for the NIM and for which this community did not know anything about until after we received the posting on July 31st. That's four months later, three or four months later without a word as to what was going on.

Additionally, from what we've heard today it makes it more compelling that this matter be continued for at least one month for another neighborhood information meeting.

These are uses on the fly. I mean, they're trying to put lipstick on this particular critter and call it whatever it is to try to get whatever approval they want. I'm not sure of -- and I'm not the brightest bulb on the planet. Sometimes I feel like a 40-watt bulb in my refrigerator. But I'll tell you what, I have no clue what they're really proposing after today other than an industrial use, which shouldn't be there. And that's our penultimate request we would make, that you deny it.

However, we believe this matter needs to be continued for at least one month for the applicant to submit what he really wants to do there and not send different versions to different departments, including the zoning application, hold another NIM to let the community know what he really wants to do there and get that feedback.

An additional issue is with regards to the authorization and authority of the contract purchaser to have processed this application to this date. The contract that was submitted in the agenda packets or the materials with the county, and I have a copy of it, the contract for sale of real property says: Notwithstanding

the foregoing as to the applic-- the contract purchaser having the right to make application, buyer, which is the applicant, agrees that without the prior written consent of seller, buyers shall not obtain any, quote, unquote, final approvals for any Site Development Plan or rezoning that will be binding on a property until after the closing until such final approvals may be withdrawn or canceled in the event closing does not occur.

Now this seems to run contrary to the affidavit of authorization that's submitted by the applicant in this case. Now the applicant may say, well, I have that approval because yesterday sent to the county staff on August 19th is an affidavit from Lowe's that states that they authorize and grants permission to Premier Auto Suites of Naples, LLC the contract purchaser, to submit the attached application for amendment to PUD, PUDA, as described in that certain letter including the attachments thereto from Frederick Hood, AICP, senior planner of Davidson Engineering, dated March 2nd, 2015.

That's not what you're here on today. Addressed to Collier County Growth Management. And then it goes: And further to submit those items necessary to support the PUDA -- which is a defined term, that March 22nd, 2015 application -- as may be needed to obtain permits associated with development and rezoning of the property described herein.

I would submit that based upon that that this, in my opinion, again, this needs to go back to get the proper authorizations. And I have copies I will hand out and also put on the visualizer.

And again, based upon the additional information we heard this morning, I think it does a disservice to this commission, to the community, to the public to continue to hear this today. We don't know what is really being heard and considered. And I would request that respectfully on behalf of my clients. Thank you for that opportunity.

And if I could pass this out and also put this on the visualizer?

CHAIRMAN STRAIN: I'd like a clarification. So what you're saying this document does is provide the applicant with the ability to go forward with the rezoning based on the March 3rd submittal?

MR. PIRES: March 2nd.

CHAIRMAN STRAIN: March 2nd submittal.

MR. PIRES: Yes, I would submit that; I would argue that.

CHAIRMAN STRAIN: That's not the one we're hearing today, though, because --

MR. PIRES: Correct.

CHAIRMAN STRAIN: -- we're on the PUDA for a new principal use today.

MR. PIRES: That's correct.

CHAIRMAN STRAIN: Okay.

MR. PIRES: And for all those reasons, again, I think this needs to be continued for at least a month, find out what's really going on, what's really the application, have another NIM, get the appropriate authorization if they want to do that. At the end of the day we still don't believe it's an appropriate use because it's an industrial use in this community commercial, but I think procedurally and for the public to be aware of what's going on, it needs to be continued. Thank you very much.

CHAIRMAN STRAIN: Thank you. And Mr. Pires, I know that you have to leave at a certain time today, and I -- you had asked if you could speak before you leave, and we'll certainly accommodate that. This was a separate issue.

MR. PIRES: Yes.

CHAIRMAN STRAIN: What is the time that you have to --

MR. PIRES: I'm fine until probably 2:30, maybe 3:00.

CHAIRMAN STRAIN: 2:30. That's a big difference. You're as inaccurate as other people are.

MR. PIRES: Only because I was able to get somebody to semi cover for me.

CHAIRMAN STRAIN: Okay, so -- and I don't want to limit your time, but if you have to leave at 2:30 and we let you start at 2:25, will that work?

MR. PIRES: I've been known to talk too fast in the past. Yes.

CHAIRMAN STRAIN: Honestly, Tony, what's the best time that would work for you?

MR. PIRES: The best time would be a month from now, if this Commission would continue this item.

CHAIRMAN STRAIN: If we continue today -- I should have known. If we continue today, Tony,

what would be the best time? I don't know how long -- generally we allow 10 minutes for the --

MR. PIRES: If we could try 2:00, it would be greatly appreciated.

CHAIRMAN STRAIN: We'll try to hit around 2:00 to let you have an opportunity to speak.

MR. PIRES: Again, I respectfully request that it be continued. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Heidi, most of this is actually following in your and Scott's lap as far as analysis go.

This board has one standard that it has to go by and that is the Land Development Code. And if the process that has been portrayed to you in this affidavit and everything changed nothing and we're still consistent with the code, then we will continue. If you tell us we're not, we'll have to determine what to do at that point. And then this board also can weigh in on it themselves as well, so --

MS. ASHTON-CICKO: Okay. As to the due process issue, it's my opinion that the advertisement that ran for the NIM dated April 14th is legally sufficient.

In addition, there have been two other NIMs for the Conditional Use. Because this is essentially the same project that was proposed as part of the conditional use, and the conditional use was heard by you on January 15th, 2015 with a recommendation of approval to the Board of County Commissioners and then the BCC held their hearing on February 24th, 2015, that again -- so you've got, you know, two NIM ads, you've got two NIMs for the conditional uses for the -- then you have a NIM ad, an advertised public hearing for the Planning Commission.

So, you know, the point of the notices is so that people will be aware of the project and have the opportunity to come forward and be heard and present their opposition if they'd like. So I think that what's been conducted is more than sufficient as far as notifying the public in accordance with our Land Development Code.

As far as the affidavit of representation that is dated -- I think that's August 19th, 2015, that also is sufficient to grant authority to the applicant to proceed with their request.

Have I omitted anything that you want me to address?

CHAIRMAN STRAIN: No, those are the two issues I needed to ask your thoughts on in regards to the presentation by Mr. Pires.

With that, I don't know if anybody on the Planning Commission has any comments. If they do -- Stan?

COMMISSIONER CHRZANOWSKI: Just a question of Fred. What does Fred think about continuing this?

CHAIRMAN STRAIN: Fred?

MR. HOOD: I'd like to go through the rest of the questions that you might have before we make a decision on whether we want to continue it or not.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, we'll continue, thank you.

And we left off going through some questions that I had of the various documents that have been submitted.

I want to go to section five, which is Page 6 of the proposed changes to the PUD. And this one involves the master plan. And because of the nature of this project and it being unique, and not really understanding quite what it is yet, but we're still working on that, I would like to suggest that we take out the words "conceptual" where it references on section five both in the bold and in the paragraph, add a sentence to say that any changes could be subject to 10.02.13.E of the Land Development Code which is your substantial, insubstantial and minor change section of the code. Which means the master plan that we're going to end up with, if this project is approved, could be locked in and any changes that are attempted to be made have to meet the criteria of one of those three categories and how they proceed based on our Land Development Code.

I am concerned in this particular project because of the nature of the project, not knowing all the impacts it may or may not have, that the word "conceptual" can give too much flexibility.

And after seeing the way the use itself is morphing between submission and submission, I'm

concerned where conceptual could go. So that's another suggestion that I've got, Fred, in regards to the document.

MR. HOOD: You want that on the master plan or the notes for the master plan, correct?

CHAIRMAN STRAIN: Well, no, actually it's on Page 6, section five. It starts out with the bold sentence: Addition of Exhibit B, community commercial, then it says conceptual master plan. I'm suggesting we strike the word conceptual.

On the next sentence, regular typeset, it says conceptual again. Strike that. And then the reference to substantial, insubstantial and minor changes can be on the master plan, the text section of it.

MR. HOOD: I'm okay with that.

CHAIRMAN STRAIN: When we get into the master plan, there's two pages, Exhibit A and -- I mean, Exhibit B. But Exhibit B has two pages to it. The second page is the text page. Under the development standards on that page it lists the development standards for commercial and private parking lots/garages. Whatever the use is that is ultimately defined, it ought to be there, not something that isn't what you're supposedly going to be doing.

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: The roadway cross-section in the lower right-hand side, it says "roadway" on one part of it and "aisleway" on another. There's a big difference in the way it's going to be looked at, and I would suggest those terms be synonymous. One mimics the other.

MR. HOOD: That change has been made as well.

CHAIRMAN STRAIN: Okay. That's all I have on that section of the documents.

When we -- I noticed in the NIM that you had said the project will not be open to the public.

MR. HOOD: Yes.

CHAIRMAN STRAIN: I didn't catch that in the documentation. Somewhere it should be listed. It may be there, I just might have just not recalled it. I just want to make sure it gets in there somewhere.

MR. HOOD: It is -- I'll tell you exactly where it is. I think it's in one of our descriptions narratives. But I'll make sure it gets in here in 63 --

CHAIRMAN STRAIN: Should be in 637.

MR. HOOD: Yep, I will add that.

CHAIRMAN STRAIN: Ray, could you put that detail on I gave you concerning the fence.

We'll need to back out of it a bit.

Eric, this is going to get you a pay raise, you know that, don't you?

Okay, another little discrepancy on the SDP. The proposed buildings will start at a finished floor elevation of 9.5. That's a FEMA requirement. If you look at the dotted line that's kind of highlighted in orange, the existing grade is 6.8. Fences are measured off of existing grade. The fence is supposed to be eight-foot high. It's to accommodate some privacy residential to the north and to the east. It will effectively be about five foot, maybe a little bit more, five foot high based on this drawing. I don't believe that's the intent. I see the berm that you have there. And I think if you slide the berm over to within the center line of that 15 feet, you could put the fence on top of the berm.

I know there's an issue in the code about measuring the fence and the adjoining finished grade, but Ray, what would we have to do to make sure something like this doesn't happen but the intention does happen? Is it a deviation issue that needs to be done or can we just simply state it in the PUD?

MR. BELLOWS: For the record, Ray Bellows.

A fence height could be measured from the -- if it was on top of the berm, it would include the berm in the total allowed height. So they would need to take that into account if that's going to be part of the intent to provide a buffer.

CHAIRMAN STRAIN: Well, I think the intent was they put an eight-foot wall up there. And by the way, it says privacy wall, and I used fence. It's a wall. But I think the intention is it would be on top of that 8.6 berm. And then you're eight-foot wall.

MR. BELLOWS: Then they'd need a deviation.

MR. HOOD: Right. That was never the intent, to put it on top of the berm because we were following the LDC section. It is something that we can discuss, though.

CHAIRMAN STRAIN: Well, we're discussing it.

MR. HOOD: It is something that we can discuss that will put end to the PUD amendment.

CHAIRMAN STRAIN: Okay. Thank you. Then you'll ask for a deviation so that fence can go that way, and the maximum privacy is attained by the neighborhood.

And actually, I think your comment yesterday was well, that's going to cost us more. It really isn't. You're just moving the berm over. So, I mean, I'm not seeing where it's a big issue.

MR. HOOD: We don't mind.

CHAIRMAN STRAIN: Okay. And that takes us to another issue I found in the emails. I know I had 60 I don't know how many emails. I read almost every one of them. A lot of them were redundant. And after a while there was a pattern developed. And I thought, hm, somebody's -- all you guys are thinking -- must have ESP, because your concerns are transmitted identically.

Well, one lady, I think it was a lady, that included this. And for the first time I realized why everybody's emails were so familiar. And so before the public gets up and speaks, I would like the developer to -- and Fred is the representative, to respond to every one of these bullets so we can get that on the deck now as to how -- what the process is, where they're coming from.

I don't know where this came from. I do know that some of these references could be said in a manner that wasn't as directive as they seemed to be. And so I want to at least get your reaction to them. I don't know if you've seen this before, Fred, it came in after 5:00 last night, I believe.

MR. HOOD: Yeah, I've seen it briefly. I don't think I have a copy printed off, so excuse me if I look.

CHAIRMAN STRAIN: Yeah, that's no problem. I'll read them and you can respond: The developer refused to make any changes to the plan except adding a small number of small trees, even though they will remove large areas of trees.

What is your reaction to that?

MR. HOOD: So let me go to the cross-section for Livingston and Radio roads. Because that was the conversation that we were talking about, about the buildings being up against Livingston and Radio, in that meeting as I recall that we were going to look at providing additional landscaping. That's what --

CHAIRMAN STRAIN: Did you ever get -- and this may help. Can you show us the response you got from your submission to the architectural review committee for Briarwood?

MR. HOOD: No, I can't, because there was no response. I got several emails that were asking for copies of the transcripts and the video from the meeting, responses for things that they would like to see. I don't have any emails or phone call records from any of that.

CHAIRMAN STRAIN: Well, this says you refused to make changes, so someone had to communicate changes to you.

MR. HOOD: There's no refusal. There's been nothing that's been presented for us to take a look at.

CHAIRMAN STRAIN: Okay.

MR. HOOD: If we had something, I'd take a look at it and I would show it to you. But I don't have that.

CHAIRMAN STRAIN: You know what, I know that you're taking out some areas of trees, the same trees that Lowe's was already permitted to take out and the same trees that Briarwood Plaza would have been already permitted to take out. So what are the other issues about the small trees?

MR. HOOD: When you say "small trees," are we talking about along Livingston or back here?

CHAIRMAN STRAIN: I was hoping you'd know because you refused to do it.

MR. HOOD: I can't give you an answer to something that I didn't refuse.

CHAIRMAN STRAIN: Well, I honestly don't know. I'm just trying to find out because it was the letter that generated probably quite a few emails. And I want to know what the issues are so when the public comes up to speak we know exactly what they're referring to from your perspective. Because we're going to hear theirs.

MR. HOOD: From my perspective, when we discussed landscaping around the entire project, we looked at the north and the northeast areas and the southern and the western areas along Radio and Livingston.

What we did say was that we wanted to keep whatever native species that were along these northern areas within the landscape buffer -- within the required landscape buffer as additional material on top of what we would have to provide per the LDC.

As you aptly put, if Lowe's were to come in here -- if anyone were to come in here and develop this site, with the exception of the preserve area, which is right here that I discussed earlier, all of those trees would come down if they wanted them to.

CHAIRMAN STRAIN: Have you looked at the landscape plans that were submitted with your SDP to the county?

MR. HOOD: We have. And those were -- we're talking about --

CHAIRMAN STRAIN: No, we're talking about --

MR. HOOD: Are we talking about the back end?

CHAIRMAN STRAIN: We're talking about the back end. That isn't the landscape plan, that's a landscape exhibit.

MR. HOOD: Right.

CHAIRMAN STRAIN: I'm talking about the one done by Architectural Land Design.

MR. HOOD: Right.

CHAIRMAN STRAIN: And it's labeled 0.0. And it shows a lot of detail. It doesn't appear to have salvaged some of the trees. I don't know which ones -- I don't know how to differentiate. If you have that plan handy, it might --

MR. HOOD: I don't have it on me. That's not what we were going to be discussing on the landscape plan. Unfortunately our landscape designer is out of town right now, so I would have to get back to you on that. But I don't have them in front of me so I can't really respond to which trees were native. But I do know that we were attempting to save as many native trees that we could in that area, and that still is the case. But I can't point them out to you because I don't have those plans and I don't have him here.

COMMISSIONER ROMAN: Mr. Chairman, as I read the NIM notes, it was the slash pines that were the concern of the folks attending the NIM. And there was a note to that effect. Number 11 on our NIM notes.

CHAIRMAN STRAIN: And that's what I'm trying to find out from your landscape plans is if those were left in or not. I've got the plan, but it doesn't really cull out what all the -- it looks like they've got a bunch of scattered trees in that buffer area between themselves and the residences. It looks like they're the ones that are left. I just wanted you to verify. But if you don't have the plan and your architect isn't here, we're kind of at a loss on that.

MR. HOOD: I understand. Thank you, Ms. Roman, for that.

I understand what trees we're talking about now. If it's the slash pines that we're talking about, there's a small stand of slash pines that will be impacted by the water management area on the corner. It's these areas. There's a bunch of -- not a bunch, but a small grouping of very tall slash pines that are right in the middle of a water management area.

CHAIRMAN STRAIN: Okay.

MR. HOOD: So we attempted to look at options to save those, but the cost of putting in retaining walls and the trees may not even survive if water were to overrun them, so it wasn't feasible to leave those there, if that's where our water management was going to be planned.

CHAIRMAN STRAIN: And can we move to the -- Eric, can you take that off the -- there we go.

The next one, the developer is requesting to double the allowable building size by more than 100,000 square feet, nearly three extra acres of buildings, and erratically change the use limiting the Briarwood residents' commercial center completely.

First of all, I know you're changing the building size. We're going from 20 percent to effectively 28 percent, because the PUD refers to floor area on the ground.

An acre is 43,560 square feet, so you've got about 87,000 square feet in two acres. Three acres will put you well over 100. I'm not sure you're doing a full three acres. And the rest part, I'm not sure, radically change the use eliminating the Briarwood's residents' commercial center completely.

I guess the Lowe's was something that was preferred over what your product is. Maybe that's what

that's eluding to. I don't know, and if you don't know, I have no more issues on that one.

The next one: Developer is asking to forego Briarwood residents rights in the PUD for architectural review. I believe we resolved that today.

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: 712 is not changing.

Point number four: The developer will not agree to save buffer trees solely so they can build a much larger project.

Again, I didn't see on those plans from Lowe's or the one other one the saving of any of those particular trees I think that are being talked about. And that's why I asked you about your landscape plan. If on your landscape plan you could show that you are trying to preserve those trees, it would certainly help to understand. Because the buffers that I think are probably most considering are those facing the residential side.

MR. HOOD: Yeah, it wasn't about the residential buffers, it was that small stand of trees that was at the corner. Those were specifically talked about.

CHAIRMAN STRAIN: Okay, well --

MR. HOOD: And I would like to save them, but that's where the water management is.

CHAIRMAN STRAIN: Okay, another bullet: The developer is not adding a retention lake (so they can build more buildings), and will dump excess water into Briarwood's lakes.

I think by the ERP and the other previous approved plans that I've put on the overhead earlier, that lake has always been part of the system and you're doing no more than anybody else had previously done. In fact, the runoff from a three or 400 space parking lot for Lowe's would probably have more hydrocarbons and other pollutants that would go into the drain system and into the water than your operation will, especially with the restriction on your operation for any maintenance on the facility.

Then the next one is: This experimental project is allowed in an industrial area, not in a residential neighborhood.

Well, I think part of the problem I have with your process is not that it's industrial, that it's actually more residential. And that's the concern I have over the standards you're not being reviewed by. Because it's a parking -- you've got cars parked in there anywhere from one to a certain number, just like people have in their garages and their houses, and you've got recreational facilities in there where people play pool, they have lounges, they watch television, they get on the internet, they do all those things. So I really don't think that the storage facility use is the primary use here, I think it's something else. And that's what my concern's been from the beginning of this meeting today in how to classify it, which was heightened when I saw your SDPs.

MR. HOOD: With the issue of what we're proposing being a little bit more residential as opposed to commercial, I would like to put forward to you -- for instance you have a live/work office, okay, that has a garage attachment to it. You can drive into the garage. You have an office, whether it's on a mezzanine or whether it's at grade, that has a lounge area to entertain clients or to -- as a break room area. It's not a residential use insofar as we're not proposing -- and it says very specifically in the proposed PUD language that these cannot be used as sleepover pads. They are -- more than 60 percent of the floor area that's within these units is going to be for vehicle storage. There is a 400 square foot area that is a lounge or recreational area, but there are other lounge and recreational areas that are accessory to other commercial uses that are in the LDC.

CHAIRMAN STRAIN: So you're an industrial use is what you're arguing?

MR. HOOD: No, I'm not saying I'm an industrial use.

CHAIRMAN STRAIN: Okay, and what are you arguing you are?

MR. HOOD: I'm saying that I am a commercial use with an accessory -- with a recreational accessory -- recreation and/or lounge accessory area.

CHAIRMAN STRAIN: Okay. Well, we're going to -- by the time we get done hearing everybody, we have to settle on this somehow today.

The third from the bottom: The project will negatively impact our property values.

I don't know if anybody's done an appraisal study. At the price of your facilities, I don't know what

the homes in Briarwood go for. I'm not sure there's that much of a change in value, but there's been no evidence or nothing provided to show either way that we can rely on, unless you've done some study.

MR. HOOD: We haven't.

CHAIRMAN STRAIN: Second from the bottom: Accepting the water runoff makes Briarwood liable for the environmental impact.

That's been how Briarwood was designed from what I could see all the way back to the beginning, so I'm not sure how this changes anything, especially in regards to some of the bigger parking fields that would have occurred with the uses that we previously saw.

MR. HOOD: I'm inclined to agree with you.

CHAIRMAN STRAIN: The project -- the proposed project strips the property of its native vegetation and trees.

I mean, that's unfortunately what -- I don't know how to answer that one. But this is what I believe went out and a lot of people responded to.

And through today's process I hope that everybody gets a different glimpse of how some of these questions may or may not have been satisfied or answered. So I just wanted to make sure we walk through these and you've got your thoughts on them before we went to public speakers. And we're going to go to staff next, unless somebody has questions of you at this point.

Anybody on the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Okay, Fred, thank you. You'll have an opportunity to rebut after all the public speakers.

MR. HOOD: Thank you.

CHAIRMAN STRAIN: And with that, Eric, it's your turn.

MR. JOHNSON: Thank you, Mr. Chair.

For the record, Eric Johnson, Principal Planner in the zoning division.

Before I begin, I'd like to just say what staff's role in this is, in that we are neutral. We're really here just to ensure that the project or any proposal, you know, protecting the health, safety and welfare.

With that being said, staff did review this amendment. It was a collaborative effort between myself and Mike Sawyer.

I'd just like to point out some facts. It may be kind of boring but I think it's important.

The project, as previously stated, was duly advertised for a neighborhood information meeting on March 30th. The NIM, as we call it, was held on April 14th.

This particular petition before you today was advertised on July 31st in the Naples Daily News and letters were sent out in accordance with that which is required.

We have received letters of objection, as you are well aware, we have been given letters in favor that was submitted by the applicant, and we have received some letters that were returned.

Staff did review this in accordance with the Administrative Code, Chapter 3.G.1, as well as the Land Development Code, Chapter 10.02.13.

I don't know if this has been itemized yet, but just to clarify things, the plat shows the subject property as tract A and B; whereas the PUD document identifies it as tract B and C. So I just wanted to state that.

Staff did do an analysis. The surrounding properties to the north, it's zoned PUD, to the east it's zoned PUD, to the south it's zoned PUD, and to the west it's zoned CPUD, as well as PU, public usage.

The subject development was originally approved as pursuant to Ordinance 76-22, and today we're looking -- or the applicant is looking to amend Ordinance 95-33.

As you are well aware, the conditional use application was recommended by approval by the Planning Commission on January 15th and then it was heard by the Board of County Commissioners on February 24th.

In the staff report there are a few sections. The PUD findings, you see staff's responses, there are eight responses to the PUD findings and then 18 responses to the rezoning findings as -- and then there's some narrative about the deviation discussion.

Just as a point of clarification again, Chairman Strain had me put the -- an aerial or a diagram of sorts showing where the two retention lakes could be. And I have to admit that it was my impression that the property would convey stormwater on site until it's eventually drained into one of the two lakes. So I'm not sure if it would go into two lakes or one lake, so I just wanted to say that on the record, since I was the one pointing at both of those lakes.

Staff has reviewed this and staff is also mindful that the perimeter of the property could be used in a manner that's for emergency access. The road -- I forgot the name of the road. Skelly Road, that is being -- the proposal here is to restrict public access and just to allow that for emergency vehicles.

As I alluded to before, the perimeter of the property would have an area set aside for emergency vehicles only. And we just want to -- we, as in staff, want to make sure that the material that's used for the -- for that area could be in part grass or porous or a pervious surface. And really, our intention here is to strive towards something that's aesthetically pleasing and discouraging something that would be construed to be a RaceTrac of sorts.

And so that's the intent of staff's recommendation, to make sure that the Exhibit C, which is also included in the proposed ordinance, has a little note there that says to the effect that it would be stabilized sod or turt (sic) stone or similar owner's option. I'm not sure if I spelled it T-U-R-T.

MR. HOOD: Turfstone.

MR. JOHNSON: Turfstone. I'm sorry, turfstone or similar owner's options.

So we do have staff on here that could explain more about what that would be and what that would look like.

But given the fact that staff met with also our colleagues in the building division who are looking at life safety issues, which include, you know, how the structure is built, what kind of codes are employed, fire safety, that sort of thing, it was a pretty robust discussion yesterday about what the eventual product of this would look like, if this were to be approved.

So the staff recommendation is to approve this project. However, notwithstanding the -- well, because of the discussion yesterday about what measures would have to be taken with respect to the interior of the units, what the mezzanines could be like, how large they would be, the fire rating between walls, can glass be used, staff is recommending that we continue this until either time certain or a later date. So I just wanted to state that for the record.

CHAIRMAN STRAIN: Thank you, Eric.

And I have some questions of staff. We have other staff members here I think we need to hear from, but I didn't know if the Planning Commission had any questions of Eric at this point?

COMMISSIONER EBERT: No, I think he did a great job.

CHAIRMAN STRAIN: I would -- before I get into any questions I have of you, Eric, I'd like to ask Madelin to come up, if she's still -- yep. The lady with the patience. Just like the rest. Everybody's waited all day today. Sorry, folks, it's taken so long, but sometimes this happens.

Madelin, would you mind stating your name and qualifications, what your experience level is?

MS. BUNSTER: By all means. Good afternoon. My name is Madelin Bunster. I'm the Development Review Department's Architectural Reviewer. I am a registered architect and have been a resident of Collier County for over 20 years, so I'm very familiar with architectural design and the requirements of architectural and site standards of the Land Development Code.

CHAIRMAN STRAIN: And Madelin, you were at the meeting that we all had yesterday in which the fire department had a representative there?

MS. BUNSTER: Yes.

CHAIRMAN STRAIN: Our building department director or manager, I'm not sure what John Walsh's official title is, but he's head of the building department, he was there. Mat McLean, who's one of our managing reviewers, was there, and we had all the zoning people there.

And we tried collectively to understand this because of the different submissions that have been made. And I talked earlier about the different things this thing's been called.

When you review something and it has a use that's defined by its title, like a self storage area, do you review that differently than you would like a luxury auto garage or a commercial element or the things that

we're looking at today that we really don't know what to call?

MS. BUNSTER: Yes, sir. The architectural and site standards have Section D, which is specific requirements for specific uses. And self storage, that specific use, is one of those uses, which would have limited architectural requirements, less than what the normal -- a normal project would have, another commercial project.

And one of the main architectural comments that I made on the SDP review was exactly that, that we couldn't understand what the actual use of that -- those tenant spaces were going to be, or condominium spaces were going to be, and therefore could not determine if that Section D.2 for self storage could be applied or if they need to meet the regular normal commercial use requirements.

CHAIRMAN STRAIN: So the commercial use requirements could be more stringent than the self storage use requirements.

MS. BUNSTER: Much more stringent.

CHAIRMAN STRAIN: The details that I showed or that staff put on the overhead for me from those pictures that were either in our packet or in the internet, were those more reminiscent of a self-storage facility or a commercial facility; could you tell?

MS. BUNSTER: More self storage.

CHAIRMAN STRAIN: More self storage?

MS. BUNSTER: The intent is that the buildings, particularly when they're adjacent to residential and when they're facing arterial roads, which is the case with this building, are made to be -- in context be more responsive to what's around them. So -- and particularly in this case, in the PUD, these buildings, particularly the sides of the building facing both Radio and Livingston, could be required to be considered primary facades, as well as the one to the north, to the residential area, and could be required to include a whole bunch of elements that are required: Windows, roof treatments, building treatments and all of those things which right now have not been addressed.

CHAIRMAN STRAIN: And Eric's thumbing through them right now. When you get to the one that shows the rearview of the buildings, because that's the one we're going to be seeing from Livingston and Radio, would you put that on the overhead?

MR. JOHNSON: Gladly.

CHAIRMAN STRAIN: And I want to know from your perspective, Madelin, if you think it might -- and I'm not trying to hold you to it -- that's the front, that's not the rear.

MS. BUNSTER: This one.

CHAIRMAN STRAIN: Would that meet the front facade criteria?

MS. BUNSTER: No, sir. Front facades, or primary facades as they're called in the architectural standards, are required to have at least 20 percent devoted to windows or glazed openings, at least, or up to 30 percent, depending on which -- there's five primary facade elements that can be used, two of which need to be provided to address that.

They have to be real windows. Theoretically windows that are false or facade are not considered -- cannot be considered being part of the required windows. But being in a PUD, they could also provide trellises with climbing plants that would count as windows.

CHAIRMAN STRAIN: To basically break it up a bit.

MS. BUNSTER: Yeah, and there's other -- but the primary facade requirements are specifically those. That's where you start. And then yeah, they've got to provide variation on massing, particularly on those very long buildings. The sizes of the buildings also require that those variations be larger. The changes in the roof, which you mentioned before, Mr. Chairman, is also important.

CHAIRMAN STRAIN: How about massing of the building?

MS. BUNSTER: The only time the massing comes in to play is specifically as it relates to buildings adjacent to it within a certain distance. And that has to do with the transition elements from something that's a lot taller or larger than what's next to it.

But in general the architectural and site standards do not limit the sizes of buildings. We just -- we have a graduated system of what the requirements in terms of variations of massing of roof changes to address -- bigger buildings obviously have larger requirements in terms of those changes.

CHAIRMAN STRAIN: In the discussion yesterday we also talked about the -- and focused a lot because of the difference it was, of the interior mezzanines. You made a statement that the mezzanines don't count as a floor. Is that -- can you repeat that statement to --

MS. BUNSTER: Yes. And here we're getting into an area that I really don't review as part of the SDP, which is according to the Building Code in chapter five, a mezzanine which meets the requirements of a mezzanine, so to speak, is not considered a story, is part of the main story, and theoretically is not counted as area as part of the main level.

But that may not be the case with the LDC, because we calculate areas for buildings a little bit different than the building or the fire calculates.

CHAIRMAN STRAIN: The point was that the mezzanines are interior and they're not going to contribute any more footprint square footage. And in some codes they're not even considered as part of that footprint square footage.

MS. BUNSTER: If they meet the requirements for mezzanines under the building code.

CHAIRMAN STRAIN: And didn't we hear yesterday from the building code director and the fire department that these mezzanines are going to have to meet some criteria that hasn't been addressed apparently from the perspective yesterday?

MS. BUNSTER: Yeah, if these mezzanines are going to be used, and apparently from the slides that we saw before some of the lower areas too are going to be used for something other than storage, then that based on what was discussed yesterday could be considered assembly uses and therefore would need to be separated from the garage.

Just like on a residence, if you have a garage, your garage is separated from your house by a one-hour construction. Because the car has gasoline and is considered flammable and is different than what your house is. So it has to be separated.

So the same with these, the storage use, which would be storage of the vehicles, would not be compatible with having occupants use that people are going to be using for other activities.

CHAIRMAN STRAIN: The reason this is relevant to the zoning action today is because the applicant is asking for additional square footage as a result of these mezzanines. The realistic application of the mezzanine requirements, from what we heard yesterday, may change greatly whether people may even want them and depending on how they have to be finished off to meet the ratings that they're required to have, if I heard the meeting correctly.

MS. BUNSTER: Yes, sir, you're absolutely right.

The other thing that I think we may want to note that we may want to look at, and I don't know how we would do that logically, is that if the mezzanines are not limited per unit in that they have a total area that they could do, and some units may have mezzanines, some of them don't, then it's hard to quantify those and keep track of how many have been built as they build them along. How many are added, how many have mezzanines, how many don't have mezzanines. Unless they're all going to have mezzanines and the mezzanines are all the same area, even though you have different sizes of units, we have to be careful about how we quantify that to be able to review it properly.

CHAIRMAN STRAIN: Okay. Those are the issues I wanted to touch.

Do you have anything you want to add?

MS. BUNSTER: No. In general, the large concerns in terms of the architectural review is what the buildings are so that we can apply the standards accurately.

CHAIRMAN STRAIN: So when we get done defining this today or tomorrow, whatever day we define it, hopefully today, you will have to review it based on that definition.

MS. BUNSTER: Yes, sir.

CHAIRMAN STRAIN: But see, the intent and purpose of this tract in this PUD was commercial. So I think that any way we come up with a definition, as David had said earlier, it was as commercial area through whatever -- C-1 through C-3 or 4 they could have there. The fact that we want to call this something that is maybe undescrivable, it's still going to be commercial. So I think from staff's perspective I would want to know if the intention from staff is that this is to be reviewed as a commercial application regardless, because it's in a commercial part of a PUD.

And Ray, I guess can you -- would you agree that's the way it's going to go forward? Because it turned out to be an issue yesterday, and we need to resolve it.

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

The proposed use is listed in the PUD. It's a type of either private club with parking garage, it's a commercial use --

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: -- and we will proceed along those lines.

CHAIRMAN STRAIN: Okay, so that will give you an idea when you review architecturally, it will be one of the commercial uses, not necessarily self storage, which is industrial.

MS. BUNSTER: Yeah. So that assumption could be that self storage would not apply and that the buildings will have to meet the full range of the architectural and site standards.

MR. BELLOWS: I concur.

CHAIRMAN STRAIN: I would believe so. I think that's the intention.

And I know that the standards at the county are probably more detailed than the standards in the Briarwood HOA since -- I wrote HOA documents in years past, we never got into the detail in different communities than the county did. So I'm sure that our standards are going to have a lot more detail requirements than what could have been through the architectural review board there.

MS. BUNSTER: That would be my assumption also. But we would recognize and review and accept any review that the local group would do.

And that was one of the last comments in the architectural review was to provide that if that was required by the community to provide that and we would include that in our review --

CHAIRMAN STRAIN: The requirement's going to have to be subject to whether or not they got -- the documents are attached to that particular property, and we haven't figured that out yet because we don't know what their title policy says and things like that, so --

MS. BUNSTER: Right. Well, that may be -- whatever is determined that needs to be done, then that would be in addition to what our county requirements could be.

CHAIRMAN STRAIN: Thank you. Does anybody else have any questions?

COMMISSIONER CHRZANOWSKI: Yeah, just one. Madelin?

MS. BUNSTER: Yes, sir.

COMMISSIONER CHRZANOWSKI: Is there a standard on the allowable opacity translucency or transparency of the windows?

MS. BUNSTER: Normally the windows need to be clear, transparent. But if you have technically storage, which these are not technically storage because you have high-end or nice vehicles inside, which I guess you could see from the outside, if you have storage, that would not be something you want to see that, then the glass could be translucent instead of transparent.

COMMISSIONER CHRZANOWSKI: And clear means not tinted.

MS. BUNSTER: You can tint, but it has to be a light tint. You need to be able to see through --

COMMISSIONER CHRZANOWSKI: 40 percent, 50 percent, like a car window? Like, you know, when the cop comes up and says your windows are too tinted --

MS. BUNSTER: It is not specified to me. But there's probably a definition term for transparent and what percentage of that. My guess would be it's very low, so you couldn't have them darkly tinted.

COMMISSIONER CHRZANOWSKI: But there's no real standard.

MS. BUNSTER: Well, I guess we would have to go back to what the definition of transparent is for glass, which I don't know at this point. But we can certainly --

CHAIRMAN STRAIN: It's 100 percent.

MS. BUNSTER: There might be, you know, a range, a very narrow range. But we can certainly find that out and --

COMMISSIONER CHRZANOWSKI: I'm just curious. Because it's come up before, people want to use black glass and --

MS. BUNSTER: That would not be transparent, obviously. Or mirrored glass for that matter.

COMMISSIONER CHRZANOWSKI: Thank you.

MS. BUNSTER: But I'm curious too, so I'm going to research that.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, Madelin, appreciate your time today --

MS. BUNSTER: You're very welcome.

CHAIRMAN STRAIN: -- and we certainly appreciate your comments.

MS. BUNSTER: Thank you very much.

CHAIRMAN STRAIN: And Mr. Sawyer, do you have a minute to weigh in on something?

MR. SAWYER: Good afternoon. Mike Sawyer, Transportation Planning.

CHAIRMAN STRAIN: You know, I don't know what to call you today. You started out this morning as a sidewalk guy, you used to be a planner and now you're in transportation.

MR. SAWYER: I'm trying to cover as many areas as I possibly can for you, Mark.

CHAIRMAN STRAIN: Another transportation private sector -- I forgot his name right now. But anyway, he comes before us once in a while.

You've seen the situation where these units are questionable in how to apply the use. And I know that they did a TIS and it was kind of a hybrid TIS to say -- it was a combination of warehouse and marina. They were under good -- they were trying to figure out a slot to fit in.

I don't really believe they found the right slot. But after you've seen the amount of occupancy potential for these units, do you feel that they could trigger a capacity greater than the former projects that were slated to this site?

MR. SAWYER: That's an excellent question. I would agree that the TIS that we've got -- the ITE, which is what we use as far as the actual -- the TIS generator, that's where we get all the numbers from, it does not have a good use code for this particular use. So it is a hybrid.

The use that's currently in the PUD, and I know why it was put in there, it was done at staff's request as during the weekdays it was looked as warehouse. On weekends it was done as a marina.

And rightfully so. They were looking at it from both a warehousing or storage use, which for warehouses is actually more than you would wind up getting for, you know, basically the other types of, you know, more moderate or less used personal storage spaces. So warehouse actually has a greater generator.

On the weekends, they did use it as a marina, has some weight. I think the disconnect possibly was that it was based on one berth per unit. Which normally on a marine you look at one berth, one vessel. Here that's not necessarily the case. But that's how it was generated. Again, it's a hybrid.

We did go back and look at what the numbers could be for both a 139-square foot shopping center and also what the Lowe's would have generated at the same square footage. And those numbers are far greater than what we've got here. And we pretty much knew that that could be the case. This is a much lower generator.

I will also point out that the applicant actually originally came in at the methodology meeting with staff and proposed doing this as a condo unit basis. And quite honestly, the numbers that I'm seeing get generated out of that actually probably make more sense in this case.

Staff's objection at that point I believe that it was a residential as opposed to a commercial use. And I think that's where staff at that time when they were looking at the methodology meeting had a problem. Because those numbers could be based on residential uses as opposed to this being a commercial use. We're getting that whole issue of what is the actual use.

When we were working on the conditional use, and I know we're stepping back a bit, that was one of the things that we actually looked at in a fair amount of detail. This was supposed to be a private club with a storage aspect to it, if you will. And we've kind of -- it sounds to me that we've kind of all lost that.

I can tell you that based on what I'm seeing on both the existing TIS and what the numbers would have been generated on the previous two uses, either a shopping center or Lowe's, as well as taking into consideration what the generation could be for a condo unit. If we looked at it as condos, 159 condo units, yes, the numbers go up from what's in the TIS, but it does not cause a problem on our system.

CHAIRMAN STRAIN: And that's what I was looking for. I wanted to make sure --

MR. SAWYER: I got there on a roundabout.

CHAIRMAN STRAIN: That's okay. I wanted to make sure that the threshold that would have triggered a comprehensive planning issue by increasing the intensity wasn't anywhere being met, and I think you've confirmed that, and that's what I needed to know.

MR. SAWYER: I believe so.

CHAIRMAN STRAIN: So thank you.

And you did say though they came in originally with a condo aspect. So at one time this was considered like a condo.

MR. SAWYER: Right.

CHAIRMAN STRAIN: But because staff saw it in a commercial parcel they had to use it in a commercial component. Is that how it got there?

MR. SAWYER: Correct, that was done at the methodology meeting. We have methodology meetings. After the --

CHAIRMAN STRAIN: Right.

MR. SAWYER: -- pre-application meetings we have methodology meetings with staff. And at that point basically we look at what the distribution is going to be and what the actual uses are and we get all those agreements done, and it's not a full review but it's a partial review.

And at that point staff at that point decided we can't look at it from a residential use, we need a better, more appropriate commercial use.

CHAIRMAN STRAIN: Okay. Thank you, Mike.

Does anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Okay, thank you, sir.

Does anybody have any questions of any other staff member before we go to public?
Stan?

COMMISSIONER CHRZANOWSKI: Well, Fred said he needed time to think about whether they wanted a continuance or not. If we're going to see this through the end --

CHAIRMAN STRAIN: Well, members of the public are here so they're going to have a right to speak. If I was them I'd want to hear as much of that first as they could.

COMMISSIONER CHRZANOWSKI: But if they're going to continue they'd have to come back and speak again.

CHAIRMAN STRAIN: Yeah, they --

COMMISSIONER CHRZANOWSKI: And, you know, why speak twice?

CHAIRMAN STRAIN: Okay. I have no problem.

Fred, have you come to a conclusion yet?

MR. HOOD: We need to address the concerns. If they're valid concerns, and I'm sure, you know, a lot of these people want to come and speak, they showed up today, we'd like to hear what's going on just in case we need to look at other things that we might need to fix.

CHAIRMAN STRAIN: Okay. Well, we'll just go forward.

And the first person up, who is -- this is as close to 2:00 as I could possibly have triggered it, is Mr. Pires.

COMMISSIONER EBERT: Well planned.

MR. PIRES: Thank you, Mr. Chairman.

CHAIRMAN STRAIN: Thank you, Tony.

MR. PIRES: Again, for the record, Tony Pires, representing the Briarwood Property Owners Association.

I respectfully repeat, reassert, reiterate our request for continuance. I think all could be well served. We'd like to know what they're ultimately going to have, and as I mentioned to you, they've not come to this group, my clients, since the NIM. They made all these submittals to the county without indicating and providing any copies to my client or the residents of Briarwood.

If we're going to have testimony about what happened in response to their submittals to the architectural review committee, you will hear that the architectural review committee told them what they

needed to do. They told them verbally. The windows, they told them you need better windows. Just kind of like what the architect said. They might not have put it in writing, but they had that dialogue. The community told the applicant at the NIM what they wanted. The applicant was told by the arch. what they needed to do, they never did it.

But I would request and reiterate our request for again this item to be continued. To know what it is. I keep hearing over and over again, even from the staff, we'd like to know what this is before we can provide an opinion. David Weeks was equivocal. My respect to staff, but I think he was equivocal on the fly as to what his analysis could be, because he hasn't really seen what it's going to be.

You had Eric Johnson, I appreciate him indicating staff requests a continuance. You had the architect said whatever the use turns out to be. I think we've heard that phrase over and over and over again today.

And there are a number of other issues that I think need to be addressed and clarified, because I'm hearing all kinds of information that I don't see in the record. I heard Mr. Hood say the site's 15.99 acres. Now, this might sound like a small matter. I'm seeing 15.97 everywhere I'm reading. 15.97. Now, it's maybe not a large amount but numbers mean things, words mean things.

I'm hearing statements about the building coverage being less than four acres, but yet I'm looking at a South Florida Water Management District permit that says building coverage, 4.55 acres.

Again, I think the public and this commission is being disserved by trying to on the fly determine what this amorphous -- I think Ray said it, it's morphed into a number of different things -- amorphous use really is.

At the end of the day we still believe, as proposed, that it's an industrial use, belongs in an industrial district, and that they're maxing out the site.

Other questions that arise, this concept plan doesn't require them to build. This is just an additional use. What if they build 20 units, they still have the commercial components. How does that integrate into that concept plan?

Once again, this is a big puzzle with a lot of pieces missing. My clients, and I think they all agree, they're not afraid to come back. I mean, I appreciate how many stayed this afternoon. You saw how many were here this morning. Some had to go back to work and some even got in trouble with their bosses for staying as long as they did. They appreciate you doing your volunteer work and I know you appreciate them coming out today.

They will come back, I'm convinced of that from the meetings I've had with them. And so unless somebody throws something at me from the audience from Briarwood, I suggest that they would ask that this item be continued. I'm not even sure to a date certain. Get a real application, tell us what the real uses are, show us a real site plan and have another NIM and figure out what's got to ultimately come back, if at all, to this Commission and to the Board.

CHAIRMAN STRAIN: Tony, the idea of not responding to the applicant in writing, why was that thought to be the appropriate way on an architectural review ordinance? You know that I had been responsible for the architectural review on some other projects and there was never one that I didn't respond to in writing, no matter how small or large. Why wouldn't your client have at least have provided a written -- something in writing so that everybody had something to realize there was an interaction actually occurred?

MR. PIRES: We can have the chairman address that, she's here today, of the architectural review committee.

And again, I think that just goes to the architectural review part. But what's disconcerting is when you have supposedly a public process and you have the applicant knows that you have a concerned community, they don't tell the community that they're revising the application as we go along.

And again, I think what we need to look at is we have no idea, at least I don't, after hearing the three hours, what is really being suggested, what's really being requested, and I'm not sure how this -- in all due respect, and I recognize the sophistication level and intelligence of this commission -- how you can decide whether or not to make any recommendation today, not knowing what is being requested. But I'd like you to hear -- I move we request that it be continued.

CHAIRMAN STRAIN: But there's another point, and you just said that it's a different product, different issue than it was before. You weren't here during the conditional use hearing. If you took the map from conditional use and you showed it today in compared to this one it would be the same. What is the difference?

I mean, I understand you think there's a different verbiage, but the outcome and the resultant documents are the same. So where is it that you think there's a change in the project other than text?

MR. PIRES: It's a new use. Clearly stated to be a new use.

CHAIRMAN STRAIN: How is it different than the previous use that was reviewed six months or eight months ago?

MR. PIRES: Upscale -- undefined upscale storage facilities. It says: For the storage of -- and it lists a number of things -- and the like, which again is undefined.

Then you have accessory uses to the upscale, undefined, upscale storage facilities. And as well as -- and the like. So you have all this vague usage, which based upon what I've seen in other areas, my clients have seen now, are located in industrial districts.

I submitted to the Planning Commission information on the one in Naperville. Because I think the applicant said, hey, there's one in Chicago. Looked at the one near Chicago in Naperville. It's on about 40 acres. It's an industrial zoned district.

I sent to you -- I think the Planning Commission has the materials for the one in Daytona. It's sort of a standalone and surrounded by vegetation near the Daytona International Speedway.

So you have -- that's where those belong, industrial. And once again sometimes there might be a recognition at a later point of a use being of a particular nature that maybe didn't dawn on one person earlier, and again, the community recognizes it's an industrial use and does not belong in this community commercial area.

CHAIRMAN STRAIN: Okay, so your objection isn't so much of the change, but it goes back to the very beginning, you're objecting to this use from the initial beginning of the use being, I guess, envisioned.

MR. PIRES: I don't agree that it's the same use as before, okay. It's a new use. We're not even sure what the use is now. And it's an industrial nature and doesn't belong in this community commercial.

CHAIRMAN STRAIN: I would rather that we move this into a productive discussion on saying okay, this is what we don't like, this is what needs to be fixed and say we don't like the use at all. The use has already been acknowledged from a zoning perspective it can go there.

Now, we can fight that fight, but if this board only hears things based on land development code, which is what we're supposed to be doing -- the zoning director already said the use fits the property from his perspective of zoning. I would like us to look at possibly making this use the best it possibly can for that neighborhood, because that's about the limitations this board can go to.

And I think we started this meeting out today, this portion of the meeting at least, with the acknowledgment that how the use is labeled is critical and what they're now using will not work. So that's the beginning.

I have to agree with you there, upscale storage facility helps nobody. It does nothing. We're going to work to get that fixed. I don't know if we'll finish it today or we'll finish it another day. But I think that your concern is more of a global use at all versus how do we make what is allowed there work.

MR. PIRES: I guess that's what the question is, it's up to the applicant, in my humble opinion, to make a submission to the county that's understandable and discernible by the staff, by the community, by this Planning Commission, and identifiable as to the use. In my opinion they have not done that.

And I'm not sure why this Planning Commission, and with all due respect, would take that task. That's their job. And that's why I think it needs to be continued for them to do a resubmittal as to what they really want to do, get the staff to say what it really is, make recommendations to come back after they have a NIM so we all know what is going on. Again, with all due respect to the commission, I don't see what the commission's role as doing the planning for the applicant. They have their planners and they have their staff in order to do that.

CHAIRMAN STRAIN: They've done their planning. The public doesn't agree with it. We're trying to find a way to make it more compatible with the community behind it. And that's where -- at least that's the

direction I thought we were going in. And I'm hearing from you guys or from you that it doesn't matter, you don't want it at all, you don't like the use. Okay. Well that's a different approach than what we had six or eight months ago.

MR. PIRES: But the use is upscale storage facilities. And again, nobody knows -- it's undefined. I mean, I hear today the staff is saying it's the same thing, but the staff report says it's new and it doesn't exist anywhere in the LDC. That's in the staff report.

Now, if the staff wants to submit a revised staff report or have a new submittal by the applicant, I think that's a different story. But we have it in writing that it's not a use that exists in Collier County. So I don't know how they can say it's the same use. I really am puzzled by that. I mean, I really have a difficult time.

And again, I concur with the staff recommendation to continue it and have the applicant do what he needs to do. And if the Planning Commission is not inclined at this moment to continue it, I'll make some additional comments.

CHAIRMAN STRAIN: Your comment about the windows, that to me was a useful productive element to consider, because it's one that we can. We can consider everything, but I'm telling you, I believe with the zoning director's opinion, this is a use allowed on that site, I would like to see it better, more compatible and those were the constructive comments I was hoping to get in a list format. You didn't -- your prior board didn't do that, the board you're working for hasn't done that. I hope that maybe by the time this comes back to us in some form it will.

MR. PIRES: And again, I disagree. And one other aspect too is we have David Weeks who again, that division rendered an opinion that we -- I think is flawed. And David was trying to render an opinion on a serious issue about consistency with the comprehensive plan on the fly without knowing what the use is.

So again, I think that's a disservice to this commission and to the public and again another reason why this should be continued. I respectfully again request that.

If you are not going to -- if there's no motion to request a continuance, then I guess I'll make a presentation.

CHAIRMAN STRAIN: This wasn't your presentation?

MR. PIRES: No.

CHAIRMAN STRAIN: Tony, you've been 15 minutes on a non-presentation. If you wanted to argue, we could do that all day long. I was trying to figure out where your issues were. You started on that issue in your previous discussion.

MR. PIRES: Again, just reiterating, reasserting --

CHAIRMAN STRAIN: Tony, let's go faster than this, because you have to leave.

MR. PIRES: I can stay around. I can call in.

CHAIRMAN STRAIN: Tony, let's go fast if we can, sir. You've had --

MR. PIRES: I understand. I appreciate it. But it's -- and I understand, I appreciate the patience of the Planning Commission, but I'm also frustrated, I think the Planning Commission is and I think the community is frustrated by how this matter is proceeding and how we got here today with whatever we have.

Again, I just reiterate my objection.

CHAIRMAN STRAIN: This is a process. If you have a presentation --

MR. PIRES: I'm going to be --

CHAIRMAN STRAIN: -- go into it, okay?

MR. PIRES: Again, I object to this hearing being held for the reasons I stated before.

COMMISSIONER HOMIAK: Just one question. This is going -- is coming through to us again as a PUD because the commissioners wanted it that way. They sent it back.

CHAIRMAN STRAIN: They sent it back, yes.

COMMISSIONER HOMIAK: For this reason.

CHAIRMAN STRAIN: They sent it back because they didn't want -- best I can tell, they didn't want to see it come through twice, once as a conditional use and come back as a PUDA again so they just said let's get it done right and come back with it as a package.

MR. BELLOWS: And for the record, it wasn't a use issue, it was the square footage issue that --

CHAIRMAN STRAIN: Right.

MR. BELLOWS: -- they wanted to come back.

MR. PIRES: But the use issue wasn't upscale storage facilities at the time. The board did not see that.

CHAIRMAN STRAIN: I grant you, that's a true statement.

Okay, now, let's go forward with your presentation.

Did anybody else have anything? Andy?

COMMISSIONER SOLIS: Just procedurally, for the board, since I'm new and I probably have to ask the potentially silly question, but that's okay.

Staff has recommended continuing the item. And the applicant, as I understand it, isn't sure if the applicant wants to continue it or not.

Is it appropriate, and maybe this is a question for Heidi, for the board on its own motion to consider whether to continue it or not?

CHAIRMAN STRAIN: Before you do, if you don't mind, one thing we have to do is we always -- we have a new section on our agenda for public comment. And so even if we wanted to continue it, at some point we still have to hear the public, so that's kind of what I think the applicant was waiting to see.

COMMISSIONER SOLIS: Well, and that's -- I guess that's my question, is before the board can decide whether it wants to continue it, we have to wait for all the public comments; is that procedurally how this is supposed to work?

MS. ASHTON-CICKO: Well, you can either hear the public comment now or you're going to hear it at the end of the meeting. It makes most sense to hear it now while the people are sworn in. Because under public comment they're not required to be sworn in. If this is going to be testimony you would potentially consider, if it gets continued then I would suggest you hear it under this item.

COMMISSIONER SOLIS: Okay.

CHAIRMAN STRAIN: That's what I was trying to get at.

Okay, Tony, let's go to the presentation part of your triple presentation.

MR. PIRES: Thank you. Thank you for affording me the time and the opportunity, because -- to make my comments and try to create the record.

As mentioned in my correspondence, and made that part of the record, correspondence of August 12th and August 14th of 2015, I think it's already been established that the Briarwood community is a well established primarily residential community with about 450 existing single-family dwellings and 135 existing multi-family dwelling units.

And as you all well know, the property that's being proposed to be subject to this amendment is zoned community commercial. And it's been designated that for almost 40 years, since 1976. Warehouse uses have not been to my knowledge and are not allowed in that community commercial section in Briarwood PUD.

The property owners association opposes and objects to the petition as filed. And I have no idea what else is going to happen, but it is filed. And that if approved will allow maximum utilization of the site by new warehouse uses and eliminate longstanding rights and a protection to afford the property owners association.

The proposed new uses in our opinion would significantly increase in floor area for the new uses and the massing of the buildings are not appropriate for the Briarwood PUD.

I'm not sure how long that building that comes around the north to the south along the eastern border is. And that's a phenomenally large massed building near a residential -- well-established residential community.

And again, and we've said this before, we recognize the proposed new uses with the attractive sounding yet vague and undefined name of upscale storage facilities are a new use in the Briarwood PUD.

And so therefore I take issue with -- and I have in my letter to the Board, Planning Commission -- take an issue with the Growth Management Plan consistency determination, because it was premised upon it not being a new use.

But additionally, one analysis that has not been performed, and it's very frustrating, is that Policy 5.5

of the Growth Management Plan requires that new development shall be compatible with and complementary to the surrounding land uses as set forth in the Land Development Code.

And complementary is defined as completing something else or making it better. I don't know how this would make Briarwood residential better.

Serving as a complement. Used of two things when each add something to the other or helps to make the other better. Working well together. That's Merriam-Webster Dictionary. Or combining in such a way as to enhance or emphasize the qualities of each other or another.

There's been no testimony; I don't see how this and my client doesn't see how this proposed use enhances the qualities of the Briarwood community. Therefore, this Growth Management Plan consistency requirement and analysis required by Policy 5.4 of the Growth Management Plan has not been performed and therefore it should be denied on that basis.

And again, as you've mentioned before, and it's in the staff findings, and that's why I'm not sure -- I mean, I'm hearing all kinds of different vague and fuzzy terms today, but I think it was black-and-white in the staff report is the proposed use in this application is not well defined in the LDC, and we know that. It says: The new principal use is unique, and the principal use is not well defined and therefore not permitted anywhere.

So I always -- that's why I have a problem. I have a disconnect with how can this be similar to what was before you all before if it's not well defined and therefore not permitted anywhere; whereas the other uses are permitted in a lot of other places.

And additionally, and once again, we've had no analysis performed under Policy 5.4. We believe that proposed warehouse uses are industrial district uses. A warehouse or storage facility are more appropriately located in a standalone business park district, research and technology park district or industrial district and not in the community commercial area of a well established residential community such as Briarwood.

This is larger, more massive, has greater impact than the Collier Automotive Museum that is pretty much in the business park right by Horseshoe Drive. And that's -- I guess you can call that upscale storage facilities for upscale automobiles. That's not in a community commercial area. And that's the type of area where it belongs, over by Horseshoe Drive. That's the kind of park, a park of commerce, an industrial park.

As I mentioned before, I gave examples in my materials as to areas that are similar or same warehouse uses and their location. The Hyde Park Storage Suites in Daytona Beach, Hyde Park Storage Suites in Cornelius, North Carolina. I showed you an aerial photograph. It's an industrial area. And that's where this belongs.

And again at the NIM, the applicant's agent mentioned Chicago as having other developments like this. Iron Gate Motor Condos is a facility located outside Chicago in Naperville in an area zoned industrial. And I attached I believe the agenda for the Naperville Planning and Zoning Board.

The proposed new uses as -- were submitted, again, not sure what's going on there -- do not make the Briarwood community better, do not enhance the Briarwood community and therefore not complementary to the surrounding land uses.

The proposed new uses in our opinion are not community commercial in character, belong in an industrial district.

And some other aspects on the staff report, picking out some additional items. In the PUD findings it says the usable open space will be addressed at the time of SDP review. Based upon my review of the conceptual master plan, that locks in. The master plan, that locks in your open space. So I think it's disingenuous to say that, Item 5 of the PUD findings.

Under the rezone findings, again under Item 1 it's our opinion the staff report fails to perform the analysis required by Policy 5.4 of the Growth Management Plan, and we believe it's inconsistent with Policy 5.4 of the GMP.

The staff report attempts to minimize the major addition of the new uses by saying this petition merely seeks to add, merely seeks to add this massive new use.

Item number five of the rezone findings is never really answered or addressed. The fact is and the correct finding is there are no changed or changing conditions that make the passage of the proposed rezoning

necessary.

There are no substantial reasons why the property cannot be used in accordance with existing zoning. So item number 13 has never really been answered or addressed. But the answer could be no. There are no substantial reasons why the property cannot be used in accordance with existing zoning.

Item number 15 is never really answered. And the question was asked at the NIM, did the developer look at any industrial properties. Answer, Josh responded: He might have, but this is the property that he chose.

I would submit to you that based upon the criteria outlined in the Land Development Code for rezoning, based upon the application as submitted, based upon the inconsistency of the Growth Management Plan that this application should be denied in its entirety. If there are to be any suggested changes or revisions, in my opinion, it needs to be continued and a brand new neighborhood information meeting needs to be held.

But we would request that this Planning Commission make a recommendation to the County Commission to deny the application as submitted.

If this board is inclined to approve this application, some of those conditions that are in there are unenforceable. 10 mile an hour speed limit. You talk to law enforcement, they don't enforce anything under 25, generally.

No revving of engines. I'm not sure how you -- you rev it up and then you call code enforcement and it's quiet by the time they get there.

Again, this is a place that's going to, I submit to you, will turn into a carnival like atmosphere where they show their cars and they park their cars with all their canopies on the paved gravel surface on the outer perimeter and will be again a use that's intrusive to the residential community, it's not compatible with nor complementary to.

One other aspect too, I always hear the part about the -- there was a discussion at the staff level that it should be a condominium. As Mr. Strain's materials aptly showed from their website, they're advertising it as a condo unit. And that's what they're planning on selling. They have reservations or presales, I guess, for a number of these condo units. So I'm puzzled by that conversation that also has occurred.

And a few just other brief comments that I'd like to make for the record.

Again, the site's 15.97 acres. I heard Mr. Hood say it was 15.99. In my opinion upscale storage facilities is broader than what was suggested before. It's an undefined use. It's a warehouse use that is an industrial type of use.

And again, not to keep saying it over and over again, but when I hear phrases that whatever the use is that will ultimately be defined, I again object to this Planning Commission continuing or having this hearing today on such a vague premise.

And you even have the county architect says that she can't understand what the use of this space would be.

This needs to be continued, we object to it as proposed, recommend denial to the Board of County Commissioners, if you are going to hear anything further on this today.

I'm available for any questions.

CHAIRMAN STRAIN: Thank you, Tony.

For fear of another presentation, does anybody want to ask Tony questions?

MR. PIRES: That's because you wouldn't let me talk this morning.

CHAIRMAN STRAIN: So I get three instead of one? Okay. Well, thank you for your input, Tony, appreciate it.

Next public speaker, Eric?

MR. JOHNSON: Maria Jackson.

CHAIRMAN STRAIN: And I'm going to ask -- all public speakers are limited to five minutes unless waived. And please try to not be redundant. And we can fit one speaker in before we break for 10 minutes for the court reporter. So if you want to call the next name, Eric?

MR. JOHNSON: All right. No to Maria Jackson.

Jeanette -- I'm sorry if I -- I can't read the writing.

CHAIRMAN STRAIN: Well, can you spell it?

MR. JOHNSON: No, no.

COMMISSIONER ROMAN: Spell it.

MR. JOHNSON: I can't.

MS. SANTOMIERI: Santomieri.

CHAIRMAN STRAIN: Santomieri. Jeanette Santomieri. Sounds like a poem.

MS. SANTOMIERI: Well hello, everybody. I hope I'm not being terribly redundant here. I'm new to the Briarwood community. We moved in last November.

CHAIRMAN STRAIN: Pull the mic a little bit toward you, if you could, Miss, thank you.

MS. SANTOMIERI: My husband and I are on the architectural review committee, as well as realtors in Naples for about 15 years.

I guess I want to speak a little bit about property values. I know we don't have a CMA to show you today. However, we also don't have this project, as I can find searching the internet, in a residential area.

So I have to ask myself, is Naples the place to be the first one to put storage condos in our back door in Briarwood or in a residential area?

We had a neighborhood meeting yesterday and I believe it was unanimous that we all felt it is directly going to impact our property values.

The developer came today, he was not prepared at all to show us what if any of that buffer will remain in our backyard. We're here, we're all here at this meeting looking for information. He could not provide us again with that information.

At our neighborhood information meeting they were also at our meeting. They had our concerns, they knew our concerns. They should have written those concerns down and addressed them. I'm not sure what happened when -- they asked for a list of our concerns. However, they were at the same meeting we were. They were very, very aware of our concerns.

As far as not knowing exactly what this project is going to be, when you talk about the mezzanine, I'm assuming you mean the garage space. In their renderings they show a bar, which means there's probably plumbing. Upstairs is basically living space. When you compute square footage in a home, that living space on the bottom floor is considered square footage. If there's one parking spot per unit, where are all the people going to park when they have their car shows, when they have their fundraisers, when those Ferrari people are going to want to have fundraisers, are they going to be lined up outside our community on Livingston Road and Radio Road?

Again, I think we all came here with an open mind looking for some answers. I think we're leaving with more questions than we have answers.

I cannot stress enough how concerned we are about our property values in Briarwood. We don't want to be the experiment in Naples. I challenge our developer to find this project in an upscale community where the property values have gone up. Thank you.

CHAIRMAN STRAIN: Thank you. And with that, we'll take a 10-minute break and come back at 2:42 and resume the public input. Thank you.

(Recess.)

CHAIRMAN STRAIN: Thank you, Mike.

MR. BELLOWS: That's why he's the boss.

CHAIRMAN STRAIN: That's why you have to push buttons for Eric, right?

Okay, we'll resume the -- oh, never mind, hold on for a second here.

COMMISSIONER EBERT: We don't have a quorum.

CHAIRMAN STRAIN: Okay, we're all back from break. We left off on public speakers. Next speaker is, Eric?

MR. JOHNSON: David Santomieri.

CHAIRMAN STRAIN: As your name's called, just come up to the mic and please identify yourself. And those of you with the names that are hard to pronounce, please spell them for the court reporter.

MR. SANTOMIERI: Thank you, Commissioners, for allowing us to express our opinions. And I will tell you right off the bat, it's tough to follow your wife.

CHAIRMAN STRAIN: We'll need your name for the record first, sir.

MR. SANTOMIERI: David Santomieri.

CHAIRMAN STRAIN: Could you spell that?

MR. SANTOMIERI: S-A-N-T-O-M-I-E-R-I.

CHAIRMAN STRAIN: Thank you, sir.

MR. SANTOMIERI: I want to reiterate one important point, and I'm going to be very brief because I know there's a lot of people that want to talk.

And that point is that when Briarwood was first established there was an intent of building a cohesive community, a community of people who live together in both condominiums and residential housing. And the expectation at that time was that there would be small businesses surrounding that area so that people could go shopping, get a haircut or go to a beauty salon, go food shopping or whatever.

This project does not support that endeavor. It doesn't build a cohesive environment for the community. What we've got is a community now and a development that's adjacent to that community that doesn't allow any of those residents to participate in that -- in the development.

I think we continuously are comparing to Lowe's. I can go to Lowe's. You know, I can go there, anybody in the community could go there. But we can't go to, you know, the upscale condominium development. And that's my point. I think because if we allow this upscale condominium to be constructed, it's going to not allow what we had originally anticipated, which was the local grocery store, the local shops so that we would be a convenience for the members of the community.

And by default, that's going to impact the property values, when people realize that there is never going to be that shopping, that convenience immediately adjacent to their neighborhood. And what's going to be there is, you know, high walls and a place that you can't go because you can't afford to be there.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Fred, I think it would be better if you took a seat while the speakers were speaking.

Eric, next speaker?

MR. JOHNSON: Kim Bennett.

MS. BENNETT: Hi. My name's Kim Bennett. I live in Briarwood at 642 Briarwood Boulevard, and I'm the chair of the planning commission for Briarwood.

CHAIRMAN STRAIN: I was going to switch with you there for a minute. Today could be a great day to do that.

MS. BENNETT: I had a lot of things to keep track of to try and respond to since there's been a lot of things said about the way this came about and why we weren't present for your first one. And I can answer that for you. Some of the few people who can answer it.

But part of that reason was because they really didn't notify many people that they were coming before you folks to get that approval of use or whatever that they're calling it.

And so when we're looking at the project and asked for the information and got the information, we said wait a minute, you're putting the cart before the horse. You don't even have approval to build these pretty pictures that you're trying to relate to us because you've got to change the PUD, which would then have required them to notify all of the Briarwood residents, not just a few spacklings that they let know for your benefit and forced it to go back and be taken off the county commissioners agenda and be done through the front door with all residents being notified. And that's why you didn't get the input from the community, because the input was kept in the dark of our community.

CHAIRMAN STRAIN: Okay. Well, thank you. And when you finish speaking, I'm going to ask the staff to verify that point.

MS. BENNETT: That's fine.

To speak to the small stand of trees that he spoke about, we were real clear about the trees and the natural buffer and the natural vegetation, and his response to us was: Well, we'll see what we can do; we might be able to keep a couple in the front corner. None of which any of the residents were happy about. So out of all the vegetation on the entire site, you might be able to keep a couple up here but you don't think so because of water management. So they haven't been very proactive in listening to what we have to say.

And as a matter of fact, whenever we try to have a dialogue with them the response is well, no, we can't do that, no, we don't want to do that.

So it's not a matter of not being available or not telling them what we think needs to happen to make it a more appropriate fit, it's that they don't care what we want.

The sheer size of it has always been a problem. The fact that it looks like a compound, a giant concrete wall around, which your architectural engineer pointed out as well, those are things we mentioned. And they said, oh, we're going to break that up with trees. Well, it's still going to be trees, a few spackling of trees in front of a giant compound. And that's what it's going to look like from the street. It's not going to be appealing, it's not going to be beneficial to the neighborhood, we can't use it.

The Skelly Road that you talked about, that is within the Briarwood gate system. So the road that emergency vehicles are going to use to get to this grassy brick, stone undefined emergency access road is actually inside the gates of Briarwood, in case you don't know that.

And that's pretty much summing up my points.

CHAIRMAN STRAIN: Thank you very much, Miss.

Ray or Eric, before we go on, the notification radius for the conditional use when this was a conditional use application back in January, how far did that extend; do you remember?

MR. BELLOWS: The same as this process, 500 feet.

CHAIRMAN STRAIN: So the process for here today, the PUDA process, was notified to 500 feet?

AUDIENCE MEMBER: I didn't get a notice.

CHAIRMAN STRAIN: Please, people, I've got to get -- I'm asking the zoning director, since he's the one that should be -- or do you not know offhand, Ray?

MR. BELLOWS: I didn't see the actual list that was published, but the code requires 500 feet.

CHAIRMAN STRAIN: Okay, but it sounds like everybody on the PUD got notified on this one. Fred?

MR. JOHNSON: They should have.

MR. HOOD: Conditional use is 500 feet of the property, not the entire PUD. The entire PUD, that's when everything went on and it was over I think 4,000 people or something like that.

CHAIRMAN STRAIN: That's the difference I'm trying to understand.

MR. HOOD: That's the difference.

CHAIRMAN STRAIN: I knew there was -- I just didn't know how far it was.

So in this case, instead of 500 feet beyond the perimeter of the PUD, everybody within the PUD was notified as well. So that's why all the residents that are here picked up on it versus the first time they only got 500 feet within the parcel. Is that what happened?

MR. BELLOWS: That appears to be correct. And then the homeowners association could have been notified in both cases.

CHAIRMAN STRAIN: Okay. How -- so everybody within the PUD, no matter how big the PUD, like say Pelican Bay had an amendment like they did the entire Pelican Bay 10000, 8,000, whatever --

MR. BELLOWS: I was involved in the amendment for that.

CHAIRMAN STRAIN: Well, remember the old garage?

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: That's what I'm thinking of. I thought that was -- I can't remember if it was done that way or not.

Okay, that clears it up. I appreciate the lady's comment on that.

Next speaker, Eric?

MR. JOHNSON: Elizabeth Opalka.

MS. OPALKA: Good afternoon. I'm Liz Opalka and I own --

CHAIRMAN STRAIN: You need to spell your last name, I believe.

MS. OPALKA: O-P-A-L-K-A.

CHAIRMAN STRAIN: Thank you.

MS. OPALKA: And my husband and I own 354 Dover Place, number 102. And this is a condominium, a first floor condominium which faces this subject parcel.

We have a view of the lake which is closest to the parcel. And beyond the lake there are some very tall trees, mature trees, probably over 30 feet high. And if there is any possibility that those trees will be taken down, we will have a view of these structures which to me, according to this diagram, is not upscale at all. It is not looking anywhere like the architecture that you see in Briarwood, and it will take away from the view that we have from our lanai.

Currently we are renting out this condominium to an 86-year-old widow who took it and paid a premium price in rent because of the view. And she was the one who told us first about this new development that may be going in. And she has now told us that she is leaving because she doesn't want to be next to this place. So we will have to rent this out again. It won't have a view if this project is built, and we won't be able to collect the rent that we have been collecting. And we won't have this wonderful lady who is early with her rent every month and she's excellent and we don't want to lose her. Thank you very much.

CHAIRMAN STRAIN: Thank you, Miss.

Next speaker, Eric?

MR. JOHNSON: William Spinelli. William Spinelli.

MR. SPINELLI: Good afternoon. For the record, my name is William Spinelli. I have a whole bunch of notes I came here with, and I'm kind of going to have to work through it the best I can, because some things have been talked about and there's so many new things I myself have learned today that I want to kind of address, okay?

So hello, Mr. Chairman, hello, fellow Planning Commissioners. I've been the president of Briarwood Property Owners Association for about 20 years. I've built almost 600 homes there. Many of the families you see here today are people that I built homes for. I lived there myself for most of the last 20 years. Moved out about two years ago.

They asked me to come here today, okay. They have very serious concerns. I want to go back a little bit on the history. And I'm going to kind of go out of order, so please bear with me a little bit.

When this first came to our attention, our association office got an email from the developer, we want to come talk to you. I know they had already been to the Planning Commission. There was notice sent to people that lived within apparently 500 feet of the project.

Almost no one in Briarwood knew this was going to happen, except for a couple of people that got notice.

When the association got that request, we scheduled a meeting. And we informed the neighborhood. The neighborhood had lots of questions. But here's what -- and I went and attended. But here's what we were told. Well, we're not here for them. We don't know the answer to that. We're here on architectural issues. They brought their architect, they showed us pretty pictures. Couldn't answer any engineering questions.

So I dug into it. And what I found out was they were here because they had been sent to Briarwood for architectural consideration based on the last time they were here.

CHAIRMAN STRAIN: That's right.

MR. SPINELLI: Correct?

CHAIRMAN STRAIN: No, that's right, yes.

MR. SPINELLI: Okay. They had not been straightforward and candid with the people that live in that community since the very beginning of this. I find it candidly audacious that they're here saying the people haven't cooperated with them. This whole process is about the developer and working with the residents and the community. And I can assure you, they have done a very poor job. The people in Briarwood are very upset.

Now, fortunately the process has started to work a little bit. And the commissioners -- just for the County Attorney's Office's information, I don't believe they ever heard this. I believe it was taken off the summary agenda and it has never been before the county commission.

CHAIRMAN STRAIN: You're correct, it was discussed very briefly and told to come back and process it through a PUDA, which is why they're here today.

MR. SPINELLI: Correct.

We still don't have an application for architectural review. To this day they have not made an

application. It's clear to me they don't want to. They asked you guys to forego that from the PUD. So that's not an honest conversation that they're having at all. And you don't have to guess, you can tell by their own filings what they have chosen to do, okay.

The residents are concerned that they have an experimental type project. Candidly the Planning Commission is concerned that this is an experimental type project. No one here really knows exactly how to handle this, okay. I hold out to you, it doesn't belong in a neighborhood where people have lived for 20 years, okay. When we look at the PUD, it talks about the possibility for conditional uses for a private or public parking garage. That did not anticipate car warehouse storage units. No one in the country had ever built one of those when that language was written. That language anticipated I'm going to build my law office, it's 10,000 feet, I'm going to have 100 people working there and I want my own garage next door for the people that work in the area. That language anticipated a parking area like you see at Mercado next to the shopping district, right, the public parking type garage.

So the whole notion that this neighborhood is going to lose 100 percent of its commercial shopping center, right, 100 percent, nobody's going to be able to go there and get a cup of coffee or get their hair cut, go to Lowe's, go to the previous shopping center. They didn't come and say, you know, we want to take part of this as a conditional use and do this with it. They have totally replaced it and supplanted it and have refused to talk about anything different than -- and I'm going to get a little more direct. For the first time today, I heard about a 261,800 square foot project, okay. When they came to us the last time it was 190,000 square feet, it was the 130 some odd thousand that is currently zoned. The whole thing got pushed aside because the PUD doesn't allow that. Okay?

I think even the Planning Commission was a little frustrated last time they were here that they were talking about something where they could only build half and they were going to have to come back and do a PUD amendment, right? So it got pulled.

This thing has been a mess from the beginning. It has not been handled professionally, it has not been transparent, they have not communicated well with the Briarwood residents.

You've been asked now by your staff to continue this, you've been asked by the Briarwood Property Owners Association's attorney to continue this, I'm going to ask you to continue this. Candidly I'm going to ask you to just flat out deny it, okay? It doesn't belong here. It's that simple. Tell them to go put this -- if they went to an industrial park and they found the right 16 acres, they could build this thing, we wouldn't be talking about almost any of these issues. But no, they want to go put it in these people's backyard, right, where we don't know what the architectural standards are, nobody knows what size it is, nobody knows what it's going to look like, nobody even knows if it's going to work.

There's every chance they're not going to sell 159 \$250,000 warehouses for people to put their Ferraris in. Now what happens? What's the alternative use for this project? If it's a shopping center and things don't work, somebody comes in and fixes it. New stores come in. What's going to happen to this? Nobody knows. Is it going to turn into a for rent, you know, warehouse project next to these residents?

All right, this just needs to not happen. I'm not even going to look at the rest of my notes, I know you've been generous with your time. Thank you for listening.

CHAIRMAN STRAIN: We appreciate your time, thank you.

Next speaker, Eric?

COMMISSIONER CHRZANOWSKI: Could I ask a question?

CHAIRMAN STRAIN: Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: Could I legally make a motion to continue this right now?

CHAIRMAN STRAIN: We're still going to entertain all public speakers after the end of the meeting.

COMMISSIONER CHRZANOWSKI: You can if you want, I don't care. I just -- can I legally make a motion right now to continue this?

MS. ASHTON-CICKO: Well, right now you're in public comment, and the Chair hasn't --

COMMISSIONER CHRZANOWSKI: So no.

MS. ASHTON-CICKO: -- closed the public hearing on the public comments. So I guess I would direct your question as to whether the Chair could be acceptable to hearing your motion.

CHAIRMAN STRAIN: Stan, this is rule by majority. I will certainly have your motion be allowed to be made and seconded, if someone wants to, and voted on. But I strongly suggest that's a mistake because we're -- by law and by statute we have a public comment section on our agenda. We have to hear the public. I'd rather hear them under oath for this issue, under this issue, rather than hearsay evidence later on in the afternoon.

So you can go forward with it if you'd like, but that's -- I don't support the idea for that reason.

COMMISSIONER CHRZANOWSKI: You know, I was listening to Tony before, and looking at the people I think they'd all come back another time. If you hear them talk now and we continue it later, they're all going to come back later again too. I assume.

CHAIRMAN STRAIN: I would think they will. But I don't know that, and I'd rather have them speak now under oath than later on after we finish with the hearings.

MR. HOOD: Mr. Chairman?

CHAIRMAN STRAIN: Yes.

MR. HOOD: Just really quickly and maybe this will put this to bed: I'd actually like to hear -- I'd like to hear the rest of it. And there's a couple reasons, but the major reason is that I want to hear if there's anything that is going to really force this continuance. So I need to listen to all the issues outside of what you guys have already discussed, and if there's something major here I would like to at least have the opportunity to hear that before we think about continuing.

CHAIRMAN STRAIN: Fred, I can tell you you already got something major, but you can keep listening, if it's going to take that to convince you.

MR. HOOD: I'd like to.

COMMISSIONER CHRZANOWSKI: I've been retired for five years, you know, my wife's out with my daughters, I've got nothing to do.

CHAIRMAN STRAIN: Okay. Well, Stan, did you then want to make a motion or are you going to hold back on that?

COMMISSIONER CHRZANOWSKI: No, I'm fine. I'll just sit here and listen.

CHAIRMAN STRAIN: Next speaker, Eric?

MR. JOHNSON: Frank A. DiLeo, Jr.

MR. DiLEO: Good afternoon. My name is Frank DiLeo. D-I capital L-E-O. I live at 807 Mount Hood Court.

And I'm here today to say I am not a happy resident in the Briarwood community due to the proposed plan of this upscale storage facility.

I've been living down here for 15 years. I own my house. We came down 17 years ago to escape what was going on up in the northeast part of the United States with over development. We fell in love with Naples; it was beautiful. The landscaping was beautiful. The scenery was beautiful. Now everywhere I look there's development. On every corner of every street, every block. Okay?

As far as I'm concerned, this upscale garage facility, I don't know about anybody else in this room but my car doesn't need a wash basin or electricity or a hose unless I decide to go out and wash my car. Okay? They're going to have bar stools and pool tables? I don't know of a car needing to play pool or use bar stools.

I don't know how this is going to be enforced as far as 24 hours a day that if these proposed garage units are sold that the owner doesn't sublease them. Okay? And by that I mean you can get anybody in there and then you could have 10 people living in these units. Because you've got a bar, you've got a sink, you've got electricity, you've got water. I'm told that the county can't do nothing about people actually living in these type of units.

I've heard that this has never been developed before, so it seems like Briarwood is like the scapegoat here, let's see how it works here. Well, you already heard one person say that she's going to have to, you know, find another renter to lease her place, if she can.

Me and my wife have already talked, we have two businesses, and this is not where I want to live if this is going to happen. Because when I get done work at the end of the day and I come in off of Radio or Livingston Road, all the traffic, all the development I'm leaving behind. Now I'm secure in my development

as far as peace and quiet. With this going on as far as construction, noise, debris, car shows, people washing their cars maybe all hours of the night, maybe people will be working on their cars. I don't care if it's a 1925 car that needs remodeling or a brand new Ferrari, if they want to sandblast it and paint, is this what the board wants to go on in these developments, that all this type of work can be done 24 hours a day?

Plus Livingston Road is a heavily trafficked road, along with Radio. And like somebody commented and said, that if there's going to be car shows you're going to have cars up and down Livingston or Radio Road. Radio Road is only two roads each way, north and south. So where are these cars -- and you know people will park anywhere just to go see a fancy car.

So as far as I'm concerned and I think everybody here, without hearing anybody else, and I'm not speaking for anybody, we're all opposed against this entire situation. They want to put this somewhere, it should be in an industrial park, not in a residential community where people are going to have to look out their windows and see the backs of buildings. It would be better if they did put 160 condo units there, if they had to do anything at all.

I don't need no strip center, no Lowe's in my own backyard. That's what I wanted to get away with (sic) in the northeast. Thank you very much for your time.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Eric?

MR. JOHNSON: Ralph Brand, B-R-A-N-D.

CHAIRMAN STRAIN: I've got to ask all of you, we're -- I don't know how many more want to speak, but we can get to a conclusion on whether or not we're going to have a continuance or a vote today as soon as we finish public speakers. So if you agree with the person ahead of you and you simply want to say that, sometimes that's just as effective, so -- yes, sir?

MR. BRAND: Hello, everybody. My name is Ralph Brand and I live in Briarwood for about 20 years. We bought a house; one of the first ones to buy a house in Briarwood. And we were told that this is going to be a little strip mall where I can go and get a haircut, buy a cup of coffee or if the wife has her nails done or something like that.

I can imagine -- I don't live too far, I live in Bri-- Dundee Court, which is maybe 150 yards away from this development. I can imagine four or five Harley Davidsons, vroom, vroom, vroom, vroom, vroom, having an afternoon feast. I will hear that. And I'll be very annoyed. I have a nice beautiful community which I -- like I says, I live there for 20 years. I live in paradise. But I think this monster what they want to put up there is going to be a destruction and is a disgrace for our community. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Eric?

MR. JOHNSON: Keith McCullen.

MR. McCULLEN: Thank you, Mr. Chairman, Commissioners. My name's Keith McCullen. M-c-C-U-L-L-E-N. I live at 1309 Briarwood Court.

I'm also the managing member for McLee, LLC, which also owns four other properties in the Briarwood subdivision.

I have many points that I wanted to make, but I'm not going to because they're all redundant.

My ask of this commission is that you deny the agreement and give us something that's already part of the PUD. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker?

MR. JOHNSON: Mary Susan Malone.

MS. MALONE: Good afternoon. My name is Susan Malone and my husband and I are full-time residents of Briarwood. We closed on our home in April of just 2014. But we did a great deal of research before we built. And I can tell you that we would not have built had we known that this was not going to be a community commercial development as we were told by everyone as we negotiated the contract.

We don't live within 500 feet. We may not hear the noise. My major concern personally for our property is the value. And whether the value of our home, should the value of properties within Briarwood that are closer to this development, if they begin to fall, will that trickle through the rest of the development.

And anyone I have spoken to in the real estate field tells me that substantially it will, because it will carry across the development.

I would also share simply that it is our intention, my husband and mine, to assist a family member who's going to retire and to buy a condo here. Dover Park was where my sister was going to live. If this goes through, she won't, and it's a shame that it's changed so much.

Lastly, I looked at websites of similar properties, and as been mentioned, once these things are built and people have the automobiles or the vehicles that they're very proud of within this space it becomes an opportunity to hold these car shows. And most of these places are advertising car shows at least once a month, not once a year.

So our concern about the noise, the parking and the general disruption of what is a very nice community I think needs to -- you need to keep that in mind as you consider it.

And the other point is that I found an article that was in the Naples newspaper. And in talking about the Premier auto suites, the gentleman, a Mr. Werchek, was quoted as saying: I really like the site because it had more of a neighborhood feel. I didn't want to drive through the -- through an industrial park to get to my site. End quote.

I understand why he feels this way. But I don't feel that our neighborhood should be made to suffer to accommodate his desire not to drive through an industrial park.

Thank you.

CHAIRMAN STRAIN: Thank you, ma'am.

Next speaker, Eric.

MR. JOHNSON: Bob Cecilionis. C-E-C-I-L-I-O-N-I.

CHAIRMAN STRAIN: This is the greatest number of people with hard to spell last names we've had in a while.

MR. CECILIONI: Like an Italian community.

Good afternoon, folks. Most of what I was going to say has already been said. I went through this when I moved to Virginia years ago when I was looking for a place to live. And the president of the company was driving me around and he said: Where would you like to live?

I said: I have no idea. So he took me to the first area and I said: Whoa, uh-uh, this isn't for me. Why?

I said: It just looks so industrial, and I don't know if I could find the place here. And he said: I feel the same way, I don't understand it.

Well, I picture myself moving here, having a real estate agent showing me around. This facility is already built. I come around the corner, she says I got a couple of lovely houses in Briarwood to show you. I'm going to say no. No, I'm not interested in Briarwood.

That's all I've got to say. It shouldn't be where it's going. It's a wonderful idea, but it's not in the right place. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Eric?

MR. JOHNSON: Harryett King. Harryett King.

CHAIRMAN STRAIN: Doesn't look like she's still here.

MR. JOHNSON: Okay. Robert D-U-N-L-E-A-R-Y (sic).

MR. DUNLEAVY: V-Y.

MR. JOHNSON: Can you spell your entire name, sir?

MR. DUNLEAVY: D-U-N-L-E-A-V-Y.

My name is Robert Dunleavy, I'm a homeowner in Briarwood, have been for four years. We're here part-time. Our other home is up to Virginia. Out in a county that's about 50 miles to the west of Washington D.C. It was urban, people are trying very hard to make it a suburb of Washington D.C.

We have 660 square miles in this country and only about 62,000 people now. And that's kind of the way we want to keep it with smart growth, as we call it. So I spent a lot of the last 18 years sitting at county commissioner meetings and at planning commission meetings.

And the thing that I came away with that surprised me is I was going to be a real draw bridger, okay,

I'm here, screw everyone else. And what amazed me is the give and take between developers and the communities and so forth.

And this is a Dillon's Rule state, Virginia, very much so. I understand Florida kind of is and kind of isn't. But the counties can only do what the state allows us to do. So we've got to treat developers really with kid gloves. And the astounding thing is how cooperative they are. And with all due respect, I have never seen a poorer presentation to a commission, either the board of supervisors or commissioners or planning commission like I saw today. There were so many oh, yeah, but what's, oh, but wait a minute, yeah, we'll add that, no, let's take this back.

I say the whole thing ought to be thrown out and if they want to have the big boy pants on the next time, we'll listen to them. But right now they've shown us nothing. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker?

MR. JOHNSON: Betsy Grant. Betsy Grant. G-R-A-N-T.

MS. GRANT: I'm going to say ditto.

CHAIRMAN STRAIN: Can you come to the speaker and say ditto then please? Thank you. You won't get recorded unless you do.

MS. GRANT: I have lots to say, but ditto.

CHAIRMAN STRAIN: You're Betsy Grant, right?

MS. GRANT: I am.

CHAIRMAN STRAIN: Thank you.

MR. JOHNSON: Okay, Cheryl Krans (sic) Dampier. D-A-M-P-I-E-R.

MS. DAMPIER: The middle name in there was Kraus. K-R-A-U-S.

I am a resident of Briarwood, have been there for over 20 years. Some of my neighbors are here. Additionally, my husband and I own land on Livingston Road in Production Park, which is within the 500 feet. So I do have a dog in this hunt.

And I agree with a lot of my neighbors, but I want to say really just two things to add: Is first of all I'm baffled because I've heard someone from each department within the county tell us that they can't define what use this is. Yet the zoning department says unequivocally that this zoning is proper.

The other thing I want to say is in our property we have a -- we have a storage facility and we were approached by a motorcycle club to come in and rent it so that they had a place for their members to meet on a fairly regular basis. And when I look at these drawings and the pictures, the renderings, I think wow, this would be perfect for them. I really hope that that's not the type of use that's going to go in here.

But I do respectfully request that you either continue or deny.

CHAIRMAN STRAIN: Thank you.

Next speaker, Eric?

MR. JOHNSON: Mr. Chair, this is the last registered speaker. Patrick Higgins.

MR. HIGGINS: Good afternoon. My name is Patrick Higgins and I built a house in Briarwood in 2003, lived there since. My wife could be here to support this as well except she's a public school teacher so she's still in class.

But I'd like to say that one of the things that I love living in this area is the urban forest, our beautiful treescaping and landscaping on the roads. And it's very pleasant driving back to Briarwood coming off of Radio Road. There's a nice stand of trees there.

And what really concerns me about this development is that the rear of these buildings which are going to be 30 feet high are going to come as close as they're going to be allowed to by the various different easements right up to Livingston Road. And what we'll be seeing is basically block houses with security lights on the back of them and a big steel door. So that's really going to change the sort of aspect of Briarwood and what it's like to live here.

And the other thing I'd just like to add, they're all baffled about what to call this. These are man caves. That's what it is, it's a man cave. And just think about what people do in man caves and you'll know what it's going to be like to have this community as a neighbor. So I strongly urge you to either continue or reject this application. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

And Eric, that was the last registered public speaker?

MR. JOHNSON: That's correct.

CHAIRMAN STRAIN: Is there any members of the public who have not spoken who wish to speak?

Yes, ma'am, come on up. And then after her, sir, you'll be next.

You'll need to state your name for the record.

MS. PERILLO: I'm Diane Perillo, I'm a residence of Briarwood, and I just have something --

CHAIRMAN STRAIN: Were you sworn in? Did you stand up and --

MS. PERILLO: Yes, I did.

CHAIRMAN STRAIN: Thank you.

MS. PERILLO: I just have something short and sweet to say. You guys are looking for a name, man cave was one, I have a better one. You have a 30-foot building, an eight-foot fence in front of it. How about calling it the Alamo?

And another thing is remember Joanie Mitchell's song, paving paradise and building up a parking lot? That's exactly what we're doing right here. We're taking away what we have in paradise and we're putting up a 30-foot compound. Think about that.

CHAIRMAN STRAIN: Thank you.

Sir?

(Bill McMaster was duly sworn.)

MR. McMASTER: Bill McMaster. M-c-M-A-S-T-E-R. Boston R, just in case.

I don't have many objections -- well, I do have objections, but they've been spoken to already.

But a couple things that I was concerned about is enforcement. Now, our lawyer did speak to the issue of the speeding and noise, but there's a couple other things. Somebody mentioned the man caves. And that's what they're going to eventually be. There'll be beds in there. And although the developer says there will be no sleepovers, there's no enforcement mechanism. None. So there will be -- and they talk about well, minimum maintenance on the automobiles? They don't explain what that will mean. There's no enforcement mechanism for it.

And a simple oil change could be considered a minor mechanical thing. But where's the oil going to go? Are they going to take it to a dump site or are they just going to dump it in the stormwater that will drain into our lakes? Another reason that they need some sort of enforcement mechanism, but there's none in place and there's none practical for it. So I hope that it will be rejected, as it should be. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Is there anybody else?

Yes, sir.

MR. COLATOSTI: Here's a good name for you. It's C-O-L-A-T-O-S-T-I. First name Louis, L-O-U-I-S.

(Mr. Colatosti was duly sworn.)

MR. COLATOSTI: Good afternoon, Commissioners.

I pretty much agree with my fellow neighbors here. Just have a couple of things I want to point out.

Looking at this drawing, which I was an employee at the FAA, reminds me of a hangar, okay. And I think most people will agree with that. 30 feet is too high for a car garage. If you're putting a loft in there, it becomes a residence.

The other thing I'd like to see from the builder is a scale model of what this place really looks like, or is going to look like. Most professional firms have a scale model of what their building is going to be and it should have been part of their presentation.

Am I incorrect in saying that you guys haven't seen a scaled model of this?

CHAIRMAN STRAIN: I've been here 14 years, and honestly, sir, I've never seen a scaled model. So that's not something we normally see at this stage. They could develop something like that if they wanted to try to present it to your group in a separate way, but we normally don't see that in front of this planning commission.

MR. COLATOSTI: Because the average person didn't take blueprint reading, you know. So I understand some of this stuff, but I think that it would be beneficial at everybody's advantage to see what it's really going to look like in scale, before the actual building goes up and then we've really got a problem.

Thank you.

CHAIRMAN STRAIN: Thank you, sir. Appreciate it.

Okay, I think we've finished with the public comments, and the applicant is allowed a rebuttal. And so Fred, at this point it's yours.

MR. HOOD: Okay, just a couple things. I was sitting here intently writing down the concerns that I was hearing. I'm going to address those first and then I want to get back to what your concerns will be -- not will be but are for the basis of continuation of this hearing.

I've got about 21 items. I'm going to try to get through them really quickly.

First concern was that we -- that we said that the concerns were not provided to us from the Briarwood Property Owners Association or the architectural review committee and that we should have asked for them. We actually did ask for them and I still have not received anything in writing, so I don't really know how else to respond to that other than if you have concerns and you have them in writing, please send them to me because I still have not received them.

Number two was the landscaping issue along the residential community. The trees were coming down. The trees we discussed earlier, at a few times or a few times during the conversations that have been going on. Those trees are -- I understand that the community sees them as they're an urban force to the area that is an amenity to their homes. What I don't think is being understood is that when this project -- when this property is developed, especially on the back end of it where that urban forest is, depending on who comes in, whether it's us, whether it's Lowe's, whether it's a shopping center, those trees may come down if a developer doesn't see them being beneficial to their development. That's just the nature of the beast. That's with any project in any, you know, anyplace in the country. If it's not in a preserve easement, if it's not in a platted preserve area or conservation easement, those are not trees to be kept for those purposes. If the developer wanted to put them into a conservation easement, then sure, that could happen, but that's not the case here.

The third biggest one I kept hearing about was car shows. We've talked about -- in neighborhood information meetings we've talked about and the Planning Commission meeting for the conditional use prior that we weren't planning on having any car shows simply because we don't have the space for it. In some of these areas that some members of the public got up and talked about, there was an area where the land was larger and there were additional areas on those properties that they could have car shows. With this site plan, there's no real area for an assembly section for a car show. Aside from that, we're not planning on having them, I can just tell you that right now. I don't know if anybody's going to believe me, but that's not the intent of what this project is for.

Working on cars. We've already put in stipulations into the PUD amendment language that says that there will be no major working on cars. We were asked to put in -- this was one thing that we were asked when we were at one of the neighborhood information meetings was to get rid of the ability to have oil changes in the garages. We put that into the document. I believe it is still in the document. There were conversations that we had with staff that said that that might not be enforceable for somebody to be able to change their oil. I'm inclined to agree with that, that position. But if we weren't going to allow oil changes in these units, I don't think that my client would have a serious problem with that. So if that's a concern, we can leave that language in there, but I don't see how that's beneficial to anybody.

Dovetailing into that was about the issue of if there was an oil change or a coolant leak or something like that, where would that toxic material go. I will say on like every other development that is in Collier County and the country, when you have a development you have to plan it so that those things do not happen. So for instance, if there was an accidental spill in your driveway at your condo or single-family home, you're going to put down kitty litter, or if you don't put down kitty litter, then it's going to go into a water management system where it will be treated before it will go into the lakes or at its ultimate outfall. That's what we have to plan per South Florida Water Management District, that's what we have planned here. And even if we didn't have to go to the district, we would have to do the same thing per Collier County standards.

Next issue was plumbing and kitchens and bars. Just to go back to our SDP plans for a little bit, if

we look at those plans and you look at the architectural drawings for each one of the units, we have to provide fixture counts. So on those plans, and I'm sure you all have reviewed them, there's a bathroom with a sink -- well, if you had --

CHAIRMAN STRAIN: Fred, I'm the only one --

MR. HOOD: I'm sorry.

CHAIRMAN STRAIN: -- that's seen them because I got them by a fluke yesterday afternoon. And that's why we had our meeting, so --

MR. HOOD: Well, just to clarify --

CHAIRMAN STRAIN: Nobody's on this panel has seen those drawings.

MR. HOOD: My mistake. Just to clarify that issue, if you do happen to have a chance to look at the SDP drawings, the ones that have been submitted and the ones that will be coming in, you will see on those plans the amount of fixtures for each one of these units.

As I recall, there's a bathroom which has a sink and a toilet and then there's another sink on the outside of that bathroom. Those are the only fixtures that we're proposing right now. There's no wet bar, there's no kitchen area. It's a bathroom, it's a mezzanine area that's recreation, and it's the car storage.

CHAIRMAN STRAIN: So you're prohibiting wet bars then, right?

MR. HOOD: Yeah, we -- that's not something that we --

CHAIRMAN STRAIN: No, Fred, I know the way this works. When you build a retail center, you leave the ground floor undeveloped and it's turnkey to the applicant or lessor that's going to go in there.

MR. HOOD: What happens, you have a tenant improvement application that has to happen. So they come in afterwards and it says in this PUD document, if we put it in there, that says you cannot have a sink for a kitchen or you cannot have a wet bar, then that's something that would have to be reviewed before they're allowed to have their permit. Am I wrong on that?

CHAIRMAN STRAIN: No, you're right. But that's not what you're -- what you're selling on your website. You're showing bars and everything else. So I'm just trying to figure out, are you changing your dynamic on your project? Because if you are, that's fine. I'm not arguing, but I want to make sure you understand what you're saying.

MR. HOOD: I understand exactly. But that's not what I've been presenting from the get-go. I've always said that we weren't going to be having kitchens from the first NIM all the way up until now.

CHAIRMAN STRAIN: So those drawings that are on the website are wrong?

MR. HOOD: Those are conceptual drawings. Those are not drawings to be for what was going to be built.

CHAIRMAN STRAIN: Five and six barstools in front of a bar is conceptual?

COMMISSIONER ROMAN: Yeah, I thought I saw a small kitchen too in that one.

CHAIRMAN STRAIN: I'm puzzled now. This just makes it more confusing.

You know, Fred, you could walk through the 21 points that you have. I would suggest, though, that maybe you take the information you received today and come back with a better package. Because I've been somewhat -- I had thought this was a good project. We voted on it before. I'm very disappointed in what I've seen and what I've discovered yesterday and the interaction we've had today. I'm very disappointed in it, Fred, and I think we could do a better job.

So, I mean, you can keep walking through your 21 points, but in the end I think you really ought to consider a better way to approach what you've got. Because what you've got and what we've seen right now is troubling.

MR. HOOD: Let me go on then from that section and ask you, just so I can have it on the record and just so I can take a look at these items that we were discussing earlier between myself and the Planning Commission of what were the major issues, and I have what I see to be eight of them right here in front of me, what were the major issues that were causing heartburn for us to continue. And if you'll allow me, I'll go through those and you can correct me if I'm wrong or add to that list.

CHAIRMAN STRAIN: Okay.

MR. HOOD: The first one, the first big one was what we are calling this use. We still have yet to discuss what we're actually going to call it in the PUD document.

The second one was the parking issue which related to staff's interpretation of the using the self storage facility parking calculation versus what we should be using based on a discussion that we're having right now.

The third one was getting rid of the balconies. We were okay with that, that's been stricken, or that will be stricken.

The mezzanine square footage cap, we were going to discuss that a little bit further.

The suggestion of moving the words "conceptual" from the title opinion on the staff report and on what would be the forthcoming ordinance.

Section 63.7, add to that section -- add to that section a statement about this project not being open to the public.

And then number -- let's see, number seven was the fence -- or the wall height deviation so that we would place the wall on top of the berm instead of at grade.

And the final one was about the title policy regarding if there were any architectural limitations put on this property based on the review of the title policy.

COMMISSIONER ROMAN: Mr. Chair, I think there was one more that we had interest in and that was the landscape plan, including the trees that may or may not be retained.

CHAIRMAN STRAIN: That's one of them, yes. And along with that, the buffer configuration along Livingston and the back side, which includes in that case what Charlette brought up.

We talked about dropping the word complementary.

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: Andy, did you want to jump in?

COMMISSIONER SOLIS: I've got one issue that I'd like to add to the --

CHAIRMAN STRAIN: Go ahead, because I keep -- I'd really defer to you guys if you've got comments. Otherwise I keep talking too much.

COMMISSIONER SOLIS: Okay. And this in some respects goes to what the definition of this use really is. But is there anything in the PUD document as it stands now in what's been presented that defines how many vehicles are going to be in the unit?

MR. HOOD: There isn't, no.

COMMISSIONER SOLIS: I mean, I think from my perspective that is something if this is going to be continued and there's going to be further discussions with staff, from my perspective that's an issue that needs to be addressed. Because if it's not an industrial use and this is about storage for a high end vehicle, then that's one thing. But if this can become storage for as many cars as you can put inside of one of these units, that's another.

So I think that's an issue from my perspective that needs to be addressed as well.

COMMISSIONER EBERT: And I did notice one thing, Fred. They brought up lighting. So that should be addressed; that's very important for neighbors.

MR. HOOD: Thank you.

CHAIRMAN STRAIN: And the modification to the percentage of the square footage was an issue.

The amount of cap that's going to be on mezzanines per unit is another issue.

We suggest dropping the definition of development.

There's certain language changes in 6.37.C, E and K that we talked about.

No changes to 7.12, which is the architectural review.

There's some changes to the master plan that were discussed.

The reference to say aisleway versus roadway.

The fact this will not be open to the public.

You got the fence height.

We'll get into -- one we didn't -- we talked about, we didn't settle on, the building length. Your continuous buildings are I believe problematic. Somehow we need to break the monotony up for those buildings.

You presented some renderings that don't seem to match up on the architectural you submitted.

Those are the issues with the project. But I strongly suggest you figure out a way to work with the

neighborhood more than you have. So --

MR. BELLOWS: Mr. Chairman?

CHAIRMAN STRAIN: Yes.

MR. BELLOWS: I just also would like to point out that the architectural design is required to be consistent with our design standards in the Land Development Code. I don't believe we have that at this point.

CHAIRMAN STRAIN: Good point.

Well, yes, and I think you've agreed to do that yesterday, but it's something I forgot. You're right, Ray, thank you.

COMMISSIONER EBERT: We normally do zoning. We normally on this -- we just normally do zoning, correct, Ray? We do not normally see the SDPs and all the other planning, is that --

MR. BELLOWS: Yes, you are correct. And I think when you have a specific use or a highbred use that is a little bit out of the norm, then it makes sense for the applicant to provide more details, especially in regard to how it would be deemed compatible or not.

CHAIRMAN STRAIN: You know, Fred, I think what you need to do is sell your product, but you've got to figure out what your product is first and how it fits. And that seems to be what's missing from understanding across the board with what I've heard from most of the public today. It's a product that they don't feel fits with the community. I think you need to address those issues.

I would strongly suggest you figure out a way to address them. You've got to not only look to this board, but we're simply a recommendation. The board you've really got to be able to sell is the Board of County Commissioners. And they do listen to neighborhoods.

So I would strongly suggest you figure out the time you need to try to do a better job in communicating with the neighborhood. I know you believe you've tried. I've heard these people today acknowledge they want to talk to you. That's on the table now. So maybe there's an opportunity that you didn't have before. Because I'd rather see this work with the neighborhood and something come out that makes it work, or if it doesn't then we'll have to deal with it.

MR. HOOD: So two things. And I'm open to having another conversation with the neighborhood. That's not a problem for me.

Where do we go if we continue to reach an impasse is my first question.

My second question is, out of the items that we've just discussed, these items outside of the items that came up about the SDP and the future building permits, those are separate issues. Most of these are issues that are text changes or graphic changes in this PUD amendment. And what I want to know is if we fix those here now, what is our -- what is the point of continuing this meeting if we agree to fix those items?

CHAIRMAN STRAIN: I don't think -- well, I mean, I can't speak for everybody here, but I'm not comfortable with what you've put together today that it's the final product. So you can take your chances if you'd like.

COMMISSIONER ROMAN: Yeah, I would echo those remarks. I'm not comfortable with what was presented.

MR. HOOD: I just wanted to ask --

COMMISSIONER ROMAN: I think it would be difficult to make a decision, from my perspective.

CHAIRMAN STRAIN: I'm in the same situation. With as much as has been submitted to the county, different departments, different issues, I'm very concerned about it. I wasn't concerned about it until I realized what was happening. There's huge ramifications when you call something different than what it is. And it's odd that it each one of those seemed to fit a better review potential, and I don't like that. I think we need to be consistent, we need to decide what this is and every department needs to review it in the same way. And until you get that, you don't know what you're going to build.

You found out yesterday the problems with that long building, or two of the long buildings. And I really think you need to address that. Because I told you there was a massing issue that needs to be considered, and that would fall directly in line with that issue.

MR. HOOD: Well, the massing issue is, as Madelin so aptly put, is not something that the LDC really talks about. It is a Florida Building Code and Florida Fire Code issue. Those are issues that we would

handle separately. This is, for all intents and purposes, a conceptual plan. So if I were to come in and I had to break those buildings up with breezeways or building separation or whatever our devices were to break the buildings up, if we needed to, those are issues that would be handled at SDP and at building permit. That's not an LDC issue.

CHAIRMAN STRAIN: Well, I think you missed the part that we said we're going to remove the words conceptual from the master plan and make it subject to its various LDC changes. So I think it would be subject to the LDC and I think you'd have to go through a process of review, that you'd have to show some kind of consistency.

MR. HOOD: So if we would have to come back and do an additional amendment to change those --

CHAIRMAN STRAIN: If you're -- that's why you need to iron out what you're really going to do.

MR. HOOD: I understand. I understand that process.

CHAIRMAN STRAIN: And this issue with the bars and the plumbing and the build-outs, be truthful about that when you come back. Tell us what you really intend to let these people do when they build out.

MR. HOOD: I don't think that I was trying to be untruthful.

CHAIRMAN STRAIN: I'm not saying you were. I just said let us know what you're trying to do.

MR. HOOD: Okay.

CHAIRMAN STRAIN: Don't say, well, it's only a build, we're not doing a turnkey, we're just putting in stub-outs for this or just bathrooms. When you advertise on a website how elaborate the build-out is, tell us you're going to do that so we know how to weigh in on this thing. We don't know how to weight in if you're just saying well, it just shows bathrooms and one sink but the website shows something different.

MR. HOOD: Thank you.

CHAIRMAN STRAIN: Is that -- how do you want to continue? Because if you don't want to make your mind up, we certainly can.

MR. WERCHEK: Mike Werchek, I'm the developer.

CHAIRMAN STRAIN: Mike.

MR. WERCHEK: I think the issue all along is the plan's never changed in two years. But what happens is nobody knows what to call us. We come in and say we want to be X and then someone says Y.

We need to know what you want us -- where we fall. Because every time we come up with something someone says oh, it can't be that. And there are numerous items we could be but we need a sense of direction. We had one before and we ran with it and then we had to completely change our plans, Mark, when you came in and said it can't be this. You know, we are going in circles. We want to conform. We feel that we do fall into numerous categories, but we can't get anyone to tell us which one we are, which one to be in. Every time we pick one it ends up being wrong. We really need some help of who can tell us what will make you happy as to what we call ourselves. And I think this has been the issue all along is what do we call ourselves, because we've never been done.

CHAIRMAN STRAIN: And I don't necessarily agree on everything you just said, but I can tell you when the first conditional use came through and it was a hybrid between the two allowed uses, I thought we were comfortable with that, because we voted on it. It's what happens as you're -- and then at that meeting we said fix the square footage before you come back for any more. Then all of a sudden we got a whole change in the dynamics. And that's been a little harder to grasp, because there is where the definition kind of went to a different direction.

MR. WERCHEK: But even when we sat down with our first meeting almost two years ago with staff, everybody in the room, I showed them and we said exactly what we were doing here, exactly what we wanted to do, gave them exact places that are similar.

So I mean, again, I have never changed this plan in two years. Have you seen a change?

MR. BELLOWS: For the record, Ray Bellows.

The idea that the use hasn't changed is correct. The problem that I see is the conditional use process really addressed the commercial tract and the public notice around that. We have now a PUD amendment where that specific use that was listed in the PUD as a conditional use, we were trying to quantify that as a permitted use and the most closest fit. That most closest fit is debatable of whether that's a community

commercial type of use when it was deemed to be a private club that has a connotation and a feel that is compatible with the intent of that PUD document, the commercial tract.

Where I see there's also some disconnect is the size and magnitude of the structures versus what the community expects. And I think that's something encouraged that you work with them to reach a project that is of -- in keeping with the intent of the PUD.

MR. WERCHEK: And I do agree. But I think you will agree that at least I get the impression from the audience that it's nothing. It's not my project, period. So that becomes difficult to work when I go in to say what can we do, but all I heard is I don't want you there. And this is all I've heard.

AUDIENCE MEMBER: That's correct.

MR. WERCHEK: I didn't hear come on, guys, let's do this and this.

CHAIRMAN STRAIN: Ladies and gentlemen, please, the gentleman is speaking and you've had your opportunity to speak, so please calm down.

MR. WERCHEK: So I didn't hear that, you know, could we do this, could we do this. All I heard was we do not want. So, I mean, that -- you know, you said we should try to work, and we will try to work. But again, I think, you know, it -- I didn't hear anything specific other than I do not want. But thank you.

CHAIRMAN STRAIN: Understand. And I don't think there's enough resolved today to vote on this issue. So even if you wanted a resolution today, I think we would suggest that we would come back at a future meeting and do a final vote after some more input is realized and you take a look at some of these suggestions we made to you today. And I think in that time we ought to -- I mean, we've got an experienced zoning manager there, you've got a zoning director back there, you've got people who have been with this county for decades. I'm sure that if they really sit down and try to figure out an unambiguous way to call this thing so that it can get an equal review from each department as it should we can get there.

That's the only -- I mean, I didn't even see the upscale language until fairly recently when it was all -- not this week but within the last couple of weeks. I was puzzled by it because I don't like ambiguous wording in anything. And when it starts out upscale and I think I jokingly said to Scott Stone, he drives a Honda and I drive a Toyota so I'm upscale as far as I'm concerned. But that's as simple -- and that's what we want to avoid.

MR. HOOD: And I want to avoid it as well. That language came out of meetings and coordination with staff.

CHAIRMAN STRAIN: Understand.

MR. HOOD: And so, you know, again, I mean, when I said earlier I don't care what you call it, we just want the intent of what we're looking for to be what's adopted, it was a little ineloquent to say it that way, but I will work with staff to come up with some language as to what we are. But the intent has remained the same, as Ray pointed out earlier.

CHAIRMAN STRAIN: And Ray, normally you get something like a ZVL asking you if a certain use can go somewhere. And you and your department do a fabulous job on in-depth research on things like that.

MR. BELLOWS: Thank you.

CHAIRMAN STRAIN: Well, your ZBLs have been point on. You've done a really good job with those.

As a result of this meeting today, and this issue has become one of the most prominent, could you approach it in the same manner, look at the other locations in the country where these possibly are used and see if there's any hint of what an SIC or -- by the way, I'm sorry for the acronyms today. Someone told me that was a problem. SIC is Standard Industrial Classification; it's a way to grade uses. And then there's another one called North American Industrial Classification System, NAICS. Between those two, somewhere in the country there must be a label put on these. Now, that label will help us understand where this thing fits. And it may help the argument on whether it fits in that corner or not. Or it may help it for the developer. One way or another we ought to look it up and see what -- where this has crossed before.

MR. BELLOWS: Yeah, I don't see a problem with staff working with the applicant to research all of the various codes across the country, do a search on line. We'll come up with something.

CHAIRMAN STRAIN: And Heidi's had some ideas earlier today which I know she can be -- we all

can be part of that and we can try to figure out a way to take a look at it.

But I think we need the time to do that. The issue's gotten bigger than it was six months ago, and it has a lot to do with the way it had to be noticed for this new meeting. And then that lady, I'm glad she pointed it out, because it ends up being why so many people are here today.

MR. HOOD: Okay. We'll go ahead and continue. I think we were going to continue to a date certain.

CHAIRMAN STRAIN: Well, date certain. If we haven't got it accomplished, you can always continue it again. But a date certain would be the best.

No, Tony, we're done with the public input.

What are you looking at me so funny for? You always do that.

MR. PIRES: If I may be so bold to request --

MR. BELLOWS: He has that disappointed look.

CHAIRMAN STRAIN: Let's not get another presentation though, Tony. I can't go through another one of yours.

MR. PIRES: I would request that a new NIM be held whenever it's determined what this use is. And also respectfully that the staff forward any submittals to myself when they are made by the applicant as opposed to having me chasing down could be greatly appreciated. Thank you.

CHAIRMAN STRAIN: And Tony, a NIM connotes a threshold of advertising and all that. That's -- you and the community having an association, to save time and money why couldn't they just call you and say we'd like to arrange a meeting, can you help us get the association together.

MR. PIRES: If we follow the same formats as the NIM with the recording and everything else, that may be --

CHAIRMAN STRAIN: The recording is something that we'll all need. That's just a tape recording, so --

MR. PIRES: We'll try to coordinate that.

CHAIRMAN STRAIN: We'll suggest that as part of the process --

MR. PIRES: Thank you for allowing me with a frown to come forward.

CHAIRMAN STRAIN: That's four presentations. That's a record for you.

MR. PIRES: I haven't done them in a while, so --

CHAIRMAN STRAIN: I know, but I'm starting to see your name more often now so it's worrying me. Thank you, Tony.

Heidi, is there anything you wanted to add? You looked like you were going to say something a minute ago.

MS. ASHTON-CICKO: No, just that the available hearing dates in September are the 3rd or the 17th. And would you like to continue it to one of those dates?

CHAIRMAN STRAIN: 17?

MR. HOOD: Let's do it the 17th.

CHAIRMAN STRAIN: I would suggest the 17th and we'll see where it happens by then.

And Fred, you know, I'm available, so is staff. We want to work with everybody to make this happen. So if you have problems communicating with Tony, he generally answers my calls, I'll try to communicate with him if I have to. But I'd like to see something -- I'd like to see these issues get on the table and discussed and be over with.

So with that, that's a request for a continuance to September 17th.

COMMISSIONER CHRZANOWSKI: Quick question.

CHAIRMAN STRAIN: Yes.

COMMISSIONER CHRZANOWSKI: These computer generated facades, I assume they're done off a 3D model? What would -- is it possible to do a 3D model of the -- you know, as opposed to a hard surface model?

MR. HOOD: A perspective view like a fly-through or something like that?

COMMISSIONER CHRZANOWSKI: Yeah.

MR. HOOD: I'll discuss it with our architect and see what we --

COMMISSIONER CHRZANOWSKI: If it's real expensive then no, but --

MR. HOOD: I'll take a look at it.

COMMISSIONER CHRZANOWSKI: Thanks.

CHAIRMAN STRAIN: Okay, there's a request for a continuance of September 17th. Is there a motion?

COMMISSIONER EBERT: I make a motion to continue this meeting 'til September 17th.

COMMISSIONER ROMAN: I'll second.

CHAIRMAN STRAIN: By Charlette.

Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

Thank you all very much for coming today, and we look forward to seeing you on September 17th with all smiles on your face.

MR. HOOD: Thank you, Commissioners.

CHAIRMAN STRAIN: We will take a five-minute break. Or actually we'll reconvene at 4:00 and talk about sidewalks, if anybody's left.

(Recess.)

MR. BOSI: Chair, you have a live mic.

CHAIRMAN STRAIN: Well Mike, thank you. You're always on time. And I knew you tried to do that just to catch me, and you did.

***Now we have to -- we have a sidewalk discussion we started with this morning, and I don't know how many people are still here to finish it up. But there are a lot of people that wanted to talk today that couldn't. So what I'm going to do is certainly hear whoever is here today and has waited out the afternoon, but for those people that couldn't stay, and I know Michelle Arnold was one, I'm asking them if they can come back at a future planning commission meeting, we'll accommodate them in the early part of the agenda so we can finish our input gathering on the sidewalks. Everybody's input is important to us.

I notice that there was a couple of others here that certainly are not here right now, so we'll hopefully -- I'll make sure we try to reach out to them and let them know to come back.

So with that, we'll start with the remastered speakers. And I see three people in here who may be interested. So I hope it's the two ladies first, as it should be.

COMMISSIONER ROMAN: Mr. Chair? Excuse me, Mr. Chair, did you say you'd schedule that on the agenda for the fall?

CHAIRMAN STRAIN: Well, what I'm going to do is just if any of the people who didn't speak, there's a few of them I know to call, I'll ask if they can show up at the beginning part of our next agenda. If they can, I'll add it to the agenda under chairman's report.

COMMISSIONER ROMAN: Okay, thank you.

CHAIRMAN STRAIN: Okay?

COMMISSIONER ROMAN: Yes, so that we're prepared to --

CHAIRMAN STRAIN: Oh, yeah. And I -- but you'll see it added to the agenda.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: So is it Deborah or --

MR. BOSI: Jodi Walborn, Safe Routes to School.

CHAIRMAN STRAIN: Great. Sorry to have kept you waiting as long as you had to, Jodi.

MS. WALBORN: Well, you know, circumstances intervened and I'm here anyway.

CHAIRMAN STRAIN: Glad you are. Thank you.

You opened up the PDF instead of the --

MS. WALBORN: Yeah, because my computer ate the Power Point. I went to try and print it off and it came up as all number signs, so I was able to retrieve a backup copy and just save it as the PDF.

CHAIRMAN STRAIN: And that works good.

MS. WALBORN: This is what we have. If you would like me to send you the presentation later in an email, I'm happy to do so.

CHAIRMAN STRAIN: The one that's all chewed up or --

MS. WALBORN: You know, whichever one you'd like.

CHAIRMAN STRAIN: Whichever one you got, okay.

MS. WALBORN: I am here as a representative of Safe Routes to School. And it is --

CHAIRMAN STRAIN: Pull the mic a little closer to you. Thank you.

MS. WALBORN: Is that better?

CHAIRMAN STRAIN: Yes, much better.

MS. WALBORN: So I am here from the perspective of Safe Routes to School and how having sidewalks or the lack of sidewalks impacts kids in their play, in transporting back and forth to school and the cost that that actually plays on the county.

Talking about the decline of sidewalks. Back in 1969 nearly half of the kids, school age children, walked to school. Now this day on a national average it's down to 15 percent. Collier County and the schools that I've run teacher tallies and parent surveys, and it's now 18.5 percent in Collier County that do walk to school.

In part, the decline in walking and biking has been all of this land use where we're taking a school and building it way out in the middle of nowhere and the only way to get to this school is via bus or by a car. Estates Elementary is a really, really good representation of this. There are no sidewalks anywhere near the school. Every child that goes to that school is either transported by parent vehicle or by a bus.

Children that still have an opportunity to walk or bike, they're being met with unsafe conditions. And with the parent surveys that I conduct in the schools, the parents all say the same thing, it's not safe. It's not safe. And the number one reasons that they cite are the speed of traffic, the amount of traffic, lack of safe crosswalks and lack of sidewalks.

All kids who live within two miles of the school are expected to walk or bike. That's a given. But they're faced with again no walks, no sidewalks on both sides, limited dangerous crossings. There's no pedestrian gates either leading out to the main thoroughfare, the main sidewalks, or there's no pedestrian gates linking communities.

An example of that one is Saturnia Lakes on Immokalee Road. It is within walking distance of Laurel Oaks Elementary. Instead of having a link that goes through Heritage Green, it could pass right through, and then I had an actual image on the other one that got eaten, it passes right through Heritage Greens and then right into Laurel Oaks Elementary property.

There is a gate that goes from Heritage Greens into Laurel Oaks; there is not one that connects Saturnia to Heritage Greens. That would be a benefit for the kids, instead of having to walk out and along Immokalee Road. That's a concern for the parents.

It's also such a public outcry that they courtesy bus these kids from Saturnia Lake. They decided that that is such a danger that they're going to bus those kids.

The increased traffic volume, Dana already spoke earlier about we've made these massive roads, they're six lanes, they're nine lanes when you include all the turning lanes, and there's no respite in between all of those lanes. I love the lady, she said you have to be an Olympic sprinter to get across, which it's very true. And, you know, because of this these kids are expected to walk across it. Parents say it's not safe. Collier County is now footing the bill to transport them.

Under the state guidelines it says if it's hazardous walking conditions, and they have a very set line

item of what is considered hazardous, then they will kick in and they will pay for the transportation. If it doesn't meet those guidelines but the parents, the busing company, they all agree, this is still too dangerous for the kids to be walking, we wind up footing the bill. Collier County winds up paying for these kids to be bused.

Why are the sidewalks important? If we don't have a sidewalk and we don't have a sidewalk on both sides, we're going to wind up having kids running across these roads at non-intersection spots. 73 percent of all pedestrian injuries and deaths occur at non-intersections. That's why it's -- Shadowlawn Elementary, there is a road with a sidewalk that comes down, it's actually on Shadowlawn Road, comes down and then it just stops. It doesn't go anymore. If the kids want to continue walking straight, they're walking in the road. Otherwise they have to cross over to the other side to use that sidewalk, and then at some point they have to cross back again to get to the side of the street where the school is located.

Another thing with all of the kids that are walking from 3:00 to 6:00 p.m., you think of all the of the kids getting out, you've got everybody on the roads for rush hour. Most people are hit and killed between dusk and dawn, with the majority of them between 3:00 and 6:00 p.m. There's just so much going on, with kids on the road, crossing places where they're not supposed to be crossing, which is part of my job to teach them, they're more at risk of being hurt.

Something else that Dana and I believe the MPC had commented on about pedestrians and cyclists on the sidewalk are more at risk of being hit by a right turn driver. And that is another thing that is considered hazardous.

And then I put on here the actual result that this last year they had lost 2,770 kids under courtesy busing at a cost of 450 to \$550,000. That is the cost to Collier County for not having sidewalks, for not making it walkable and livable for these kids.

I did put some other examples in here. Lake Trafford Elementary has been actually featured in the newspaper lately. Lake Trafford Road, there is a picture. That is what is separating these kids from 45 mile an hour plus traffic. These trucks are hauling boats out to the lake. This small segment of road with these broken plastic barriers, they're supposed to be standing up and they're reflective. They're supposed to say cars, hey, you know what, watch out. You can see how easily they're knocked down.

There are requests for improvements on this road. It is a very long process. We need to find the funding for this to happen.

North Naples Middle and Veterans Memorial on Livingston Road, again, that's another instance where the kids have gone got to cross six to eight lanes of traffic to get across. Under the complete streets, if they have the median there, they put it on a road diet, they've got a median in the middle where the kids can get across half of the road, they can wait for traffic again and then get across to the other side. If we can get parent volunteers in there as crossing guards, this could be considered safe.

Laurel Oaks on Immokalee Road, that was one I spoke about. Oak Ridge Middle School on Collier Boulevard, that was another one where they're crossing six lanes of traffic. In September of 2013 there was a child who was struck by a vehicle at that intersection in front of Oak Ridge. It was the child's fault, not the driver's. But again, he was -- tried to be that Olympic sprinter and get across all of the lanes of traffic.

In order to make this a livable community, in order to increase the number of kids walking and biking, we have to make them safe. We have to make the parents say hey, you know what, yeah, I'm okay with my kid walking out here. But we need to increase the number of people that are out walking. The more people we have out walking and biking, the higher presence we have in the community, the more motorists notice us and say hey, wait, I know there's a lot of kids on the street, I better watch myself.

It also decreases the amount of cars on the road. Okay, that again is going to lower the chances of accidents. Less pedestrian accidents with automobiles and we also save so much money from not having to bus these kids every single year.

Do you have any questions?

CHAIRMAN STRAIN: Can you send that -- those slides to Ray Bellows so he can distribute them to the Planning Commission?

MS. WALBORN: I will most definitely do that.

CHAIRMAN STRAIN: Your statistics could be very helpful and I would suggest that this kind of

information when another deviation request comes through using some of this kind of statistics helps to offset the deviation, possibly.

MS. WALBORN: Most definitely.

CHAIRMAN STRAIN: So that's good information. Thank you very much.

COMMISSIONER ROMAN: One thought I had was we often talk about the interconnections between the PUDs and we often think of roads. But she highlighted those pedestrian walkways and those gates as an interconnection that maybe we could look at where there's a school nearby.

CHAIRMAN STRAIN: And sidewalks interconnect too.

COMMISSIONER ROMAN: Exactly.

CHAIRMAN STRAIN: That's part of the problem. Some of the communities have objected to kids trying to get to schools on communities that don't have sidewalks, because they wander through the neighborhoods and they cut through backyards and things like that. If they're more directed, it would certainly help. And that's why we need to take a closer look at this. So thank you.

COMMISSIONER CHRZANOWSKI: You ever hear of a walking school bus program?

MS. WALBORN: Yes, actually that is --

COMMISSIONER CHRZANOWSKI: Could we do that here?

MS. WALBORN: Yes, we are starting -- I personally just started the Safe Routes to School program in Collier County in April of last year, of 2014.

COMMISSIONER CHRZANOWSKI: They used to do it like five or six years ago.

MS. WALBORN: Right. And this is something that we are starting up again this year. I have Seagate Elementary, Avalon Elementary and Shadowlawn Elementary that have all expressed interest in doing the walking school bus. For those of you who --

COMMISSIONER CHRZANOWSKI: How often do you do it?

MS. WALBORN: Well, and that's up to the school to decide. We want to make the program friendly. We want to make it useable, right, we don't want to walk in and say okay, your kids are going to be walking every single day, we need parents to donate their time every single day. We want to have kids meet here, okay. We're going to have a parent escort, we're going to have a volunteer walk with this group of kids. Safety in numbers. There is a parent supervision factor. We've got the kids walking together for visibility. I actually have vests; they're bright neon pink vests that the kids can wear if they would like to.

COMMISSIONER CHRZANOWSKI: Even the boys?

MS. WALBORN: Even the boys. Hey, you know.

CHAIRMAN STRAIN: Match your tote bag there, Stan.

COMMISSIONER CHRZANOWSKI: That's sexist. Boy, I'll tell you.

COMMISSIONER HOMIAK: Are they doing the walking bus in Naples Manor to go to Parkside or --

MS. WALBORN: I have not --

COMMISSIONER HOMIAK: -- the sidewalks there, it's a walking school.

MS. WALBORN: Those are schools that I'm reaching this year. I've only reached through after school programming, in-school programming, Walk to School Day, Bike to School Day. I've reached a total of 21 schools last year but not all of them are interested in the walking school bus. This is something that Tracy Bowen, who's the curriculum director of health and physical education for Collier County is helping me to get into all of the schools this year. And those who are interested in doing a walking school bus one day a month, one day a week, maybe they want to do it a couple days a week, we're going to try and get this started so that we are getting the kids out there and getting them active again.

CHAIRMAN STRAIN: Thank you very much.

Ray, our next speaker, or Mike?

MR. BOSI: Deborah.

MS. CHESNA: Deborah Chesna, Healthy Communities, Florida Department of Health in Collier County. Hello everyone, thank you for the opportunity to be here. And thank you for your interest in active community design, which is inclusive to sidewalks, pathways and multiuse trails that reach destinations and can be a determinate of health.

Stan asked for my credentials. I'm a planner by education, but I have a passion for health, so I'm blessed enough to have the two combined. It's a long story how I got here, but it's kind of pretty cool. So I've also taken classes from FDOT's pedestrian and bicycle safety audit training, level of service program training which they offer for free, by the way, you can just download it off their website, and it covers all modes of transportation.

The FDOT Complete Streets training, which has been coming down the pike also. They've done the urban but they're still -- the rural I believe is September 3rd.

So the exploration of the research has revealed substantial evidence that designing community environments that make physical activity attractive and convenient is likely to produce a wide range of additional benefits in creating active friendly designs. I've gone through this throughout the day to shorten it up a little, so I hope it's not too long.

First what is health. According to the World Health Organization health is described as the state of physical, mental and social well-being and not merely the absence of disease or infirmity.

So what makes some people healthy and others unhealthy? How can we create a society in which everyone has a chance to live a long and healthy life? Since the Center for Disease Control has been tracking the obesity rates, the rates have continued to climb. In 1985 obesity rates in Florida were less than 10 percent. Currently we are in the overweight category. According to Americas Health Rankings, Florida is ranked the 32nd healthiest state out of 50. Yet we have so much opportunity to be physically active. A study over a 12-year period from the University of Cambridge stated that out of more than 300,000 -- well, 334,000 people exercising, which includes a brisk walk each day, exercise was more important than body weight for longevity.

Where we are as adults is a choice. However, as adults we are perpetuating a dangerous cycle with the next generation. One in every three children are considered overweight or obese, which makes them twice as likely to be obese as adults. And they are running off of our choices.

According to the Journal of Health Economics the estimated annual cost of obesity was 147 billion. Society today has concerns with the rise of sedentary lifestyles and chronic diseases.

Physical inactivity accounts for five million deaths annually worldwide. Physical inactivity is connected to lost productivity, higher rates of absenteeism and higher health care costs. The consequences are enormous and major concerns of poor health continue to burden fiscal budgets. The factors affect quality of life and reduce life expectancy. Factors that influence health are multiple and interactive. Human choice and behavior are reflective of the foods we eat, the air we breathe, the water we drink and whether we walk or bike to work, school or other destinations.

Historically it was thought genetics played a larger role in the development of chronic disease; however, studies from Harvard Chan School of Public Health stated genetic changes are unlikely to explain the rapid spread of obesity around the globe.

So according to the study, if our genetics have stayed largely the same what then has changed over the past 40 years of rising obesity and what can we do about it? Physical activity has been engineered out of people's lives through urban planning and transportation investments that favor travel by automobile.

As Stacy pointed out in social science, the term built environment refers to human-made surroundings that provide the human setting for physical activity.

So what happened in the past 40 to 50 years? On a large scale, evolution of the interstate highway system became a catalyst to the widespread movements of urbanization and suburbanization, leading to less mode choices, greater distances between destinations, and reliance on automobile travel. These trends coincide with periods of increased levels of physical inactivity and greater incident of obesity and other related adverse public health outcomes.

But what about on the local level? Is the need to build intimidating intersections that are hard to cross more important than people's lives? Are there better designs for pedestrians and cyclists to cross safely? Do we feel comfortable getting our daily physical activity when walking or biking in crosswalks with wide widths, many complex zones and fast-moving traffic?

With the development of fast transportation came high crash rates. But most important, the erosion of human potential.

So what is it that we can do? We can design for people too. Change the trends, prioritize physical activity as a solution, create viable friendly transitions when going from urban and rural areas. And the Complete Streets does a great job of that, making gateways and certain ways of making that happen.

Individuals are most likely to be active in a community designed around their needs.

Design for safety. If we really think about it, we have done a great designing for vertical corridors, but what about horizontal design? How do we get across the street? Signalized intersections can be far enough away to detract from desirable walking to get to destinations. When you take into account more than 80 percent of the adolescents do not meet the guidelines for both aerobic and muscle-strengthening -- of adults and adolescents, sorry -- aerobic and muscle-strengthening activities, we realize the health impacts from the design of our built environment are a major concern.

Moreover, it's apparent the built environment, in particular sidewalks, road connectivity and proximity of local destinations are correlated with physical activity, and physical activity is directly correlated to health.

So how can we crow eight these design choice? Through a combination of research and consensus, academic experts identified five settings in any community that relate to physical activity. Our bodies are designed to go, our environment should be also. This is about making our communities more competitive with destinations and choices to go.

I've been to a lot of communities where pathways are a great interconnection to get to destinations.

Healthier designed walkable communities can provide economic benefits to real estate, developers, property owners and businesses that conventional development cannot.

Facilities designed for walking and cycling include sidewalks and off-road trails, bicycle infrastructure, safe street crossings and bike parking, they're all components that create healthy design and healthy choices. Connectivity is a component of designing for movement for all modes of transportation.

We are seeing the concept of roundabouts coming back into play only with a better safer design for pedestrians and cyclists. At the complete streets workshop they talk about it's a lot smaller than the traffic circles of the past.

The roundabout creates less conflict points and slows traffic. Kudos to those who have taken a positive step forward in slowing traffic. Slowing traffic is paramount for the safety of cyclists and pedestrians as they make choices in how to go around their environment.

What are the co-benefits of designing communities for active living? Studies have recognized the components listed here that improve quality of life and foster uniqueness, attractiveness. The correlates of walking and spending policies which give priority to new roads naturally lead to more driving. While correlates of walking and spending policies which emphasize alternatives to driving result in a more walkable, biking and transit use.

Consider health up front. Communities make decisions every day that affect public health. Incorporating health early in the decision-making process sets a community up for achieving strong results for all users.

Checklists are tools for healthy design that are plentiful, and some are mentioned above. The healthy development checklist endorsed by the Collier County Medical Society, one that Stacy put together from the Healthy Communities Coalition -- I think it was Smart Growth at that time -- Coalition put together the checklist. So we have that at the Health Department any time you would like to see that or become familiar with it.

It was endorsed by the medical society. It was designed to guide the developers, engineers, architects, planners in optimal healthy design choices for new development, redevelopment or community improvements.

But most important, when utilizing these tools, they allow us to evaluate infrastructure designed to highlight alternative modes of transportation so we no longer view the pedestrian and cyclist as low priority. Making physical activity easier and driving less necessary increases the ability to be physically active and lead a healthy life. There's a plethora of evidence to support that.

Many communities utilize their comprehensive plans, master plans and mobility plans to guide development and investment decisions -- I know I don't have to tell you that, sorry. Updating policy

documents can create planning and visioning processes that identify designed growth corridors and preservation areas to help obtain the best outcomes for new development and the best contacts to fit the community design for all people and all modes. Mixture of land uses.

I have the pleasure a lot of working with the planners in all of the departments, or talking with them at least, and they all are very intelligence people and it's just awesome that you have such great staff. So I'm looking forward to -- it is our hope that the Planning Commission will consider incorporating health language into the comprehensive plans or as a standalone element in the Growth Management Plan. This will provide the opportunity to make an explicit connection between development and health, to evaluate health among all planning considerations and to lay groundwork for a healthy community for generations to come. Thank you all for your time and effort and the opportunity to speak.

I also am an avid cyclist. I have a mountain bike, I have an urban, hybrid and a road bike. So I ride on the sidewalks.

THE COURT REPORTER: Excuse me, could you repeat the bikes you have?

MS. CHESNA: I have a mountain bike, a hybrid for urban riding and a road bike. And I used to commute up north. But sadly I'm afraid down here, so I ride very little. So I think that's where my passion comes from.

COMMISSIONER CHRZANOWSKI: I gave my road bike away and I stick to the mountain bike now. It takes the handicap ramps a lot easier.

From your point of view, what's a better development, high density or low density?

MS. CHESNA: Well, that's a loaded question but I would like to --

COMMISSIONER CHRZANOWSKI: Yeah.

CHAIRMAN STRAIN: Yes, it is, probably.

MS. CHESNA: I would like to say that I think corridors, if it's in context. For instance, the Bayshore to Davis corridor is -- if Naples was considered a city and there was a circle, it would be the outer -- the first ring that's falling apart, basically. The plazas are empty, gentrification has happened. So I think the higher density is for the areas like -- that it fits in context.

But to me that to me that's a gateway to downtown, and that's a perfect area. It's already highly utilized by pedestrians and cyclists, and of course it's on the FDOT's high crash list. So thank you.

CHAIRMAN STRAIN: Deborah, could you send that to Ray, if you don't mind me using some of your slides?

MS. CHESNA: Absolutely not.

CHAIRMAN STRAIN: I do various presentations in the county and some of your slides would work well for what I do as well. I'd appreciate it.

MS. CHESNA: Absolutely.

CHAIRMAN STRAIN: Andy?

COMMISSIONER SOLIS: I've got a question.

Is there a mechanism for your working with staff on these issues? Is that something that's formalized or is there a process for that?

MS. CHESNA: There has not been anything formalized, but we've seen the momentum building since we've all been advocating for all of this. So we're hoping through this discussion and maybe the one in November that there's something that happens with that. That would be awesome, I would relish that opportunity.

COMMISSIONER ROMAN: Are you aware of other cities that have adopted health aspects to their Comp. Plan?

MS. CHESNA: They have.

COMMISSIONER ROMAN: And do you know a few that you could share with us?

MS. CHESNA: I can send them to you. Alachua County and I believe West Palm. I can look that up for you and send them your way, how's that?

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Okay, and I think Joe is our --

MR. BOSI: Joe Bonness is our --

CHAIRMAN STRAIN: Actually we're out of time.

MR. BONNESS: Actually, my office closed up, everybody closed the doors and left about an hour ago so I've got no reason to go back to work this afternoon.

Joe Bonness. I'm on the Pathways Advisory Committee to the MPO. I am one of the founding members of the Naples Pathways Coalition. I've got 40 years of highway construction background and education that falls in within that.

I've got 50 years of biking experience in all kinds of different conditions. I'm one of those kids that rode his bike to school. I rode my bike as a kid until I was 18 years old going to high school. And that was using -- going along with the high speed traffic that you'd have in urban areas all year round in downtown Milwaukee, 10 miles a day, flowing along with all of the heavy traffic that was going on in roads that did not have any bicycle facilities whatsoever. So I do not have a fear of biking in just about any location, but Naples can be a scary area, and I realize where that is at that point.

I've had various education -- continuing education opportunities. Federal Highway Association road safety audits, maintenance of traffic. You know, I've seen that both from a bicycle standpoint, the walkability standpoint. I've taken classes in design for walkable communities.

Do we need sidewalks on both sides of the road? Most of the time, yes. It's going to be something that's going to be a question of volume and speed.

What is the volume of the traffic that's going to be on that road, what's the speed of that traffic going to be? Single-sided houses on a cul-de-sac, yeah, it's probably overkill to have to go in there and do the double-sided sidewalks.

Michele is not here, but I'm going to help speak for her on that. Any time that you're going to have bus transportation, you're letting people off the bus, you're taking people back onto the bus, that bus goes on both sides of the road. The bus stops have to have to be on both sides of the road. You have to have sidewalks that connect to that bus, otherwise you're not going to be ADA compliant, it's going to be a hazard for both the school kids, it's going to be a hazard for the people that are using bus transportation. So any time that you can see that you're going to have any bus traffic, now and long term in the future, we've got to build for that future environment as to what's going on.

You know, we talk about some of these roads that it looks like we're over building as to what's there at this point. Well, I come back and take a look at what we've built here back in the Sixties and Seventies and Eighties, and the retrofit is so expensive. And when we built those things Pine Ridge Road, that was way out there in the country at this point. And it's no longer. It's downtown, it's urban for what's there. But now we're having to deal with how that was built at the time.

So I don't think we can -- and we're coming in doing the construction at this point that it can be over built. When we start talking about these subdivisions and bus traffic coming in and out of the new subdivisions and that, and we, you know, call for hazardous busing to be able to get there.

One of the considerations from the Planning Commission should be if somebody's out there saying I don't want to have -- I want single-sided sidewalks in there, that bus traffic is not going to be able to make it through that subdivision. Take a look at the consideration of where is that bus going to load and unload, the school bus going to load and unload those kids in the morning. The buses don't want to go through the gated communities. It's hard for them. You put speed bumps in, they can't make the turns. They don't want to be back in there. It's hazardous, it's time-consuming for them to go back in.

So they should be designed every time to have some sort of a bus access, a bus turnaround and a drop-off point for the school kids coming in and out of those subdivisions. And that should be a consideration that you're looking at from the standpoint when you have a development coming in front of you and they want to reduce what's going on as far as their sidewalks in the community. Be sure that they're set up for the bus transportation.

You know, perfect example of cutting things back could be Manchester Square. There you have a subdivision that is sitting right next to the whole school district. You've got Osceola, you've got Barron Collier that's in there. The back corner of the subdivision is a quarter mile to the grade school. They decided they're going to go out and put their only access onto the subdivision as far away from the school as possible. Part of that is trying to get their entrance away from Osceola Boulevard. They go out and landscape

everything that's along their side of Osceola Boulevard. There's no cut-through. We need hazardous busing. You can't get in and out of there with a school bus. They're right there, they're well within the two mile zone, they should be walking.

When the growth came up alongside of them, I was a vocal in their right-of-way, talking to them, even at their neighborhood meetings, that you need to make a connection going on into the school district there. It did come through, I didn't even have to come on up and talk at the Planning Commission, because they went with that, they started talking to the school district right away to be able to get that taken care of.

But that's -- you know, you take a look at Manchester and they're right there. Instead of putting a sidewalk on their side of the road, they come back later and complain, well, the kids can't walk down Osceola because there isn't a sidewalk there as part of their subdivision. And of course at the same time the school district isn't sitting there saying we want a sidewalk there. They'll waive that stuff off pretty quickly. So I wouldn't rely on the school district to be your sidewalk advocate.

And we talk about building for the future and that, well, I guess I hit that one already. But, you know, that's the question with the double-sided roads.

But from the LDC standpoint and sidewalks in the community and that, a lot of times we end up with unintended consequences for what our codes put together on it. You're in a commercial area, you're going to have parking that's coming up against a roadway, you're going to require a hedge to barricade and obscure that. You want the landscaping in there to be able to prevent the visual of the parking lot there. You've gone out now and put a visual barrier that is alongside of the sidewalk. I -- you know, I've -- I'm a heavy exerciser, I use the bikes a lot, but I also do -- we had a program at Better Roads where we had Bike At Work. Not just Bike To Work, but Bike At Work. I supplied bikes to the employees. And we could head on out and go to the -- for lunch and that. And I'd go up and down Pine Ridge Road where we had a four-foot sidewalk to begin with. There's a hedge planted alongside of it. The hedge is overgrown onto the sidewalk. The sidewalk's only two-foot of usable space by the time you're done.

The hedges grow too high, you can't see what's coming in and out of the driveways. Nobody maintains the height on those hedges. So it becomes very, very difficult to get in and out. And that's one of the major problems that we have with collisions of bicycles. Bicycles on the sidewalk being run into by the cars that are coming in and out of the driveways and the roadways.

We have recently done a road safety audit. Started with MPO's, PAC, and then the FDOT jumped in on it too because they could see the same problem. This area right here, Highway 41, Airport Road. It is one of the worst areas in Collier County as far as bicycle and pedestrian accidents going on. It is a hotspot for it. The next one could be Immokalee Road.

You take a look at the statistics as to what's happening and the amount of bicycle accidents that are happening. A lot more bicycle accidents in this area than there are pedestrians. And it's all bicycles on the sidewalks. You know, I think it was 70 accidents that happened in this locale. It's about a two-mile radius from this intersection of 41 and Airport Road that we took a look at.

You know, out of 70 accidents I think probably it was like 50 of them were bicycle accidents. Of those 50 bicycle accidents, I think there was only two of them that were actually not on the sidewalks. One was in the bike lane but going in the opposite direction, running a red light and ran into a car that's coming out of Bayshore. The other one was somebody that was making a complete crossing of a roadway.

Bike lanes are usually the safest way to go because you're visible, you're easy to see. But the thing that we're seeing is bicycles getting hit by cars are usually going in the opposite direction of the traffic. The cars are not looking in the direction that the cars are -- you know, you're coming on up to an intersection, you're going to look right for the cars coming, you're not going to necessarily look left. Bicycles are moving along fairly quick and now you put in the visual barriers of your landscaping that's coming up against these roadways and you don't see the bike until he's right here. And the bike doesn't necessarily see the car coming out either.

So we're building that hazardous problem all the time. And part of it is the way we are designing it. So it's something that's got to be a consideration, taking a look at the hedging materials and that and how we're doing the landscaping.

Landscaping, you know, Dana was out there showing you the pictures of Santa Barbara Boulevard

and going oh, yeah, this is kind of barren and it's kind of ugly. I'll tell you, for the commuting traffic in the morning, that person that's riding his bike from Golden Gate City down to Lely, it's a freeway, it's beautiful. He loves it. It's straight, it's easy to go in. He doesn't care if there's a tree there. And the commuting traffic in the morning, there isn't a problem with shade. You know, they're commuting early in the morning.

A lot of times we take a look at this and, you know, I hear from the commissioners, well, I was driving up there and taking a look at that beautiful sidewalk they've got on that section of roadway, I was there 11:00 in the afternoon and there wasn't anybody around. Well, they weren't there at 7:00 in the morning when the kids were all sitting there waiting for a bus. They weren't out there taking a look at the commuting traffic that's running through there at that point.

These facilities do get used. And they don't get used when we're necessarily looking at them.

But landscaping as far as pathways and that, the landscaping can a lot of times tear up what's there. We're hearing the problems that you have with the asphalt paths. With the concrete paths, you get a root underneath the concrete, it tips on up, now you've got a trip hazard that's out there.

You know, take a look at a couple of areas like Gulf Shore Drive and Venetian Bay. You've got a bike lane that's there, you've got a sidewalk that's just a little bit alongside of it. We drive through there quite frequently with our bike groups and that and there'd be people out there in the bike lane and they're walkers walking alongside in the bike lane. You've got a sidewalk that's right there.

But if you hop off and take a look at what's on that sidewalk, it's got landscaping that's in the little clear zone that's alongside of the roadway, it's got a big hedge that's on the other side. The hedge has caused trip hazards with changing the elevation of the sidewalk. And because you've got the landscaping on both sides it tends to puddle. Now you've got slick areas that never dry up. And you can see why the guy with the walker, he can't make it up and down the sidewalk. It's too uneven, it's too hazardous for him. He wants to be on the bike lane because he's got a nice smooth asphalt, cleaned area that he's working with.

You know, we think the landscaping's great. At times it's a big obstruction as to what's going on.

Let's see. You know, there are places where we can cut back as far as the developers go too. I take a look at the couple of the subdivisions out there. You have the Mercado subdivision -- or development that's in there. Beautiful set of sidewalks that are running down through it. But those sidewalks don't connect to the outside environment. There's no physical connection between the internal sidewalks and the exterior sidewalks. To be able to get it from a walking/bicycle/transportation standpoint, you have to go through the entrances in the car traffic and there isn't a sidewalk that actually connects the internal sidewalk to the external sidewalk.

Take a look at something like The Dunes where you have the sidewalk that's being built for the development, 20 feet away no obstruction in between the two of them and you've got a county sidewalk that's right there. A lot of redundancy that's going on there. It's something that probably could have been compensated for in a different direction and may have a different facility built.

So, you know, from your direction I'm sure there's a lot of places where you can take a look at some of the redundancy that's in there, but definitely we want to try and get complete streets, you know, as much as is possible.

The main thing from a safety standpoint though really comes back in to visibility. A car's not going to hit you if he can see you. You're not going to get in front of a car if you can see the car. And these clear zones and that are a big thing, but it's how to keep it like that too.

You know, you go on out and you're going to say that you've got to have the hedge there and a hedge is supposed to be maintained at 30 inches. And then you come back later and you find out there's an accident because that hedge is now eight feet high. And I think that's probably part of the problem with our legal systems is that the lawyers don't follow along with those accidents and force that landowner to comply with the law. It's a good slip and fall, actually. Anyways --

CHAIRMAN STRAIN: Thank you, Joe. And just so you know, Michelle's going to be coming back at probably the first meeting in September and early on in the agenda to talk to us about what she wanted to talk to us about today, so --

MR. BONNESS: Yeah. And I'm sure that that's going to be part of it is, you know, we build roads right now, we don't ever think that there's going to be bus transportation on it. And it happens. And when you

get to that point, you've got to take a look at how do you get the handicapped person or even the school kids on and off the bus and keep them safe during that time period. So, you know, sidewalks on both sides of the streets are essential.

COMMISSIONER CHRZANOWSKI: When you used to do your long rides, what was the fastest you ever went on these flat roads? Seriously.

MR. BONNESS: You mean downwind and everything?

COMMISSIONER CHRZANOWSKI: Yeah, downwind, 40?

MR. BONNESS: I've done as much as 55 miles an hour on a bike, but that's downhill and with --

COMMISSIONER CHRZANOWSKI: Downhill, no. On these flat roads.

MR. BONNESS: On these flat roads our bike group will get on up 30, 35 miles an hour.

MR. ESQUAR: Okay. That's the Peloton that you bike with on --

MR. BONNESS: Yeah.

COMMISSIONER CHRZANOWSKI: -- Gulf Shore?

MR. BONNESS: Individually not unusual to be 30 miles an hour. Average speed probably more in the 25 mile an hour.

And when you're commuting at those speeds and trying to get from one spot to the other, that makes sidewalks extremely dangerous so you're going to be on the roadway.

COMMISSIONER CHRZANOWSKI: Right. But when you're approaching an intersection, you're going at that intersection a lot faster than that car thinks you're coming at them.

MR. BONNESS: Oh, yeah. But, you know, the main thing with that is to be very visible.

COMMISSIONER CHRZANOWSKI: Very careful.

MR. BONNESS: You've got to be visible to the car and let them see you too.

CHAIRMAN STRAIN: Thank you, Joe. We appreciate your input.

And Corby, did you have something you wanted to add?

MR. SCHMIDT: Absolutely. Thanks for your patience. Last but not least, for the record, Corby Schmidt, I'm one of your Comprehensive Planners.

Walkability. A number of speakers before me have addressed different aspects of what that means. I believe some of your focus is about sidewalks. That was the trigger for this discussion, as I recall, and the idea may have expanded and contracted through the day. But walkability --

CHAIRMAN STRAIN: It wasn't supposed to.

MR. SCHMIDT: Walkability simply allows you to reach your destination without the use of a car. But it's much more than that.

You've heard people talk about compact residential development. You've heard people talk about mixed uses. You've heard them talk about proximity. You've heard the one quarter mile rule. People will walk to places that are close. And if you make it convenient and safe, they will use those facilities.

Connectivity. We've heard a lot about that. I don't need to last on it long. But between where the pedestrian is and their destination, make those connections. Where you're developing an area that's already characterized by low walkability, the goal then is to provide an increased or enhanced walkability. Provide continuity where there are gaps, barriers or other obstructions that interrupt that flow or that ability to reach your destination.

We've also talked -- or others have also talked about creating that safe and attractive public pedestrian environment. I think the most I got from that from listening to others, people and the cars both need good lines of sight to see each other to be safe.

Which brings us to sidewalks. Sidewalks should be used by everyone. But the best sidewalks are designed because they're focused on the elderly, the disabled and the children. If you serve those segments, you're serving everyone.

Remember, when it comes to sidewalks, don't give up what's more important for something that's less important.

And I believe that we've heard and I believe it's months ago, it may have been the Argo Manatee example, where the safety of the children versus the desires of a developer were at odds.

The statistics for sidewalks that are placed on both sides of the street, whether they're loaded or

unloaded, vary. But basically when you have sidewalks on both sides of the street and the residences are loaded on both sides, there are three basic maneuvers or pedestrian movements. Walking on that same side of the street using your sidewalk, crossing the street at the intersections, and for most people like children in a hurry, crossing somewhere mid-block. Those are your basic maneuvers. You also have those people who chose to walk in the street, cross mid-block in the street and so forth.

When you have double-loaded streets, residents on both sides and sidewalks on only one side, you have another five different walking maneuvers that put people in the street. Five more to the three -- or to the two already there from having double loaded sidewalks.

The one that's most popular, I see -- or hear the request for most often come in front of you, homes are single-loaded, sidewalks only on that side. The same math seems to apply. There are five additional maneuvers or walking movements, more than already in double-loaded and double sidewalk sides, that put people in the street.

So in that case we've heard presenters talk about their market people only want sidewalks on one side or they don't want sidewalks on their side of the street. And it's only affecting half the people. But the math doesn't really work out that way. If you have sidewalks on both sides and houses on both sides, you're already putting people in the street two out of three times. When you have single-loaded sidewalks or single sidewalks on the loaded side, one in eight. For every eight people you force into the street, only one is using the sidewalk.

That's why we talk about planning for the children, the elderly and the disabled. And you've got the rest of them covered.

Now you've heard a lot about safety today, and I knew you wanted to hear some of those statistics.

30 years in planning, I've used sidewalks for more than 50 years. You wanted to know.

CHAIRMAN STRAIN: Thank you, Corby. We appreciate it. And I'm looking forward to a new way of seeing these deviations addressed when they come before the Planning Commission. Not that the staff hasn't tried to before, but I think with the incentive we've got from the Board of County Commissioners and the input we've gotten today and what's probably going to be coming up before the year's over we can probably look forward to a more consistent pattern of sidewalks, I would hope.

And if you know anybody, Mike, that was here today that didn't get a chance to speak, please have them get in touch with Ray or myself or you and we'll schedule them under the chairman's report at future meetings.

MR. BOSI: Thank you, Chair, and I will do so.

And Stan, just to let you know, I ride a mountain bike.

COMMISSIONER CHRZANOWSKI: You bought one of my road bikes one time.

CHAIRMAN STRAIN: And I wish to thank you and Mike Sawyer, especially Mike, for all the work you guys did to have the people come together and get the information to us. It will be -- I know it's going to be useful, so we certainly do appreciate that.

COMMISSIONER EBERT: Especially me.

CHAIRMAN STRAIN: ***I don't believe we have any other old business, there's no new business. Is there any public comments?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

CHAIRMAN STRAIN: By Diane.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

All in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER HOMIAK: Aye.
COMMISSIONER ROMAN: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: We're out.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:53 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, Chairman

These minutes approved by the board on 9-18^a-15 as presented _____ or as corrected ✓.

Transcript prepared on behalf of Gregory Reporting Service, Inc.,
by Cherie' R. Nottingham.