

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

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

CHAIRMAN: Mark Strain
Wafaa F. Assaad
Stan Chrzanowski
Diane Ebert
Karen Homiak
Andrew Solis (absent for roll call)

ABSENT: Charlette Roman

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Heidi Ashton-Cicko, Managing Assistant County Attorney
Scott Stone, Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

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

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you. And before we do roll call I'd like to make a short announcement and welcome Mr. Wafaa Assaad to the Planning Commission. Mr. Assaad represents District 4, generally the City of Naples in that area there. And welcome aboard. You've made our contingent full again, and everybody's here today because it's your first day.

COMMISSIONER ASSAAD: I'm glad you came.

CHAIRMAN STRAIN: Okay. With that, if we could have the roll call by the secretary, please.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Solis is absent.

Ms. Ebert is here.

Commissioner Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Assaad?

COMMISSIONER ASSAAD: Here.

COMMISSIONER EBERT: And Ms. Roman is absent.

CHAIRMAN STRAIN: Okay. We have a quorum.

And the first item -- next item up is the addenda to the agenda. The agenda has two items on it, two consent items and one advertised public hearing.

The first consent item is from last week's or last -- two weeks ago meeting. It's 8A on Summit, and 8B is an East Gateway Mixed Use Planned Unit Development for consent also. That one has been requested to be continued to the December 3rd meeting.

So is there a motion to continue?

COMMISSIONER EBERT: I make a motion to continue.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made and motion seconded for PUDA-20140000548 to be continued to December 3rd CCPC meeting. This is a consent item, and it will go to the first consent agenda on December 3rd.

All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Next is Planning Commission absences. Our next meeting is December 3rd. Does anybody know if they're not going to be able to make it?

COMMISSIONER EBERT: I'm questionable.

CHAIRMAN STRAIN: You're questionable?

COMMISSIONER EBERT: Yeah. I have surgery a couple nights before.

CHAIRMAN STRAIN: Okay.

MR. EASTMAN: I have a course and a conflict.

CHAIRMAN STRAIN: Thank you, Tom and Diane. So everybody else, we have at least four then, probably some of the other two, so I'm sure we'll have a quorum.

That takes us to the minutes. The minutes of October 15 were electronically distributed. Has anybody got any changes or comments to the minutes?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Motion made by Karen. Seconded by?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Stan. And I would suggest that Mr. Assaad, since he wasn't here, probably will not be -- will abstain from that vote.

COMMISSIONER ASSAAD: Abstain.

CHAIRMAN STRAIN: And so the rest of us, all those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: (Abstains.)

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0 with one abstention.

And let the record note that Mr. Solis has shown -- he is here now. Welcome, Andy.

COMMISSIONER SOLIS: Thank you.

CHAIRMAN STRAIN: And, Andy Solis, this is Wafaa Assaad. He's our new member of the Planning Commission --

COMMISSIONER SOLIS: How are you?

CHAIRMAN STRAIN: -- representing District 4, City of Naples.

That takes us to the BCC report and recaps, Ray.

MR. BELLOWS: Yes. On November 10th the Board of County Commissioners heard the PUD rezone for Southbrook. They approved that by a vote of 4-0, and that was subject to the Planning Commission recommendations.

They also heard the amendment to the Pine Ridge Center West PUD, and that was approved on their summary agenda.

CHAIRMAN STRAIN: Excellent. Thank you.

And that takes us to the chairman's report. I have no additional information today. We'll move right into our agenda.

***Agenda Item 8A is our consent agenda. It's for the CU-PL20140000543, and it's for the Summit Church in the Estates zoning district.

This is consent. It's a discussion amongst this panel to acknowledge whether or not staff had written up the stipulations and conditions the Planning Commission imposed, and that's what this is for, so it's not open to public input.

And, Tim, we don't generally need any comment.

So with that, is there any -- for those of you that were here. I was not here. Mr. Assaad was not here. So it will have to be the rest of you that will have to weigh in on this.

Any comments, changes?

COMMISSIONER EBERT: No. I do find most of it in there. The only one thing is No. 2 on Page -- on the very front page. It's flea market. It should also include farmers market.

CHAIRMAN STRAIN: That would be -- Fred?

COMMISSIONER EBERT: Flea/farmer?

CHAIRMAN STRAIN: During the meeting, were your notes reflecting that as an inclusion, or how did that --

COMMISSIONER HOMIAK: No, mine weren't. I don't remember the --

MR. REISCHL: I don't.

COMMISSIONER EBERT: It was flea or farmers market.

MR. REISCHL: I don't exactly recall, but I'll ask Ray if he interprets --

COMMISSIONER EBERT: Do you consider it the same thing?

MR. REISCHL: -- the LDC, would a flea market and a farmers market be a similar use?

COMMISSIONER HOMIAK: But farmers market wasn't stated specifically at our meeting.

MR. BELLOWS: They're not exactly the same use. A flea market has more items or --

COMMISSIONER EBERT: Okay.

MR. REISCHL: Nonfood.

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: Farmers market are primarily food --

COMMISSIONER EBERT: Is food.

MR. BELLOWS: Food.

CHAIRMAN STRAIN: -- and vegetables grown, stuff like that. Flea markets are -- generally include new and used merchandise in addition to what farmers markets could include. That's my understanding of our code in that regard.

MR. BELLOWS: Yes.

MR. REISCHL: So if it's your intent, I can add farmers market.

COMMISSIONER EBERT: No. That's fine. That's fine.

And the interconnection, at the time we just said no Pe±a parking, but is -- pedestrian and vehicle parking also is No. 2 on the above?

MR. REISCHL: Yeah. The -- sorry. Fred Reischl, Planning and Zoning.

The interconnection is via the sidewalk that's existing along Pine Ridge, and then the pedestrian interconnect to the church.

COMMISSIONER EBERT: Okay.

MR. REISCHL: So it's not from the church directly to the --

COMMISSIONER EBERT: Yeah. I was just going from the notes that I had from before. Okay. Very good.

CHAIRMAN STRAIN: Okay. For the four of you that were here, are there any other changes that need to be made or suggested?

COMMISSIONER HOMIAK: I make a motion to approve.

CHAIRMAN STRAIN: Motion made by Karen. Seconded by?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Stan.

Discussion?

(No response.)

CHAIRPERSON HOMIAK: All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: (Abstain.)

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: (Abstain.)

CHAIRMAN STRAIN: And abstentions will be myself and Mr. Assaad. We weren't present at that meeting. So thank you all. We appreciate it.

Thank you, Tim.

***Next item up, and the only remaining item for today, is No. 9A, advertised public hearing. This item has been continued from the August 20th CCPC meeting and previously -- and then the September 17th

meeting and then again from the October 15th meeting. So it's been continued several other times prior to today.

It's Item PUDA-PL20150000178. It's commonly 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, if those members of the public wish to speak on this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Okay. And disclosures on the part of the Planning Commission. We'll start with Tom on my right.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: One very long piece of correspondence from Tony Pires.

CHAIRMAN STRAIN: Andy?

COMMISSIONER SOLIS: I have the same piece of correspondence.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I talked with Mr. Hood, and I also -- the emails and Mr. Hood and staff.

CHAIRMAN STRAIN: I've had emails; the 555-page staff report from this meeting; the reports from the August 20th meeting, which I've reread, and the minutes from that meeting; the report from the January meeting and the minutes from that meeting, I've read those.

I also had separate meetings with the applicant and the applicant's representative and attorney. I've had an email from the applicant. I've also talked with Tony Pires representing some of the homeowners in Briarwood. I've met with various members of staff, specifically including the fire department, the building department, and the impact fee department.

With that, that's as extensive as I can say right now.

Karen?

COMMISSIONER HOMIAK: Just emails.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: Just the email.

CHAIRMAN STRAIN: Okay. With that, we will move straight into the discussion.

And, Fred, it's your presentation. And I would suggest that you try to do a full presentation. We do have a new board member, and it would help to get a full picture.

MR. HOOD: Good morning, Commissioners, Mr. Chairman. Fred Hood with Davidson Engineering, for the record.

I'd like to start with a video that we've done for the project. It's a fly-through and a walk-through of the project to give you a better idea of what we're --

COMMISSIONER EBERT: Speak up.

MR. HOOD: Sorry. I'm a little under the weather, so let me know if I'm a little too soft.

I'd like to start with a video to show everyone what we're proposing at the Briarwood PUDA Premiere Auto Suites site.

(Video being played.)

CHAIRMAN STRAIN: Make sure you send a copy of that to Ray Bellows or Eric so it's part of our record.

MR. HOOD: Definitely.

CHAIRMAN STRAIN: Thank you.

MR. HOOD: Okay. So just to give a brief overview of the project and its proposals, the purpose of this PUD amendment application is to allow private clubs and private garages consistent with Exhibit B. Exhibit B is the master site plan that you have in your packets, and I can put that on the visualizer so that everyone knows what we're talking about.

Exhibit B, as a principal use within Tracts B and C, the community commercial portion of the Briarwood PUD. The land use requested has been interpreted by review staff in the previous conditional use

application as well as the PUDA application that is before you today.

As the combined permitted conditional uses, per Section 6.2.C of Ordinance 95.33, private clubs subject to the provisions of Collier County Land Development Code and commercial and private parking lots and parking garages.

The principal -- the requested principal use is comparable -- is a comparable consolidation of those two conditional uses and is, therefore, consistent with the provisions of the PUD and the Collier County Growth Management Plan.

Additionally, this application seeks to increase the maximum floor area for private clubs and parking -- private parking garages in Tracts B and C, the community commercial, from 20 percent of the commercial land area to 27 percent of the commercial land area for the footprint of the buildings; to add a deviation allowing an alternative Type D landscape buffer along Livingston and Radio Roads; to add a deviation allowing the required 8-foot wall at the top of the berm instead of being located at ground level, existing grade ground level; to add an alternative landscaping exhibit for Livingston and Radio Roads; and to add a new master plan for private clubs and parking garages.

As we've gone through the reviews with Collier review staff and at the last Planning Commission hearing, we've made several changes to the document that are outlined in the package that you have been sent and that have also been sent out to the neighbors, I believe, through Mr. Pires.

We have also -- in coordination with several members of the public and neighborhood information meetings and speaking with review staff, have made some additional changes that you do not have in front of you today but they are for cleanup purposes inside of the document. I have those here for you in paper format, if I can hand them out to you, and then we can go through them.

CHAIRMAN STRAIN: Sure. Make sure you have a copy for the court reporter as well and County Attorney and Eric.

Eric, if you have enough copies, as a courtesy for Mr. Pires, please see if he can be provided with an extra copy since I'm sure he'll be speaking sooner or later.

MR. JOHNSON: Sorry, I don't.

CHAIRMAN STRAIN: You don't?

MR. HOOD: I can get it. I'll give him mine.

CHAIRMAN STRAIN: Fred, if you need one to work off of, you could use the court reporter's -- okay, because after the meeting I can always give her mine. I prefer things electronically anyway.

MR. HOOD: I just took Wayne's from him.

CHAIRMAN STRAIN: Okay. You don't have one?

MR. JOHNSON: That was the last copy that I had.

MR. HOOD: It's right there.

CHAIRMAN STRAIN: Thank you.

MR. HOOD: If we can go through these. Actually, before we go through these, there were three items that were discussed with the Briarwood neighbors a few times, but recently I heard these come back up again, and I wanted to just put them on the record and discuss them.

There were three items we were asked to consider. The retention of native trees along the northern border adjacent with the Dover Park development. That is -- that is -- those trees would be in this general vicinity around Buildings 3, 2 and 4.

The Skelly Road interconnection, that's where Skelly Road dips into this community commercial property on the northern side. It's also between Buildings 2 and 3.

And then the third was the location of the buildings in order of which they shall be built in. We've got -- I've got a prepared statement on each those items.

For the retention of the native trees, as stated in PUD Section 6.3.7.M that we're proposing, we have committed to retaining native vegetation within the Type B required buffer between the different land uses. We will continue to try and retain as much native vegetation along the shared boundary as possible.

The current design does not allow a large retention of the trees that are present south of the border due to the provision of water management areas, the access -- the emergency access drive, and the proposed

Building No. 3, but we'll do our best to try and keep as many of those trees in the buffer area as we can.

As for the Skelly Road interconnection, it has consistently been brought to the applicant's attention that members -- some members of the Briarwood residential community would like to see the interconnection between this use and their community removed.

Through our coordination with county review staff, it was decided that this interconnection be left in place for emergency services access. The applicant is okay with either option, but as a show of good faith and attempting to be good neighbors, we request that Section 6.7 of the PUD document be revised and/or removed to address this request from the neighbors to the north.

We do, however, want to make the observation that with this request the burden would fall on the Briarwood residential communities to provide an area for a county-approved fire access turnaround at the end of Skelly Road. Currently the fire exit's turnaround and/or connection is situated on the applicant's side of the shared boundaries.

So if we were to close that off, there would be no fire access turnaround on our property anymore, and we would have to place one on the northern side of the border. So I just wanted to make that observation if we were to discuss that any further.

The location of the buildings and the order in which they're built. As discussed with the Briarwood neighbors and county review staff, the construction of the buildings, once the PUD zoning is approved, will be contingent upon the open market and selections of buyers for their requested units. The applicant is conscious of the desires for Buildings 1 through 4 to be constructed first, but at this time we don't find it possible for the applicant to commit to the conceptual phasing of building plans. So we'll take it into consideration, but at this point we're not looking at the phasing out any specific portion of the development right now.

I'd like to move into the specific changes in the document that I just handed out. We are asked to look at additional language in Section 6.2.A. That's the section that defines what this use actually is and how it will operate.

And we were looking at what the private club component and the recreational area of each of the units provided would have to be. I'll put those up on the visualizer for everyone in the crowd to see.

So the language that's provided here in 6.2.A.14, bullet point Roman Numerals I and II discuss the features that we would like to be made present inside of Principal Use 14 to move forward.

So those items, as you can see on the visualizer, in A we went with common areas and amenities generally associated with the principal use including, but not limited to -- and then I added a comma -- a clubhouse and its associated parking, B, indoor mezzanine recreation spaces, e.g., for pool tables, card and other game tables, video gaming systems, and exercise equipment, personal office space, and bathrooms within individual units. We wanted to add this additional language to make sure that the private club recreation portion of each unit was specifically in the PUD document so that we could -- so that this use would be consistent with what we have been proposing from the very beginning.

Section 6.3.6.A, Roman Numerals I and II have been revised to illustrate the proper square footage based on the percentages requested. The prior square footages were based on a rounding up or down of the percentages to create -- or up or down of the square footages to create whole numbers.

6.3.7.A has been updated to reflect the ownerships of the units shall be directly tied with -- tied to membership in the private club component of Principal Use 14.

Section 6.3.7.B -- and, actually, I'm sorry. I'm going to put these up as I go along. This was 6.3.6.A, Roman Numerals I and II. This is where you can see that the square footages have been updated. The first number, 188,062 square feet, is representative of the 27 percent of the commercial land area, and Roman Numeral II, the 92,150 square feet is representative of the maximum 49 percent of the floor area of each of the units, and then the 280,212 is the combination of the floor area and the mezzanine areas for Principal Use No. 14.

CHAIRMAN STRAIN: How did you get to the 282,012?

MR. HOOD: So the 282,012 is the combination of the 188,062, and the 188,062 is 15.99 acres divided -- or multiplied by the square footage.

CHAIRMAN STRAIN: So it's 15.99 --

MR. HOOD: 15.99, that's correct.

CHAIRMAN STRAIN: -- times 43,560 times .40.

MR. HOOD: Correct.

CHAIRMAN STRAIN: Comes up to 278,610.

MR. HOOD: Not .40; .27 is the 188,062.

CHAIRMAN STRAIN: I'm talking about 282,012.

MR. HOOD: The 282,012 is the combination of the 188,062 plus the 92,150. The 92,150 is representative of the maximum square footage that the mezzanine areas can be within the units. So that's -- basically, you take the building size, the --

CHAIRMAN STRAIN: Yeah. Fred, I'm really understanding how to get there.

MR. HOOD: Okay.

CHAIRMAN STRAIN: What I'm trying to understand is if you take 40 percent of the square footage of 15.99, it doesn't come up to 282,012. That's my problem. So we either need to adjust the 40 percent or the number. Well, if you -- I've got 278,06-- rounded up, 278,610.

MR. HOOD: Okay. I'm double-checking right now.

CHAIRMAN STRAIN: My number could be wrong, but I'll run it again.

MR. HOOD: I'm sorry. You are right. 278,609.76. So it would be 278,610 if we round up.

CHAIRMAN STRAIN: Right.

MR. HOOD: I'll make that correction.

CHAIRMAN STRAIN: Okay.

MR. HOOD: Okay. Excuse me. This is 6.3.7.A, as we just discussed, has been updated to reflect the ownership of units shall be directly tied to membership in the private club component of Principal Use No. 14.

Section 6.3.7.B has been updated adding language to state the flushing of vessel motors shall not be permitted between the hours of midnight and 6 a.m. This was brought about just in case, you know, someone would take their boat out and come back and have to flush their motor. We wanted to make sure that they wouldn't be doing that at all hours of the early morning and evening, so we put a time limit on that that is also consistent with another item that we'll get to on the staff report moving forward.

6.3.7 --

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ASSAAD: Are we allowed to ask questions while we go?

CHAIRMAN STRAIN: I think that would -- and that's something I was -- that's a good point.

Normally we wait till you finish your presentation, but you have provided us with some brand new information, so I think it would be more relevant, if we're going to go through this document, to ask questions as we have them, as we go along.

So, Mr. Assaad, go right ahead. And you need to pull that microphone close to you, because you're being picked up on the --

COMMISSIONER ASSAAD: Number one is, what's the justification for increasing the square footage?

MR. HOOD: We looked at the square footage of the buildings that we were proposing in the original conditional use application. When we first looked at that application, we went to the county for our pre-application meeting and discussed the proposed site plan. That site plan was a little bit more -- the buildings were a little bit larger in that site plan.

When we discussed it with them, we were -- we wanted to make sure that in the commercial land area provision of the PUD document that we would be -- we would not be held to the maximum floor area. There was a conversation that went back and forth. We got through to the conditional use application. We came through with this plan with the understanding that -- on our part that our square footage would be okay as -- I believe at the time it was around 28 or 29 percent of the -- of the commercial area for just the floor area.

Once we got to the last Planning Commission meeting for the conditional use -- for the first and the last -- for the conditional use, we were made aware that the commercial land area floor area square footage

maximum we would be held to for this project. At that time we looked at -- we had to look at the mezzanine areas as well as the footprint -- the building footprint area of each of the buildings.

We thought that 7 percent of the footprint area over the maximum 20 percent of the floor area would be -- for the purposes of this development with its intensity that we can discuss about with the traffic impacts and a level-of-service impacts to the surrounding neighborhoods and the surrounding right-of-ways, we thought that 7 percent of that area increase would be not extreme, if you will.

COMMISSIONER ASSAAD: So this is something that -- this is something that the developer or the petitioner would like to do?

MR. HOOD: Yes, sir.

COMMISSIONER ASSAAD: And you couldn't live with the existing limitation on the square footage because of what, economics or --

MR. HOOD: The amount of --

COMMISSIONER ASSAAD: You want to make more garages? You want to make a more profitable development? You want to make -- I just -- you gave me the history and you took me through the steps of the meetings, but you didn't give me an answer is, why are you asking for more square footage.

MR. HOOD: There was a specific number that our developer was looking for for units, and that's where we got to, and that's where the request came from. So, yes, you're correct, it was --

COMMISSIONER ASSAAD: Thank you.

MR. HOOD: You're welcome.

COMMISSIONER ASSAAD: On Item 6.3.7.B.

MR. HOOD: Yes.

COMMISSIONER ASSAAD: The flushing of the vessels.

MR. HOOD: Yes.

COMMISSIONER ASSAAD: I think from midnight to 6 a.m. prohibition is not good enough. Why not from six in the afternoon to six in the morning or something? I mean, they can wash till midnight. That is a little bit permissive, if you will.

MR. HOOD: The reason I used the 6 a.m. to midnight number, if you flip to -- if you have it in front of you -- of the staff report.

COMMISSIONER ASSAAD: Yes.

MR. HOOD: There is a -- county staff is asking us to -- or asking you and us to agree to the stipulations of approval. There was a time limit for no semitrailer trucks shall be allowed access to the site between hours of midnight and 6 a.m.

I was trying to stay consistent with what was proposed by staff. We can certainly look at different time limits. I would think that 6 p.m., though, is a little bit restrictive insofar as most people that go out on their boats sometimes go out beyond 6 p.m. So I think we may be able to look at something like 10 p.m. Eight p.m.? We can do 8 p.m.

COMMISSIONER ASSAAD: Okay. Thank you.

CHAIRMAN STRAIN: Fred?

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: Since you responded to a question that is now on record, I'd like to correct the record.

The conditions in which we discovered this error aren't quite -- I don't remember them the same way you do. In fact, what I do remember is you submitted an application for a conditional use that came to the Hearing Examiner's Office.

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: The staff packet was received by the Hearing Examiner, and during the review of that packet, it was discovered, based on an article that was in the newspaper, that you were going to build units to 1,000 minimum square feet, I believe the article said, and that you had 159 units. That simply is 159,000 square feet, which exceeded the multiplication that would have to have occurred to discover the amount of square footage you could have had allowed by the PUD, which I believe was 134- or 139-, and that is how it got there.

Now, as far as your pre-app with staff, did staff -- was staff told at the time that you were going to be exceeding the square footage that was allowed by the PUD, or was staff told that you were going to a thousand square foot per unit minimum?

MR. HOOD: At the time we were looking at a zoning verification letter before we submitted the application from our interpretation, and from what had seemed to be staff's interpretation, that would not force us to go with that 20 percent of the commercial land area requirement of the PUD. That was our understanding, so that's why we submitted it with the square footage that we did. And we backed it up with the Transportation Impact Statement and all of the other justifications that showed that this use was going to be far less intense than most of the other uses that were provided for in the PUD document.

CHAIRMAN STRAIN: I just want to make it clear on the record how this discrepancy between the PUD and the conditional use occurred. It did not occur on January 15th at our meeting. At our meeting is when we emphasized to you you might want to consider a different approach because of the issue. The issue was discovered in advance of that when you previously were scheduled to go through a conditional use process in front of the Hearing Examiner.

MR. HOOD: It was discovered before then, but I think it was brought up at that hearing, was it not?

CHAIRMAN STRAIN: It was, certainly, because that was where we had to refine it and make a decision on how you were going to proceed. At least we would make the recommendation, not the decision.

MR. HOOD: The reason I said it that way is that was the first time that it was publicly discovered. It was -- we hadn't gotten to a point where we were in front of you as the Hearing Examiner. We had gone through all of the staff review, and this was the first time that we had brought it to a public hearing situation.

CHAIRMAN STRAIN: Right.

MR. HOOD: So that's --

CHAIRMAN STRAIN: The time frame for that issue was far greater than just January 15th. That's what I wanted to make clear to Mr. Assaad in response to his question on how we got here today.

MR. HOOD: I'll agree to that, yes.

CHAIRMAN STRAIN: Okay. And since we are asking questions as we go along, 6.3.7.A, private club memberships shall be directly tied to ownership of a unit. I didn't find in here where you've said how many units you're going to have. And I know -- I thought I read somewhere you're down to 148 because of the differences between the buildings, the separation of the buildings. Have you come -- have you established a number yet?

MR. HOOD: If we do the plan as it's sitting right now without combining any units, yes, we are at 148, but I was reluctant to put the 148 number into the document because if one owner decided to buy two or three units, the 148 would no longer be -- I mean, we can write in there a maximum of 148, but I --

CHAIRMAN STRAIN: That's what we usually do.

MR. HOOD: Okay. I just -- I wanted to avoid any more confusion, so I left it out.

CHAIRMAN STRAIN: So by club membership -- and I understand this has got to be a private club in order to qualify for the zoning --

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: -- and it's got to be owners of a unit. How many owners can own a unit? I mean, can you, for example, get the Muscle Car Club of Collier County to buy a unit and all of a sudden you've got 300 members?

MR. HOOD: So what we did with that question, because that question was asked at one of our neighborhood information meetings of how many owners could basically chip in and buy a unit. We reran the transportation impact statement, and we decided as a maximum that we would have 10 -- 10 people would be able to buy a singular unit; 10 people, 10 entities, whatever the case may be.

We ran the membership in the Transportation Impact Statement based on that 10-person or 10-entity rule, if you will, so that's how we came to the membership of the units.

So let's just say 10 people go in and buy one unit or buy two or three units together, all 10 of those people would have equal shares in that unit and would be able to access that unit.

CHAIRMAN STRAIN: Okay. So your maximum membership capacity based on the number that you're not to exceed would be 1,480 members for the club?

MR. HOOD: That's correct.

CHAIRMAN STRAIN: Okay. That's what I needed to understand. Thank you. And why don't we just -- and I definitely agree with Mr. Assaad on the flushing. Unlike motorcycles, cars, and tractor trailers, all those vehicles are road worthy; they have mufflers. When you flush an engine that does not have a muffler -- in fact, when you flush an engine, in the case between these buildings, as might be the case, it will echo substantially.

I live in an area where I can hear motors flushing blocks and blocks away. So the hours of that flushing are going to be sensitive, and we'll certainly listen to public discussion on that as we get into it.

MR. HOOD: Okay.

CHAIRMAN STRAIN: Thank you.

MR. HOOD: Section 6.3.7.F has been revised by adding the word "household." Units are not permitted to provide general storage of household goods not associated with the private club and private garage use.

Section 6.3.7.H has been updated to state that members shall not be granted business or occupational licenses for their units.

Section 6.3.7.J has --

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: So at the very end where it says "indoor mezzanine recreation spaces," et cetera --

CHAIRMAN STRAIN: What number are you on?

COMMISSIONER CHRZANOWSKI: Fourteen. It was one of the first places we went to. It says something about personal office space and indoor mezzanine spaces being allowed personal office space, so that's just like a desk in your den or something, but not really an office?

MR. HOOD: That's correct.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Okay. I see where he's coming from.

MR. HOOD: 6.3.7.J has been updated to read more specific with regard to maintenance. Minor and routine vehicle maintenance is allowed within each unit by the unit owner. All doors of individual units shall remain closed while any maintenance is performed. "While any," the word "is," and "performed" were the added words and highlighted in yellow.

CHAIRMAN STRAIN: Now, the maintenance is theoretically, then, on the vehicles that are there, whether they're vessels or vehicles?

MR. HOOD: That's correct.

CHAIRMAN STRAIN: Okay. On a vehicle, when you do a simple oil change and filter, as I do all my own, you have to start the engine to charge the filter, which you don't want to do with the doors closed. How are you thinking that's going to be addressed?

MR. HOOD: So just like you and I change our own oil, what I typically do is, I change my oil, I put everything back together, I pull up the garage door, and then I turn it on, so the maintenance has been done before you get ready to start the vehicle.

CHAIRMAN STRAIN: So you're -- okay. And what about the working on the engines for boats, for example; you're going to -- you'll have to run them to see if your work is successful.

MR. HOOD: Same difference. If you are working -- let's say you're working on the block for, you know, your motor. You're going to have to put it back together to be able to start it first.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: I couldn't -- I couldn't tell from looking at the video whether the individual garages have secondary doors or not. All I saw was garage doors.

MR. HOOD: They have secondary man doors for you to be able to access the door -- access the unit without having to roll up the door.

COMMISSIONER ASSAAD: Without having -- do they always have light, like windows?

MR. HOOD: Yes.

COMMISSIONER ASSAAD: All of them?

MR. HOOD: Yes. They'll have to meet architectural standard -- commercial architectural standards for --

COMMISSIONER ASSAAD: But they do have windows? They have daylight coming in?

MR. HOOD: Yes, sir.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Tom?

MR. EASTMAN: Are there -- in the video you showed, all the roofs look like there's no uses up there at all. No one can drag a picnic table up there or anything, but is that an express provision in the documents that the roofs cannot be used -- utilized?

MR. HOOD: No. What we're proposing on most of the roofs is going to be HVAC equipment. So all of the central air units and equipment that would be associated with each of the units would be up there.

I understand that that doesn't take up that much space, but we're not looking to do any type of roof decks or anything like that.

MR. EASTMAN: Would you be opposed to putting a restriction on roof use only related to cleaning and maintenance?

MR. HOOD: We can do that.

CHAIRMAN STRAIN: Okay. Why don't we move on. And I think you left off at J.

MR. HOOD: Yes, sir. 6.3.7.K has been updated to illustrate no more than two lifts per unit shall be permitted and that required parking shall be counted with the maximum number of vehicles permitted within each unit.

Section 6.3.7.L has also been updated to show that required parking shall count against the maximum number of vehicles permitted in conjunction with the previous standard.

Do you have that one? Yes, I do.

These two kind of go hand in hand because we wanted to make sure that with the parking standard that we came up with, if we're not able to place parking in the driveways, that the required parking may be permitted inside of the units, and that would count against the maximum number of parking that's allowed inside of the units.

So, for instance, if I have my unit and I can't park in the driveway and I have a unit that's big enough to put in eight cars, six of -- I would only have to -- six of them would be for general parking, and then two of them would have to be required for the actual unit.

Section 6.3.7.N has been updated to require that security lighting mounted to structures shall not be placed any higher than eight feet above finished grade. This is consistent with the wall height on the -- on our development side of the wall so that if you have security lights, there will be no spillover of those lights onto the adjacent residential properties because they will be no higher than the actual wall.

Section 6.3.7.O has been updated to remove the word "or" and now states "no outdoor amplified sound systems are allowed."

Section 6.3.7.Q has been updated to add the word "the" at the beginning of the sentence. So that now reads, the stabilized subgrade pathway identified on Exhibit B shall be for the use of emergency vehicles only.

Section 6.3.7.R has been updated to state that each mezzanine must equate to not less than 25 percent and no more than 49 percent of the ground floor area of the individual unit.

Section 6.3.7.T has been updated -- yes. Section 6.3.7.T has been updated by adding individual roof-mounted central air conditioning units will be provided for each unit.

That's the end of the changes to the PUD documents. We also took a look at the deviations that were requesting and made some updates to those as well. Those will be found in Section 8.

COMMISSIONER CHRZANOWSKI: Fred?

MR. HOOD: Yes, sir.

COMMISSIONER CHRZANOWSKI: When you did that fly-through --

MR. HOOD: Yes.

COMMISSIONER CHRZANOWSKI: -- I would think that the architectural features and ground features are technically accurate. Was the landscaping technically accurate?

MR. HOOD: It was technically accurate, but we did show in the video a maturation of the vegetation that was proposed. So it won't --

COMMISSIONER CHRZANOWSKI: So you're not planting 30-foot trees the first day?

MR. HOOD: No. No, sir.

COMMISSIONER CHRZANOWSKI: Okay.

MR. HOOD: So deviations. Deviation No. 1 -- and I have Kyle Poole here with ALD to discuss any additional landscaping questions that you may have.

But just generally, in one of our neighborhood information meetings, it was discussed -- this is about landscaping, by the way. It was discussed that if we could we should try and not make the buffers along the adjacent right-of-ways look like the back of a shopping center buffer where there is a hedge and trees immediately -- where there is a hedge and trees immediately to the right-of-way line. It seemed like the attendees liked the idea of a more natural experience with longer vistas.

We're looking at these proposed buffers along Livingston and Radio as an opportunity to widen the view of the landscape experience. The proposal lends to opening up longer vistas along portions of the roadway to provide a better viewing experience of the landscape. Longer views across the water management areas and the opportunity to experience them where we have larger open spaces are achieved with this alternative plan.

CHAIRMAN STRAIN: Well, Fred, since we're going to ask questions as we go along, Deviation 1 talks about the required 3-gallon -- or the hedge. Then it says, where vehicle areas are adjacent to roadway areas is requested. In lieu of these requirements, the developer shall provide alternative D buffer landscaping for principal use and shall contain additional trees and shrubs staggered appropriately.

You don't tell us -- I mean, you could put one tree and one foot of shrub in there and say, that's it. We've got to tie it to something, and I didn't -- I mentioned that to you when we met, and I think that still doesn't come across very clear to me.

MR. HOOD: I think if we look at a visual, it can be shown a little bit better. I'm still not -- I'm still not resistant, but I'm cautious to place language in the PUD document with regard to an alternative landscaping plan that we haven't finalized yet. We're coming with a concept right now.

CHAIRMAN STRAIN: And, Fred -- but I'm -- see, I'm not cautious about that because we do it frequently. Now, if a developer comes forward and says they're going to put additional planting material in, we always ask, okay, what does additional mean? How much? Where? If you're going to stagger the hedge rows, does that mean you put a foot on each end and nothing in between or a spot in between? I know that may be impractical and not what you intend, but we've got to always put the language in to assure -- so we don't get the worst-case scenario.

So at some point I think that Deviation 1 should be cleaned up to reflect what you're really going to do or intend to do.

MR. HOOD: Okay. Moving on to Deviation No. 2. We've updated Deviation No. 2 -- thank you, Eric -- to revise the language to deviation from LDC Section 5.3.02.F.1.A and B which require that the height of fence or wall shall be measured from the ground level at the fence or wall location to instead require the developer to provide a proposed 8-foot wall at the top of the berm adjacent to existing residential units. "Units" was a changed word from the previous version to this version. The previous version said "homes." We provided "units" instead, within the Briarwood PUD.

Where the top of the wall shall not exceed 11 feet as measured above the existing ground level of the adjacent property. The added words of "as measured above the" and "of the adjacent property" were added to make this a little bit more clear.

To finish off the deviation, the alternative wall location shall accompany SDP construction drawings for review and approval.

Deviation 3 has been updated to reflect in the last portion of the sentence to read, adjacent to parking areas within individual driveways in order to accommodate and maximize the required parking for each unit. This deviation came about to clean up the intent of the request reflecting the individual driveways will not provide large code required terminal islands to maximize the parking.

The reason we were asked to take a look at this deviation is that in commercial developments if you

have a parking area -- and typically you have no more than 10 spaces in a row -- you have terminal islands on the end of each of those parking areas.

When we're looking at individual driveways for parking of vehicles, we thought that for the purposes of this amendment, that those terminal islands would not be necessary; so that's why we were looking at that deviation.

CHAIRMAN STRAIN: Okay.

MR. HOOD: And those are all of the changes that we have made to the deviations request and the PUD document, so I can answer any questions that you may have.

CHAIRMAN STRAIN: Okay. And after we finish asking questions of the applicant, we'll then get a staff report and other questions from staff, and then we'll go into public speakers, for Mr. Assaad's benefit. Mr. Assaad?

COMMISSIONER ASSAAD: Are the roads going to be private or public?

MR. HOOD: Private.

COMMISSIONER ASSAAD: How wide is the right-of-way?

MR. HOOD: The drive aisle -- the aisleway pavement section I have here, we're looking at about a 30-foot width for pavement.

COMMISSIONER ASSAAD: The pavement width --

MR. HOOD: Pavement width is going to be --

COMMISSIONER ASSAAD: -- 30 feet.

MR. HOOD: -- 30 feet, yes. And we did 30 feet just -- for the purposes of recreational vehicles being parked in some of these units.

COMMISSIONER ASSAAD: And then the buildings will be set back how far from the pavement?

MR. HOOD: They'll be -- yes. Yes, sir. They'll be set back. It will vary, but anywhere from -- I believe it's somewhere between 15 and 25 feet at the maximum. I'd have to double-check it, but that's -- there's a variation between the distances.

COMMISSIONER ASSAAD: The two required parking spaces per unit --

MR. HOOD: Yes, sir.

COMMISSIONER ASSAAD: -- will those be provided in front of the garage on the driveway?

MR. HOOD: In those units that the driveway depth is long enough, they will be provided in the driveway. Where they're not, where the depth isn't deep enough, they'll be provided inside of the unit.

COMMISSIONER ASSAAD: Okay. Thank you.

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: Any other questions of the applicant at this time? Anybody?

(No response.)

CHAIRMAN STRAIN: I've got a few, Fred. On your master plan, Page 1 of 3, I think with the changes I understand most of the issues. Did you have a breakdown of the square footage per building anywhere?

MR. HOOD: I don't have that with me right now. That's part of our ongoing SDP, but I can certainly get that.

CHAIRMAN STRAIN: Ongoing SDP. You mean you've resubmitted for --

MR. HOOD: We have not resubmitted it. We're still designing it in our office. It's not even been submitted to the county because we're still --

CHAIRMAN STRAIN: Because the current SDP you got does not match up to this plan.

MR. HOOD: No, it does not.

CHAIRMAN STRAIN: On the next page, your general notes, you talk -- I don't understand why those general notes are there. It says they'll be per the LDC. Well, everything has to be per the LDC unless you're asking for a deviation. So what do we need those general notes for?

MR. HOOD: The first general note --

CHAIRMAN STRAIN: Oh, you add some language.

MR. HOOD: Yes, sir. So the general notes, as required water management and open space areas per the LDC. That's just been -- that's been there since the very beginning. We can strike it if you'd like, but

that's what we've -- we've generally done that before, so we left that one there.

The second one, development for Principal Use No. 14 shall be consistent with LDC Section 10.02.03.D as of the PUD approval date. That section was added -- that last sentence was added so that the standards that are present today would go with this development going forward.

CHAIRMAN STRAIN: Well, now that you've added that language, I would need to review 10.02.03.D. Do you have a copy of that you could put on the overhead?

Well, during break maybe you could get a copy, or I'll try to get one, too, and see if -- I want to make sure that doesn't have anything that, for example, triggers other areas of the code that we haven't thought of in regards to the added language.

MR. HOOD: Our intent for that one was for -- I believe it was for landscaping and for architectural review. And that 10.02.03 has to do with the SDP application, so we just wanted to make sure that was in the document. So it's kind of a catchall.

CHAIRMAN STRAIN: Okay. If we go to the -- well, what I would suggest, depending on whether or not we need that sentence -- and we may strike the general notes, but we'll wait and review 10.02.03.D first.

Where -- the typical aisle pavement section, 3 of 3, you indicate that it varies. I've heard you respond to Mr. Assaad that it be 15 to some odd feet. I would suggest then that it would be no less than 15 feet. My concern's going to be when we start discussing the staff recommendations; where they're insistent on one parking space outside the unit, 15 feet won't cover that, so we will have to have that discussion.

MR. HOOD: Yes, sir.

COMMISSIONER ASSAAD: Should be a minimum of 20 feet if you're going to --

CHAIRMAN STRAIN: Actually, we use 23 feet where there's sidewalks, but 20 -- I think 20 feet would be -- would probably cover it. What we try not to do is have the overhang of the bumper.

COMMISSIONER ASSAAD: Twenty-three is better then.

CHAIRMAN STRAIN: Yeah. Most our PUDs use 23 as a standard, so...

If we turn to your typical landscape section, A and B, it's .8.A as Exhibit C, there are several comments on Section A that I've requested clarification on, and the first one on that page would have to correspond with the clarification you gave us to Deviation Number 1. It says, additional trees to enhance buffer and screen building per NIM. I don't know what you told the people at the NIM. If it was just going to about additional trees in, okay, but then we still need to know the quantity.

On the bottom of that, there's two items I have questions of where it says buffer hedge to help in screening, parenthetical, not required by code but added to satisfy NIM. But you're asking for a deviation from it. So if it's not required by code, why are you asking from (sic) a deviation?

MR. HOOD: The hedging is not -- we're looking at -- the hedging is not required by code because there's no parking areas that are adjacent to the right-of-way between the buildings and the right-of-way.

CHAIRMAN STRAIN: And why are you asking for a deviation?

MR. HOOD: So we're asking for the deviation because the way it's written in the LDC, as I recall, it doesn't specify that if there's no -- if there's no parking lot between the right-of-way and the building that you can -- that you don't have to provide the hedge. It's kind of ambiguous in that sense.

So we wanted to clear it up and put in that deviation to allow for us to break up the hedging -- the continuous row of hedging.

CHAIRMAN STRAIN: So you're saying it's not required by the LDC, but it might be required by the LDC. And you're asking for the deviation for that reason?

MR. HOOD: I'm covering all my bases.

CHAIRMAN STRAIN: Ray, is it not or is it required by the LDC; do you know? I mean, I don't -- you can check it on break and get back to me.

MR. BELLOWS: Yeah. I'd like to check on a break, though I don't recall other projects where a similar building would be adjacent to a roadway where the double hedge wasn't required anyways, but we can check on that.

CHAIRMAN STRAIN: Then the other item I have a question of, it says break in buffer hedge for a more natural look. Same point as before. How lengthy are the breaks? How often are the breaks? What was

your intention there?

And I see county staff wandering to the podium. Dan, it will be better if we just brought it up during county staff report, okay, and we'll finish with the applicant now.

MR. SMITH: That's fine.

CHAIRMAN STRAIN: Fred, I'm just checking to see what else I have that might be pertinent to the time we're at right now. And that really gets me to the end of my questions. Most of the issues you covered in the handout resolve some of the questions I had. So we'll see where it goes when we get done with staff and we get done with the public.

MR. HOOD: Okay.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you.

MR. HOOD: Thank you.

CHAIRMAN STRAIN: And with that, Eric, I know you've been anxiously awaiting to address us this morning.

MR. JOHNSON: Sure. Thank you, Mr. Chair.

Mr. Chair, members of the commission, my name is Eric Johnson. I'm the principal planner in the zoning section.

As you have in your supplemental staff report, the summary of changes have been made since the August 20th meeting and today. There have been changes made to the PUD document, the deviations, the conceptual master plan, and the Traffic Impact Statement, as well as the comparative analysis of public facility impacts.

The staff report outlines and discusses our analysis with respect to traffic and future land use, the deviations, and staff concludes that with the conditions of approval, that this would be a private club so, therefore, staff recommends the CCPC forward Petition PUDA-PL20150000178 to the BCC, that's Board of County Commissioners, with a recommendation of approval contingent upon satisfying the following. And I'd like to just read the conditions of approval 1 through 8.

CHAIRMAN STRAIN: Well, I think, then, to expedite the discussion is, as you read those conditions of approval, if this panel has any questions about any of those conditions as you step through them, we'll ask you at the time you read them. Would that work for you?

MR. JOHNSON: That's acceptable.

CHAIRMAN STRAIN: Okay.

MR. JOHNSON: Okay. Number 1, off-street parking shall be based on two spaces per unit with the caveat that one space be provided outside the unit.

CHAIRMAN STRAIN: Your reasoning for that?

MR. JOHNSON: Well, it's from a position of enforcement. It's easier to see where people are parking. The applicant and the eventual owners of each unit -- you know, these garage doors will be closed. Not sure if they will have the maximum number of cars in the unit or not.

So staff is -- you know, basically, the applicant shouldn't be penalized -- or the use shouldn't be penalized for the amount of parking that's required for a private club normally because, generally speaking, cars and vehicles and vessels take up more space than a human would. So the off-street parking, two per unit and so, therefore, one space should be outside the unit.

It's staff's understanding that not all of the driveway spaces would be long enough to accommodate a parked car. Still, staff is moving forward with the condition of approval that one space be provided outside. That lone space has to be in a lawfully parked manner, whether it be in the driveway space, directly in front of the unit, or in an off-street parking area somewhere else on site.

CHAIRMAN STRAIN: Okay. And if they didn't do that, or even if they did do the one outside and the one inside, what leverage or what ability does county staff at any level, any department, have to monitor that, have to acknowledge that that's actually being kept to that standard?

MR. BELLOWS: For the record, Ray Bellows.

One of the reasons we wanted one space is to ensure that somebody coming up to their unit has a

place to park on their property and not on the adjacent roadway. Any regard to enforcement of required parking Code Enforcement and would be responded to if one of the neighbors in this development complained about people parking on street, then this language could help enforce that requirement.

CHAIRMAN STRAIN: Okay. But we -- if they were both inside, we wouldn't really know whether they're inside or not unless you had, like, a search warrant or something to be able to --

MR. BELLOWS: Yeah. If there's a requirement in the PUD about parking, then that would be something staff could -- and code enforcement could work with.

CHAIRMAN STRAIN: Okay. I understand your reasoning. Go ahead with the next one.

MR. JOHNSON: Okay, certainly. The top of the buffer wall, the location of which depicted on Exhibit B conceptual master plan, shall be no greater than 11 feet in height above the existing grade of the adjacent properties.

Just as a point of clarification, when we say the adjacent grade of -- the existing grade of the adjacent properties, we mean at the abutting property line, so I just wanted to clarify that.

Number 3, the buffer wall shall be decorative in appearance and installed prior to the construction of any buildings. "Decorative," and I use that in a quote, when used in this context, shall be construed -- shall be construed to include or possess characteristics, materials, or finish that is generally accepted as possessing higher aesthetic quality than minimum code. And I wanted to clarify, what this all means is that a decorative wall could mean something to somebody else. I think of a decorative wall as having a finished outside with paint, maybe some swirl lines and decorative caps.

I understand that there's a little ambiguity, a little question here, but I tried to word this condition of approval as liberal as possible.

CHAIRMAN STRAIN: And I would suggest, though, we supplement your language with a reference to that it's got to be concrete or masonry. You don't -- I mean, a wood wall would not weather well, and the maintenance problems would occur. We typically simply say concrete or masonry. I understand why you went, now, to the higher level of trying to describe a better wall, but I think we do need to make it of solid material.

MR. JOHNSON: Staff would be supportive of that.

CHAIRMAN STRAIN: Okay.

MR. JOHNSON: That is, masonry or concrete.

Number 4, each building facade shall be designed as a primary facade, and that -- when I speak of primary facade, I mean pursuant to Section 5.05.08 of the Land Development Code.

CHAIRMAN STRAIN: Okay. And as you and I spoke, there are some -- I don't know how to properly say this, but there are some not-so-nice changes coming forward for our architectural code that would virtually eliminate some of the many architectural requirements in Collier County if it's approved.

I would suggest to assure that this project, if it's approved, stays consistent with the code we know today, which is a substitute for the architectural review that may or may not apply to this by the homeowners association, that we tie the architectural review of this to a commercial architectural review subject to today's code. And I think that would -- that would get us to make sure we're at this time frame and not a future time frame that's diminished.

MR. JOHNSON: Yes, Mr. Chair. Shall I proceed?

CHAIRMAN STRAIN: Yeah.

MR. JOHNSON: Number 5, the first building to be constructed shall occur at the easternmost portion of the property. This condition was borne from some public comment that -- and also staff's anxiety over if the project were not to be developed in its entirety, that the -- if the first building to be constructed were along the -- away from the corners of the intersection of the rights-of-way, that there would be ample room left over for a subsequent developer to construct something else that's permitted in the PUD.

CHAIRMAN STRAIN: And I think that's been a concern and why we added the language to stipulate that any remaining commercial acreage not used will still allow the 20 percent provided by the PUD for square footage to be applied to that remaining acreage. Being that this is a hybrid use, I don't know how successful it will be, and I don't know if anybody does. And it may be a cautionary note to have. We'll have to listen to the applicant again on this issue before the meeting's over.

COMMISSIONER ASSAAD: So it's --

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER ASSAAD: So it's the intention that they start with the first building from the east and they progress next to each other?

MR. JOHNSON: Precisely.

COMMISSIONER ASSAAD: Then we need to say that they should progress contiguous to the -- you know, each other.

MR. JOHNSON: Or kind of a westward manifest destiny.

COMMISSIONER ASSAAD: But maybe they should give us a phasing plan.

CHAIRMAN STRAIN: And that's where I was going with the square footage. If they -- by this consent hearing, if there is one, when we get to consent, they could provide a phasing plan with instructions from today, and that would get us there.

MR. JOHNSON: A phasing plan would be very helpful.

Number 7 -- I'm sorry. Number 6, no semitrailer trucks shall be allowed to access the site between the hours of midnight and 6 a.m. That was an additional safeguard that is meant to prohibit excessive noise or the noise of large automobiles, trucks that could disturb the adjacent residents. It's a protectionary measure.

As we -- as you've discussed with the applicant, staff would not be averse to changing those hours of -- those hours from something of a greater -- earlier than midnight, certainly.

COMMISSIONER ASSAAD: Eight.

MR. JOHNSON: Eight? Staff would be very supportive of that as well.

Number 7, any subsequent reuse of the proposed project cannot be used as a commercial self-storage or warehouse facility. Obviously, there's been a lot of discussion about the proposed use being a -- you know, a private club versus something else.

Staff is concerned that something that would be here, if constructed, would turn into something else, a warehouse facility or self-storage, which wouldn't be allowed in the PUD documents, and so we want to incorporate this condition of approval really as a means to punctuate staff's position that it not be a self-storage facility or warehouse facility.

CHAIRMAN STRAIN: We're going to have a lot more discussion on that.

MR. JOHNSON: I'm sure.

CHAIRMAN STRAIN: Go ahead. Andy?

COMMISSIONER SOLIS: Just a quick question. What would staff's mechanism for enforcing that be? It's the same question that the chairman had with regard to the parking.

MR. JOHNSON: Well, if the buildings were constructed as proposed to be a private club and for one reason or another it didn't work out that way -- and I'm sure that the applicant will want to address those concerns -- a self-storage facility, warehouse facility simply isn't allowed here.

To have something like that be proposed here, it's my understanding that not only would they have to do a PUD amendment to get that -- to propose such a thing, but also a Growth Management Plan amendment as well. So it's quite a -- it's an -- it's -- so those two.

COMMISSIONER SOLIS: No. I understand the process. My question is, logistically, how would staff prevent it from being used that way anyway? I mean, that's -- absent a search warrant, you wouldn't be able to go in and see what's going on in there, right?

MS. ASHTON-CICKO: I can answer that.

It would be -- if this goes forward, it will be adopted as an ordinance, and our Code Enforcement Board is able to enforce ordinances. So they could be cited as a code violation and shut down.

CHAIRMAN STRAIN: But they can't go on property without due cause and justification in the form of a search warrant. There's been AG opinions on that. So how would you suspect they can just walk into these units and inspect them as code enforcement?

MS. ASHTON-CICKO: Oh, I wasn't proposing that.

CHAIRMAN STRAIN: Oh, okay, good.

MS. ASHTON-CICKO: I thought you were talking about converting it to one of the commercial

mini-ware -- or warehouse facilities so it would be something that you would visually be able to see from the street.

CHAIRMAN STRAIN: But I think Andy's --

MS. ASHTON-CICKO: That's what I thought the issue was.

CHAIRMAN STRAIN: -- question is -- and, Andy, correct me if I'm wrong. I think it's more of the lines, if they don't operate it as a private club and they just pile it and fill it up with storage, how do we stop that? How do we know that's going on? How do we have right of entry to discover that and then do something about it?

COMMISSIONER SOLIS: Right.

CHAIRMAN STRAIN: Is that where you were going?

COMMISSIONER SOLIS: Exactly. That's my question. Is there -- and I assume that that's one of the concerns that the adjacent property owners have, is how would that be -- one thing would be changing the zoning to allow for a self-storage facility. My question is, how do you prevent that from happening anyway, you know, the owners, the club owners using it that way?

MS. ASHTON-CICKO: Okay. So your issue isn't related to reuse. Your question is related to how can we prevent them from going in and doing a warehouse-type use rather than what they're proposing?

COMMISSIONER SOLIS: Right, uh-huh.

MR. BELLOWS: For the record, Ray Bellows.

COMMISSIONER SOLIS: And there may not be an answer to that. I'm just -- I'm asking the question.

MR. BELLOWS: And that kind of situation would be -- could happen in any type of zoning --

COMMISSIONER SOLIS: Right.

MR. BELLOWS: -- any kind of situation. The idea is to have a permitting process in place. If someone wants to change a use and get an occupational license, a business license, that process requires zoning approval, and they would check the PUD document. And if the use is not listed, they would not be issued an occupational license.

If someone is using an approved structure that was originally used for a use that was allowed in that zoning district for a use that is not allowed in that zoning district, it becomes a code enforcement case.

COMMISSIONER SOLIS: And I would assume that there is some -- there's some process, I would assume, for code enforcement. If there were complaints, if there was evidence that it was being used in an inappropriate way, that code enforcement could eventually gain access and figure out what's going on, if they're --

MR. BELLOWS: Yeah, I would imagine that. And it also would be the club president would also say, we have one or two unit owners who are now not operating within the stated parameters of their membership. So they could have code enforcement act on their behalf.

COMMISSIONER ASSAAD: I think this is very difficult to control.

COMMISSIONER SOLIS: Right.

COMMISSIONER ASSAAD: To my knowledge, there is nothing that prohibits storing of material in garages or offices or homes or professional buildings or anywhere. So it just becomes a matter of enforcement for the neighbors, the people that don't like it, unless it gets to be a fire hazard, as an example. So when they go through the annual and fire inspection, maybe the inspector would discover a violation. But other than that, I don't think -- that would be very tough to control, in my view.

COMMISSIONER SOLIS: Right. There will be provisions in -- if it's approved, there's going to be provisions in the PUD document that limit what can be stored, right?

MR. BELLOWS: Correct.

COMMISSIONER SOLIS: So it would be a function of how is that enforced, and I'm just raising the question as to how you would enforce that. I understand that it's going to be difficult to know what's in there if it's closed, but --

MR. BELLOWS: Yeah. And the only way currently staff can respond is through complaints.

COMMISSIONER SOLIS: Okay.

COMMISSIONER CHRZANOWSKI: I lived in a place up in Connecticut, and one of the

neighbors would have put that show Hoarders to shame. So it's not just a place like this. It's just anywhere, and you can't stop it.

CHAIRMAN STRAIN: And just to make a comment. The PUD that we're reviewing today will have to have the conditions that you just alluded to, in it, or this will be the extent of it, most likely, unless the Board asks something.

So if you see language here today that isn't as tight as it should be to accomplish the goal, that's what we need to do is get it on the table and discuss it today. So our recommendation, whatever it would be, would have to go with that in mind, so...

And, Eric, you're on your last one, I think, aren't you?

MR. JOHNSON: Yes, sir.

Number 8, section -- and this is more of a housekeeping, cleaning up the document. Section 8.3.2 of the PUD document shall be updated to reflect the maximum height of the berm/wall combination. It shall not exceed 11 feet as opposed to 18 feet -- because that's what the original request was -- as measured above the existing ground level of adjacent property. And, again, at the abutting property line of the adjacent property.

So those are staff's conditions of approval. If you have any other questions, I'll be happy to answer.

COMMISSIONER SOLIS: Okay. If that's the intent of that provision, why don't we just say that, that measurement's going to be from the abutting or the adjacent property line?

MR. JOHNSON: Mr. Chair, Mr. Commissioner, certainly, we can add that language.

COMMISSIONER SOLIS: I mean, I think if that's the intent, that that ought to say that specifically: The ground level of the adjacent property. I think there's a lot of wiggle room in there.

CHAIRMAN STRAIN: Did you see the new language? And do you feel the new language doesn't meet the intent of No. 8? I mean, it says 11 feet as measured from the top of the berm of -- and an existing ground level of the adjacent property. And there's no reference to 18 feet any longer. So would that be considered consistent with what you're trying to say, just to -- so I understand?

MR. JOHNSON: Mr. Chair, I think it would be consistent. Obviously, I haven't had a chance to fully digest what the applicant proposed today.

CHAIRMAN STRAIN: Well, you've had it for five minutes.

MR. JOHNSON: But I'm really just trying to emphasize what the intent here is, is not to create a huge wall for anyone who lives or is on the adjacent property.

Certainly, we can enter -- you know, if the public -- when it's time for the public to speak, if someone expresses a desire to have a taller or shorter wall, we can cross that bridge when we get to it, but just speaking, you know, on behalf staff, didn't want to have a wall that was too tall.

CHAIRMAN STRAIN: I understand, Eric. But what I'd like to do, though, is if you -- if your eight staff recommendations have been modified to some extent in this document that was handed out, maybe during break, or whatever, you could take a quick look so that we're not suggesting staff recommendations that have already been addressed. We don't have to repeat ourselves twice on that issue.

MR. JOHNSON: Mr. Chair, I would be grateful to have the opportunity to review the document.

CHAIRMAN STRAIN: And I know you can't do a thorough review in a few minutes, and even during break, that's pushing it, but we'll do the best we can to get through.

MR. JOHNSON: That concludes my presentation.

CHAIRMAN STRAIN: Does anybody from the panel have any questions of staff at this time? We'll be talking with them throughout the day, I'm sure.

I've got a few. Eric, on Page 4 of your staff report under conceptual master plan, it says -- and it's involving the emergency vehicle access around the buildings. It says, modify the type of service of the stabilized sod subsurface for emergency vehicle assess. You do know -- or do you know that that is not necessarily going to be sod. It could be Geotextile or some other element. And I think you are aware of it, but I just want to make sure you are.

MR. JOHNSON: I would just like to make -- or have the -- if it would please you to have the applicant just come forward and describe what that surface would be just so we have that on the record.

CHAIRMAN STRAIN: Sure.

MR. HOOD: For the record, Fred Hood with Davidson.

The section that we're talking about, the stabilized subgrade for emergency access with natural surface, we're in the process of deciding what natural surface we're going to use, but there will either be a Turfstone or a Geoweb type of surface for the emergency access road. So with either of those, you'll be able to have a grass green sort of look for the surface of the emergency access road.

CHAIRMAN STRAIN: Thank you.

Eric, is that something that would meet with the consistency with your staff report?

MR. JOHNSON: Not exactly. Stabilized sod to me is a pervious surface, that there are no impervious elements to it.

Mr. Hood, are you suggesting that there would be some impervious elements to this area?

MR. HOOD: I'm suggesting that Geoweb is pervious. I'm also suggesting that Turfstone is a pervious material. So the sod that would be on top or the grass that would be planted between the spaces that go beyond the actual stone or the Geoweb surface is pervious, yes.

CHAIRMAN STRAIN: Okay. Let me go onto the next one. In your staff analysis, your -- on Page 5, the last sentence to the paragraph reads, to address the concerns of overcrowding, excessive revelry, and/or outdoor noise that could adversely impact neighboring properties, the PUD document contains some of the following stipulations. I went through that, and I think they're all contained. Is there something there that you listed that isn't in the PUD document?

MR. JOHNSON: Mr. Chair, I was -- the reason why I used the word "some" was because I didn't want to make the mistake or be erroneous if I had omitted a full recognition, so that's really why the word "some" was used.

CHAIRMAN STRAIN: Okay. I just wanted to make sure I understood the reasoning.

Let me -- on Page 8 on your discussion of your analysis of Deviation No. 1, we get into the issue of the quantity of trees and the staggering, and that needs to be cleaned up, and I understand that that will happen. But in all that paragraph you don't say whether you're recommending approval or not, so could you tell us your intention is to recommend approval of that deviation?

MR. JOHNSON: That's correct, Mr. Chair. The last sentence in that staff analysis and recommendation says, it is staff's opinion that all these components would create superior design that exceeds the minimum landscape requirements of the LDC.

CHAIRMAN STRAIN: Right.

MR. JOHNSON: When speaking with our staff member, Dan Smith, he feels that that is, in fact, true, and yes, we would recommend approval of that deviation.

CHAIRMAN STRAIN: On the next page, Deviation No. 3, last sentence, staff would only support the requested deviation for lawful driveway space. And my note is to explain, the applicant has offered what they believe may be the explanation. Did you have a chance to look at what they -- the language they put in that handout?

MR. JOHNSON: Again, Mr. Chair, that's something that -- I'm not familiar with all the codes and regulations here at the county. With respect to what constitutes a lawful parking space, our development review staff would get into that at the time of SDP, Site Development Plan approval.

Certainly, if there is an -- if there is adequate space in front of that -- in front of each driveway that's wide enough and long enough to accommodate a parked car, then so be it. If there isn't, then it's -- staff's still maintaining that an off-street parking area be used.

Now, if an off-street parking area is used, then staff would not be supportive of this requested deviation in that instance. But certainly between each driveway in front of the unit, that's a scenario where it would be acceptable to staff.

CHAIRMAN STRAIN: Okay. But the language that they tried to clean this up with seemed to indicate -- it says -- well, it's a long sentence, so I'll just read the language. They added, adjacent to parking areas with individual driveways in order to accommodate and maximize the required parking for each unit.

What I believe that language is trying to do is minimize this application of Deviation 3 to those driveways. But could you take a look at that at your convenience today --

MR. JOHNSON: I would like to.

CHAIRMAN STRAIN: -- before the meeting's over and let us know?

MR. JOHNSON: Yes, sir.

CHAIRMAN STRAIN: I think I'm just about finished, Eric. Just let me double-check everything. I do want to talk before -- we'll go on break first, but I want to have a conversation -- I know some of us will -- with Dan Smith and with -- John Walsh is here, our building director. I'd certainly like to talk with him, too.

And with that, why don't we take a break now 15 -- 14 minutes, and come back at 10:40.

(A brief recess was had.)

(Mr. Eastman left the meeting room for the remainder of the day.)

CHAIRMAN STRAIN: Everybody, if you'll please take your seats, we'll resume our meeting from the break.

We left off with talking with staff over various issues on the staff report, and there were a couple of staff members here that I'd particularly like to speak to. I know some other members would as well.

And the first one being John Walsh, who is our building director. And, Eric, if you could put that Principal Use 14 on the overhead.

MR. WALSH: Good morning.

CHAIRMAN STRAIN: Good morning, John. Thanks for attending today.

You were present at an SDP review meeting in which I was there, the applicant, when we looked at the current SDP submittal in regards to the facilities that were submitted for SDP which would follow with the building permit versus the zoning discussion we had at that time, not just with you but with everybody in the room. Fire was there as well.

And my concern has been, since that meeting in particular, is how do we assure through one department or another that the provision for this facility to have a recreational or private club component that Ray based his zoning opinion on be, in some way, certainty to come out like it's supposed to; meaning it's one thing to build a facility and make it available for boxes and a car, but it's another thing to go one step beyond and make it a facility that meets the private club portion of its required use for the location, because this location is not industrial, and it's not C4 or C5. And those designations do allow certain phases of limited self-storage; mini-warehouses, enclosed air conditioned, for example, I think, is a conditional use in a C4 district.

What I wouldn't want to see is what we started to see on those plans. The plans were submitted, and they showed a shell building, and then you found out during the same day I was asking the applicant, how are you -- how are we going to make this a club? And your -- the architect, I think, responded to you that it was going to be up to the owners, and the applicant here basically said it's up to the owners. That may or may not get us where we need to be. And so I'm trying to figure out a way to assure that we get there.

This language was offered today, and I think more particularly Item B here where it says indoor mezzanine recreation spaces, personal office space, and bathroom with individual units. Those are the "shall be provided" elements of this.

Now, we have different levels of review. I already talked to the fire people, and I know they review strictly not necessarily by what's there other than what it's called. An assembly, I think, is what this would be called.

From your building department review, from your building code, is there anything in 14B that would require them to make that a private club space? From your perspective? I mean --

MR. WALSH: Not that I'm aware of, no. I mean, there's nothing that -- if you look at some of the photos --

CHAIRMAN STRAIN: Right.

MR. WALSH: -- that they have, there's no building code element. It's basically what's referred to in the industry as lipstick and rouge. They can add a couple pieces of furniture, paint, and a picture. It's not a building code element.

CHAIRMAN STRAIN: Okay. And so you would still review this, though, not just as, I think storage and assembly, to kind of get those two components. But from your perspective, if you don't have a code that tells you how to construct assembly, assembly from you would be just an area for seating for people or --

MR. WALSH: Right. There's different requirements. The code has a breakdown. I believe from the discussions that we've had, this is going to be a mixed use facility. It's going to have an assembly component, which is the recreational element that zoning is looking for, and also a storage component. I believe -- and, again, I'm going off of memory in reading emails, that the primary occupancy is storage. That was the primary occupancy.

The intent originally is to permit a shell building, and we do this in commercial projects. We also have done this in designing -- designer-ready condos is another way of doing it, where they would submit a shell building. If they completed that with no buyer to finish the facility, it would get a certificate of completion. Then it would not get a certificate of occupancy, which means the shell is there, but nobody could use it.

CHAIRMAN STRAIN: Okay.

MR. WALSH: Then it would require another permit to come in to actually finish the space.

Now, on the building side, if -- some of the photos that were presented through all our discussions, most of it would be basically painting some tile and nonbuilding code related elements. So the zoning side would have to get involved on those type of reviews.

CHAIRMAN STRAIN: So we can't really rely on your department to enforce the private club or recreational component of this. That's something that we'd have to write language for that the zoning would then enforce so that when you reviewed it, you knew that was -- the intent had been accomplished?

MR. WALSH: Right. But when an applicant makes a submission for anything, a house, commercial project, whatever, it goes basically through several departments. Building is only one side of it, okay. Fire is also involved. So is planning and/or zoning. So that would be where that recreational use component would have to get caught.

CHAIRMAN STRAIN: Okay.

MR. WALSH: There are paints that would trigger, there may be some fabrics that would trigger some work in our building code, but for the lack of a better phrase, there is no -- you can have the same recreational use and not build anything with regards to the building code.

CHAIRMAN STRAIN: Okay. And that's been an issue we've been trying to --

MR. WALSH: Yeah. That's one of the bigger issues that we've been --

CHAIRMAN STRAIN: -- tussled with for quite some time now.

MR. WALSH: Yes.

CHAIRMAN STRAIN: Okay. Wafaa?

COMMISSIONER ASSAAD: How about deed restrictions or bylaws or -- this, I assume, is going to be a condominium?

CHAIRMAN STRAIN: But we as a -- we've not been able -- we don't do -- we can't enforce deed restrictions or bylaws.

COMMISSIONER ASSAAD: I know you don't enforce them, but they could be covenants on the land, they could be part of the deal, and the homeowner association for Briarwood would be a party to that.

CHAIRMAN STRAIN: Well, the applicant believes that their property isn't subject to some sections of the Briarwood association's documents. That's been something that came out in previous meetings, so -- and they have a legal letter to that effect. I'm not sure how binding it is, but that's something that's on the table.

MR. WALSH: That would also be outside of my purview. That would be a private covenant --

CHAIRMAN STRAIN: Right.

MR. WALSH: -- that I have no authority of.

CHAIRMAN STRAIN: Okay. I had wanted to explore how far we could go with your department. I think I understand how far that is, and basically you don't have any way of enforcing the other component that's needed for this, so we'd have to go back to zoning language to make sure it's there.

MR. WALSH: Yep.

CHAIRMAN STRAIN: Thank you. Does anybody else have any questions of our zoning project director?

Andy?

COMMISSIONER SOLIS: I'm just trying to get my arms around what you just said. And we're -- your department wouldn't have any input on the finishes that would be going into it to make it something other than a storage -- that's what you're saying, that there's nothing --

MR. WALSH: No. What happens is the -- the intent was -- or at least hasn't changed. They're going to build a shell building, and then each individual tenant is going to finish it out however they see fit, which would require another permit. Some of them will be combined, some of them wouldn't be.

COMMISSIONER SOLIS: Okay. So that will be the process that we're -- that's going to be used here?

MR. WALSH: Yes.

COMMISSIONER SOLIS: Okay. I'm sorry, then. I misunderstood. I thought that that wasn't going to be -- that that's usually the process in a condominium development of some kind, but a residential one.

CHAIRMAN STRAIN: But the problem is, his review of the second-stage permitting, the finish --

COMMISSIONER SOLIS: Right.

CHAIRMAN STRAIN: -- may or may -- he's not going to review it subject to the use that it's supposed to be. For example, if they come in and got a CC and wanted to finish the job, and the finishing of the job would have to show, as a minimum, what?

MR. WALSH: Based on the pictures that were presented, a couple of couches, maybe a TV, and some paint, which --

CHAIRMAN STRAIN: So your department would look to see if a TV and a couch was there?

MR. WALSH: There's no code requirement for it.

CHAIRMAN STRAIN: That's what I'm getting at. So from your department's perspective, on the second stage of the permitting, after the CC, before a CO, how can they -- how do they convert a CC to a CO?

MR. WALSH: By adding the occupancy to it.

CHAIRMAN STRAIN: And from your department's perspective, what signifies occupancy on a plan?

MR. WALSH: Something that indicates the use. You can have an open space, let's say a general purpose area. Let's say you removed all the chairs in this area, it would be an assembly use because it's all open. And based on the number of occupants of that space, you would have an assembly use because your occupant load is over 50.

CHAIRMAN STRAIN: Okay. So if they got the CC and came back in for a CO, as long as they showed access to that mezzanine and a rail up there to make it safe, would that be considered enough for your department to issue a CO?

MR. WALSH: No, because technically it would -- they could still classify that mezzanine as storage.

CHAIRMAN STRAIN: How do you un-classify it as storage from your department's perspective?

MR. WALSH: The design professional would have to indicate what that use is going to be.

CHAIRMAN STRAIN: So he'd simply write on the plan future -- private club use.

MR. WALSH: It would basically -- he'd sit there and say that the mezzanine had an assembly use and that the lower level had a storage use, or the overall space was a mixed use assembly and storage.

CHAIRMAN STRAIN: But they would have to show no improvements to make that happen; just the language would be enough for your department to issue the CO?

MR. WALSH: Yes.

CHAIRMAN STRAIN: Okay. And therein lies the problem to get to the product that Ray had endorsed as a use on this property, and that's kind of what I wanted to understand. Okay. So we've got to work on zoning language.

MR. WALSH: Yes.

COMMISSIONER CHRZANOWSKI: And my understanding is they don't have to build the mezzanine to get the certificate of completion, right? They can go build it afterward? Because there's a limit; like, it's got to be at least 25 percent, and it can't be any more than 49 percent.

MR. WALSH: Well, you have to watch the definition of mezzanine in our -- in the building code. You can't go over, depending -- there's certain circumstances, but typically it's usually one-third or up to

one-half of a sprinkler building. This building is sprinkled, so they could go up to half.

COMMISSIONER CHRZANOWSKI: Well, it -- yeah, it says -- they can go up to 49 percent, but it says they can go as low as a quarter.

MR. WALSH: Yes, which is fine. That would --

COMMISSIONER CHRZANOWSKI: But they can build a mezzanine after the certificate of completion.

MR. WALSH: Yep.

COMMISSIONER CHRZANOWSKI: Okay.

MR. WALSH: Yep.

CHAIRMAN STRAIN: Okay. That's the only questions I've got of John. John, I appreciate your attendance here today. Thank you.

MR. WALSH: Not a problem.

CHAIRMAN STRAIN: Ray, this kind of brings it back to you a little bit before we talk to Dan. You're the zoning director. Someone comes in with an SDP for this project and they show a -- this facility with no mezzanine at this point because they -- as John said, he wouldn't need it.

Don't take that away.

But this language in the PUD, indoor mezzanine, recreation spaces, personal office space, and bathroom within individual units. This language being in the PUD, would that require them to have a mezzanine at SDP, a personal office space at SDP -- oh, no, bathrooms are already there. If those were, thus, required at SDP, would they be any more than notations on the plan like John said he'd accept as a building designation?

MR. BELLOWS: Most Site Development Plans that I worked on have a floor plan where you would show the arrangement of those areas and what type of equipment and facilities. I think to be part of that, that would be shown and depicted on individual -- or the Site Development Plan, but it would have to be still conceptual, because each individual unit owner, as they purchase and have their own architect designer amenitize the space, it's all going to be different from unit to unit.

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: But they will show on the SDP floor plan that space used for club activities.

CHAIRMAN STRAIN: Right, but --

MR. BELLOWS: Yeah. There's no guarantee what type of facilities, because it's going to change from unit to unit.

CHAIRMAN STRAIN: And they -- could they get an SD -- what's the minimum they could put on an SDP to get it approved? Would the minimum on an SDP -- which then goes to John after that and you're out of it. From a zoning perspective, would the minimum on that SDP give you the recreational component or the private club component, other than the words "private club area"?

MR. BELLOWS: I believe it would just be the words. I don't think -- because there's so much variation from unit to unit.

CHAIRMAN STRAIN: Okay. Then it falls back on validation of operation, which would have to be another --

COMMISSIONER ASSAAD: I would think the answer to your question is no.

CHAIRMAN STRAIN: Oh, I'm slowly --

MR. BELLOWS: In a roundabout way.

CHAIRMAN STRAIN: I'm slowly getting there, but I want to make sure it's carefully discussed so we --

COMMISSIONER ASSAAD: The site plan is going to show you driveway, landscaping, setbacks, location of building, turning lanes, all of the elements of a site plan. It's not going to get inside the building to tell you how the building is designed, whether it has a mezzanine or not. You know, they don't get into that type of architectural detail at the time of site planning, so you're correct.

CHAIRMAN STRAIN: Most of my questioning is rhetorical, too. So I'm trying to get Ray to express it so it might help us in our thought process of ways to solve the problem that you're expressing, especially since you're the zoning director and it's coming from you, so --

MR. BELLOWS: And staff did provide some recommendations in the PUD document to require a certain amount of amenitized interior feature to support the concept that this is a private club and not a storage facility.

CHAIRMAN STRAIN: Okay. Thank you, Ray.

And next is Dan Smith. Dan Smith is our resident landscape reviewer and a number of other things on top of all that.

Good morning, Dan. Thank you for being here today.

You heard -- or I saw you in the audience, and you actually tried to get up there for a minute. That discussion on the deviation involving the hedges and the supplemental trees, you were walking up to tell us something, and I had suggested we wait until we actually got into staff report, which is now. What were you going to suggest or talk to us about?

MR. SMITH: Daniel Smith, principal planner, zoning.

I think there was some confusion on the deviation. A D buffer that is required along the road right-of-way, if there's no internal parking that can be seen from the road, shrubs aren't required. So the shrub issue is only if there's exterior parking that you can actually see from the road. The whole idea is the headlights; there's no headlights going into the road or vice versa.

In this case the deviation is warranted because trees are required to be maximum every 30 feet. This particular project has the trees kind of staggered, so they're going to be more than 30 feet. They're going to be in line with each other, but really they're going to be staggered, and they could be up to 40, 50 feet because some are going to be against the building and some are going to be closer to the road. So that's really what the deviation is all about.

I look at that as more of an alternative design. I think it might be a more creative design, and I think that's -- as opposed to having just trees like you would see at a normal commercial establishment. A lot of times they'll just put that 10- or 15-foot buffer. They'll stick it right at the edge of the property line. You'll just see a row of trees, and that's pretty much it. I think this is more of a -- just an alternative that may -- if I -- because this is a little bit different, it may even be better than what we normally see. So that's kind of where the deviation, from staff's perspective, was a good thing, so...

CHAIRMAN STRAIN: Well, the deviation was modifying the continuous hedge down to a partial hedge, and they were -- but the concern I had was not so much whether that was good or bad. It was what does it mean. When they say "staggered," do you have an idea of what that means so that -- I mean, does it mean a hedge is going to be broken up and there will be sections 40 feet long missing every 120 feet, or --

MR. SMITH: That's correct. And, again, the hedge itself, that's not required. So they wouldn't be required to put the hedge in there to begin with.

CHAIRMAN STRAIN: Okay.

MR. SMITH: It was the trees that were going to be staggered that would not be every 30 feet. If you're to -- and this is kind of the problem with code language. It's so specific, when you do some sort of an alternate that is still meeting that intent, it makes it real tough to -- for a designer, especially a landscape architect who's trying to make a good-looking picture, a good-looking project.

So, really, what's going on is -- because I had the benefit of actually looking at the Site Development Plan when this was concurrent with the planned unit development, and I could see exactly what their intention was. And it was going to actually be more plant material than what normally would be required, but it was just going to be designed in a different way that our code requires. So, for lack of a better term, it's going to have more plant material than normally what's required.

CHAIRMAN STRAIN: Okay. Does the more plant material in your mind mean one more tree for a thousand feet? I mean, that's what I'm getting at. It could be not what we're expecting. And I'm sure that's not the intent, but I would like to make sure we have every "T" crossed and "I's" dotted in regards to the quantities that they're supposedly going to add.

MR. SMITH: To make the Planning Commission, I guess, happy, maybe we could develop some drawings with some quantities that -- moving forward with the staff report. That may be warranted in this particular case, because this is something that's different than I normally see in a PUD development.

CHAIRMAN STRAIN: And I think it's different for all of us. It's a whole new experience. So

that's -- you've answered my questions adequately.

Anything else? Stan?

COMMISSIONER CHRZANOWSKI: One thing. Dan, I know when you build a parking lot, you have a certain number of spaces you have to put in, and you can go above and beyond that, but each individual space still had to meet code requirement for the space. When you go above and beyond landscaping, does the individual landscape elements you put in have to meet any special code requirement?

MR. SMITH: No.

COMMISSIONER CHRZANOWSKI: Okay. That's what I thought.

MR. SMITH: As far as landscape review, we look for minimum code. And if they go above and beyond that -- we can make recommendations. In a lot of case -- you know, in some cases trees are closer to the building than what they should be. I can make recommendations. But above and beyond what general code is, I really don't have an authority to -- I can make a suggestion; that's about it. But I can't require that.

COMMISSIONER CHRZANOWSKI: And you can say, this might be the wrong tree for this area because it's going to get real big and throw out a lot of shade --

MR. SMITH: That's correct.

COMMISSIONER CHRZANOWSKI: -- and drop nuts on the cars and whatever.

MR. SMITH: Absolutely.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Dan, thank you very much.

MR. SMITH: Thank you.

CHAIRMAN STRAIN: Does anybody else have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. Fred, I'd like to -- because we're going to go to audience next. And I'd rather -- I want to run down the list of issues that we seem to have on the table before the public speaks so they know what we're in -- what we've already kind of gotten to as far as some issues.

MR. HOOD: Sure thing.

CHAIRMAN STRAIN: There's a maximum number of units that won't exceed 148.

MR. HOOD: Correct.

CHAIRMAN STRAIN: There's -- and these are -- some of these issues are ones that we haven't talked about because I was waiting till now. You're not going to have any balconies. The balconies were taken out.

MR. HOOD: No balconies.

CHAIRMAN STRAIN: Okay. The conditional use being moved into a principal use, it's only for the principal use subject to the standards that have been reiterated here in all these pages that we have.

MR. HOOD: And Exhibit B's master plan, yes.

CHAIRMAN STRAIN: Okay. And from Ray's perspective, could this any way -- and let's say there's 15 of those buildings. If these buildings -- the whole thing went -- didn't work and the buildings were vacated, could those buildings be utilized by 15 different private clubs?

Because we've moved into a principal use, and that's a concern, and I want to make sure we address it.

MR. BELLOWS: I think it's conceivable that it could be unless you tighten up what type of private club, such as this automotive type of high-end personal recreational vehicle; otherwise, other private clubs would fall in under that.

Now, we also had the intention of leaving as a conditional use, generally speaking, other private clubs that would have to go through a conditional use. I just want to make sure that this particular use, as listed -- what is it, 14 in the --

MR. JOHNSON: Number 14.

MR. BELLOWS: -- 14 is real specific to this particular application.

CHAIRMAN STRAIN: Well, I mean, it's as specific as what's on the overhead.

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: And so what I'm suggesting is, because it doesn't say private clubs for

automobile use or whatever you want to -- luxury automobile storage, whatever you want to call it, does that mean it can be opened up to more than what we intend it to be if it was vacated?

MR. BELLOWS: Well, we'd say it's consistent with Exhibit B, which helps define it somewhat.

CHAIRMAN STRAIN: Well, doesn't Exhibit B just provide a site plan with 15 or more buildings, and any one of those, then, could be separate private clubs?

MR. BELLOWS: I think if that's a concern, we would tighten it up to be more specific to this.

CHAIRMAN STRAIN: Well, I think it will be and I think it is, and I think we just need to make sure. Because when this was a conditional use, if it changed in the future, it would still have to go through a CU process.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: By moving it to a principal use, we've elevated it to a by-right process a little easier than a CU process.

MR. BELLOWS: Well, we still have as a conditional use the private clubs for other things that aren't this specific for this type of use.

CHAIRMAN STRAIN: I understand. Okay.

We talked about the watercraft engines and when the hours of flushing will be, and that's going to be finalized or worked out as the day goes on.

We've also talked about the parking in front of units. When we hear the -- when everything's solved today and when we get towards the end, we've got to talk about how that staff stipulation will or will not work.

Maximum number of club members per unit is stated to be no more than 10. In the previous renditions, Fred, there was a discussion of special events. You said you were not going to have any special events. I didn't see that in this one.

MR. HOOD: No special events. We can add it, but we don't want to have any special events.

CHAIRMAN STRAIN: Okay. And what about the number of guests? Did we have a cap on the number of guests? We have a cap on units. We have a cap on members. What about guests?

MR. HOOD: We have a cap on, I believe it's number -- bear with me, but we have a cap that defines how many people can be in each unit at once, and it's 10. I'll give you the code reference. It should be 6.3.7 --

CHAIRMAN STRAIN: But, Fred, is --

MR. JOHNSON: D as in Delta.

MR. HOOD: -- D as in Delta.

CHAIRMAN STRAIN: Is that ten per member?

MR. HOOD: No, no. Ten --

CHAIRMAN STRAIN: You have 10 members per -- maximum for a unit.

MR. HOOD: For a unit.

CHAIRMAN STRAIN: Each can have 10 guests. That's 10 people per unit.

MR. HOOD: So if you had one person come -- if you had one owner come, they can only have nine guests along with them in their unit.

CHAIRMAN STRAIN: Okay. So maximum unit occupancy is 10?

MR. HOOD: Ten, correct.

CHAIRMAN STRAIN: Maybe that's a better way to say it.

MR. HOOD: That's 6.3.7.D.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: So where would they park?

MR. HOOD: The guests?

COMMISSIONER ASSAAD: Yeah. If I'm an owner and I invite nine and everybody else does, where are they going to park?

MR. HOOD: It is the assumption of the developer that if anybody is coming onto this property with their owner, they will have to come with that owner. So it would probably be like a car-pooling situation where you grab, you know, five or six of your friends, and you jump --

CHAIRMAN STRAIN: Ladies and gentlemen, I ask, please don't interrupt the speaker. Go ahead.

COMMISSIONER ASSAAD: I don't think this is a logical or practical assumption to make. I would think you can average it out and you can say maybe the 10 guests will come in five cars or something like that. Just like when you count seating -- the parking requirement for seating in a theater or a church, you make the assumption that for every two, three seats you have one car. So there needs to be a logical explanation to that problem.

MR. HOOD: I understand.

COMMISSIONER ASSAAD: Thank you.

MR. HOOD: There's two ways that we can look at this. There's parking that is available at the clubhouse -- the clubhouse area on the master plan, so that could be one area that they could park.

We're not precluding anyone from -- as you would do in a residential neighborhood, to be able to park on the shoulder of the road. We've got a 30-foot wide with pavement area. They could pull up along the side of the road, like if you were to have a UPS delivery or somebody was having a party. It's a temporary situation. It's not for the long-term parking of vehicles.

COMMISSIONER ASSAAD: Thank you.

Sorry I interrupted you.

CHAIRMAN STRAIN: Oh, no. That's why -- please, any time, Wafaa, you have questions, just let me know. I try to lead off discussion, and if we want to go off there, that's fine.

Skelly Road, only for emergency access, and you were going to modify 6.7 to reflect that, but you started talking about -- something about a fire access turnaround.

MR. HOOD: Yes.

CHAIRMAN STRAIN: And I'd like some clarity on that so that if you're telling us there's a cost involved to the HOA to meet a condition created by the way your development's going to operate Skelly Road, I think we need to know that.

MR. HOOD: Okay. So first -- there's a couple of items that we should clarify there. I'm going to put up an aerial so that we can discuss this.

Okay. Currently there is a cul-de-sac at the end of Skelly Road that goes onto the developer's proposed property.

What I was mentioning earlier with modifying or removing Section 6.3.7 of the PUD is if the -- if we wanted to discuss removing that connection from Skelly Road onto the community commercial property, that that cul-de-sac would no longer be there. So if we would have -- for purposes of fire circulation for the remainder of the Briarwood property, some sort of a hammerhead or a turnaround would have to be provided on the north side of the property, because it would no longer be on the southern community commercial property. I was just trying to make that point that if we got rid of it, that goes away.

CHAIRMAN STRAIN: Okay. But the project was planned to have it on that property; is that correct?

MR. HOOD: That's correct. That is correct.

CHAIRMAN STRAIN: Okay. And because your plan can't accommodate it, you're telling the association they've got to pay to put it on -- I mean, because you're going to be requiring property being taken out somewhere else.

COMMISSIONER HOMIAK: That's not --

MR. HOOD: No. What I'm saying is is that --

CHAIRMAN STRAIN: Okay. Well, why don't you -- what are they saying? Karen --

COMMISSIONER HOMIAK: No. He said before that it was the association -- the Briarwood community wants it closed.

MR. HOOD: That's correct.

CHAIRMAN STRAIN: No. I know. That's not the issue, not whether it's closed or not. I know it's going to be -- I know that's the -- I know that they've already said they'll close it, but if they close it, they're required to replace the fire turnaround. They're saying they're not going to replace it on their property. And if they close it, they're going to have to put it on the Briarwood property.

MR. HOOD: It would have to be -- what our --

CHAIRMAN STRAIN: That's the issue.

MR. HOOD: What our contention is is if it goes away on our property -- it's on our property right now for whatever reason. I don't know if it was ever supposed to be designed that way. I don't know if it was. But with this property's project going forward, if the neighbors do not want that interconnection there any longer and we cut it off at that border, then we have to provide another fire turnaround somewhere north of that border if we're not going to do it on the southern portion of ours.

CHAIRMAN STRAIN: When you say "we," you mean --

MR. HOOD: We as in -- we as in the developer. If we're not going to provide it on our property, it's going to have to go somewhere if we cut it off.

CHAIRMAN STRAIN: So you're going to provide the turnaround and pay for it?

MR. HOOD: I didn't say that, no.

CHAIRMAN STRAIN: Well, who's the "we"?

MR. HOOD: What I'm saying is, if that request goes forward, we as in the developer currently for this project and/or Briarwood homeowners association will have to decide where that replacement area is going to be. It's more so on the Briarwood side of the equation. We can discuss with the developer how we pay for that, how we provide that, but the land area is -- what I'm trying to get at is that if we're going to provide -- if we're going to cut that off, where are we going to put that turnaround? And the only logical place, if we're not going to do it on our property, which we don't have any intention of doing right now, would be to be on the north side.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SOLIS: Just a quick question. In my understanding, that one alternative is to leave it where it is.

MR. HOOD: That's correct. We can do that.

COMMISSIONER SOLIS: And the developer would be okay with that.

MR. HOOD: Well, leaving it as it is and as we've designed it where it goes into a T instead of a cul-de-sac now.

COMMISSIONER SOLIS: Okay.

MR. HOOD: That would be the option to leave it how it is right now.

COMMISSIONER SOLIS: Okay.

MR. HOOD: The other option is, if they want it gone, then we have to figure out what that looks like.

COMMISSIONER SOLIS: Right. And what you're saying is that that's a decision that's essentially up to the community whether they want it removed or not.

MR. HOOD: That's correct.

COMMISSIONER SOLIS: The second question I had is, is the cul-de-sac right now part of a dedicated roadway of some kind or what --

MR. HOOD: There is no easement. There is no right-of-way over that cul-de-sac on the community commercial property.

COMMISSIONER SOLIS: Okay.

MR. HOOD: It's just there. That's kind of what I was getting at, where I don't know if it was designed that way or if it was supposed to be that way but there's no --

COMMISSIONER SOLIS: It's just there.

MR. HOOD: There's no easement or right-of-way that's documented.

CHAIRMAN STRAIN: Okay. Could you put your site plan back on so we could -- and maybe bring it up so we can take a look at that area. Okay. And now, your facility is gated, right?

MR. HOOD: That's correct.

CHAIRMAN STRAIN: Where would the gates be in that location? Were you planning to gate off Skelly Road?

MR. HOOD: There will be -- there will be basically what we call an evac gate that will allow emergency vehicles on the southern side of the border that would allow access to Skelly Road if the fire trucks or EMS or fire -- or if police wanted to go north and/or south.

CHAIRMAN STRAIN: Okay. You have to explain to me then. So your assumption is that if someone wanted to go from your property to the development, they could get through that emergency access only lane?

MR. HOOD: No.

CHAIRMAN STRAIN: Okay.

MR. HOOD: Someone -- when you say "someone," the only someones that can come through that --

CHAIRMAN STRAIN: Emergency.

MR. HOOD: -- portion is emergency, that's correct.

CHAIRMAN STRAIN: Right.

MR. HOOD: Anybody else is going to have to come through the Radio and/or Livingston access points.

CHAIRMAN STRAIN: Okay. And so if you can exit that, can you enter?

MR. HOOD: Yes. If you're emergency personnel, you can exit and/or enter.

CHAIRMAN STRAIN: Okay. Then if that's -- and that looks like -- I mean, that's a hammer -- that's enough of a hammerhead for the fire department to work. So where is -- why is there a concern over there, then?

MR. HOOD: The concern that was brought to me was, we don't want a connection between the two if this is going to go forward.

CHAIRMAN STRAIN: But fire requires the connection; is that right?

MR. HOOD: Fire is requiring the connection.

CHAIRMAN STRAIN: Then it's not a -- it's a moot point.

MR. HOOD: I thought I would bring it up because it was -- it was asked of me.

CHAIRMAN STRAIN: We talked about the order of construction phasing, and that's something that we'll have to work on depending on how the rest of the meeting goes.

We corrected a square-footage calculation for 40 percent maximum. We added a condition that there be no roof use. We're going to be cleaning up the way Deviation No. 1 is written in regards to the landscape materials. There's going to be a setback -- internal setback on internal drives from the pavement at 15 feet or greater, and that's subject to further discussion about staff's recommendation about a parking space.

There was some added language on 10.02.03.D, which, Ray, did you get time to look at that or, Eric, during the break on how that fits or doesn't fit what it -- I haven't got that section of the code with me.

MR. BELLOWS: Yes. I pulled it up, and it's basically referring -- it's part of the SDP language. I'd much prefer us to reference the architectural review language provisions of 5.

MR. HOOD: 5.05.08?

MR. REISCHL: 5.05.08.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Yeah. Because one of the conditions was they would agree to our architectural standards, and we got out of that discussion of internal review. So I think then we need to do -- is it 5.05.08? Yeah 5.05.05 is automobile stations. I keep thinking of that because it's so relevant.

So 5.05.08 would be the section that would not be able to -- that you'd be subject to under current standards, not as we go different in the future.

MR. HOOD: I'm okay with that.

CHAIRMAN STRAIN: Staff Recommendations 1 and 2 were -- well, we've got to discuss some of the staff recommendations. Three possibly is modified; 4 possibly is modified; 5 would consider it a phasing plan; and then change the hours in No. 6 from potentially 6 a.m. to 8 p.m. And that's all, obviously, up to discussion.

MR. HOOD: Three, 4, and 5 we need to discuss?

CHAIRMAN STRAIN: Well, the one concerning the staff recommendation concerning the depth of the -- the one space outside definitely needs to be discussed.

MR. HOOD: So that will be also with No. 1.

CHAIRMAN STRAIN: Okay. And then the last thing that I have as a note, emergency access service to be Turfstone or Geoweb pervious materials.

And those are the points that we've gleaned in addition to the changes that were in this document that were read on record so far in this discussion today. I just wanted to make you aware of it, but I also want to make the public aware of it so when they come up and talk to us, the issues that are bothering them, they can certainly express themselves knowing what issues we've been talking about, so...

Anybody else have any questions of anybody before we go into public?

(No response.)

CHAIRMAN STRAIN: Okay. Ray or Eric -- those members of the public that wish to speak, first of all, if you weren't sworn in when everybody stood up earlier, please let us know because we need you to be sworn in. Secondly, when we ask you to speak, you can use either microphone. You need to state your name for the record, and I'd like to know what part of Briarwood you live in, what street, what area, if you don't mind.

And then you're limited to five minutes. We have some flexibility in that. We ask especially that you don't be redundant, that we focus on new issues if you can. If you agree with your previous speaker, you can simply say, I agree with the previous speaker. That carries equal weight.

So with that in mind, Eric will call the speakers to come up to the podium.

And Mr. Pires? Tony, are you here? Did you want any -- I mean, since you represent so many people here, it might expedite things -- if you wanted to speak first, you're more than welcome to. And I think he's going to take us up on that.

MR. PIRES: I'm sorry?

MR. JOHNSON: Mr. Chair -- that's fine.

CHAIRMAN STRAIN: He didn't give you a speaker slip, did he?

MR. JOHNSON: That's correct.

MR. PIRES: I gave it to Ray. Ray must have hidden it.

CHAIRMAN STRAIN: Well, usually at the end of the speakers I ask if there's anybody else to speak, and we'll assume Tony is one of those individuals.

COMMISSIONER SOLIS: That was another one of those rhetorical questions, right? Does Tony want to speak first.

MR. BELLOWS: He put Anthony on the speaker slip.

MR. JOHNSON: He put Anthony on there.

MR. PIRES: I've been disinvited from many other places, but --

COMMISSIONER CHRZANOWSKI: She's copying all this down, you know?

MR. PIRES: I know she is.

Thank you, Mr. Chairman, members of the Planning Commission. And, Mr. Chairman, if I could have some indulgence and some consideration for some additional time on behalf of the association.

CHAIRMAN STRAIN: Since you represent a group, we normally do that. I just ask that you -- I mean, I know you can be long-winded at times, so let's try to be succinct if we can, Tony.

MR. PIRES: Be short-winded.

Thank you very much. As mentioned in the correspondence that I emailed to you-all, I represent the Briarwood Property Owners Association on this particular matter, and they are opposed and it is opposed to this application.

A number of the residents and owners have taken the time out of their days to be here today. And if I could ask those who are from Briarwood in opposition to this project, please stand so the Planning Commission can see.

Thank you all very much.

As you can see, that there is a substantial amount of opposition within the community. And I also applaud them for the patience this time and last time to the multiple hours of this hearing and also applaud the Planning Commission for taking their time in this application.

Initially, I would like to reiterate -- and for the record, I've submitted my prior correspondence of August 12th and 14th, which I think the staff included in your 555 pages, and also incorporate the November 16, 2015, letter that I emailed to the planning commissioners and I think some staff.

One other item from a perspective I think we need to put on the record. We disagree that the

applicant has even shown adequate authority to bring this application forward. I know there might be some disagreement from the County Attorney's Office. The only affidavit I have seen from the current landowner allowing this application to go forward is one dated August 19, 2015. If I can put it on the visualizer.

CHAIRMAN STRAIN: Okay. Do you have a copy to leave with the court reporter?

MR. PIRES: Yes.

CHAIRMAN STRAIN: Thank you.

MR. PIRES: And if you could -- thank you.

And I think what's important in this, if you could bring it highlighted to the yellow, that's -- the current owner is Lowe's Home Centers, LLC, and the applicant does have a contract. The contract extension was included in your packet and materials; however, there's no further affidavit of authorization from Lowe's Home Center other than this.

And it says it authorizes and grants permission to Premier Auto Suites of Naples, LLC, the contract purchaser, to submit the attached -- the date is August 19th -- attached application for amendment to PUD -- PUDA as described in a certain letter including the attachments thereto, from Frederick Hood, AICP, senior planner of Davidson Engineering, dated March 2, 2015. And that's the application.

Now, since that time there have been a substantial number of other applications, and I think the most recent was October of -- and I think the staff also received materials November of this year, and today we have some additional changes that -- I think it's unfortunate that no one was made aware of those changes until the hearing today.

Again, this project seems to be being asked to be heard on the fly and considered on the fly, which I think is a dis -- it's really difficult for the community and the residents and the Planning Commission to evaluate. But I think initially this application should be denied on its face because there is no proper authorization from the landowner.

And I'd like to ask the Planning Commission -- I'm sure they want to ask guidance from their counsel on that, but --

COMMISSIONER SOLIS: Can I ask a quick question? And your position on that is because this affidavit was dated or it references the March 2, 2015, letter from Fred Hood?

MR. PIRES: Correct. And it references an application attached -- and it's an August 19th. And what you have in front of you is not the -- any of the materials referenced in this affidavit.

COMMISSIONER SOLIS: Yeah. But it does say, and further to submit those items necessary to support the PUDA application as may be needed to obtain permits associated with development and zoning.

MR. PIRES: Correct, but the attached application for amendment to PUDA is a PUDA. So in other words, whatever is attached to this affidavit is the PUDA application.

And what we have since then are substantial revisions, and so there is a substantially revised PUDA application, is our contention.

CHAIRMAN STRAIN: And, Heidi, this question has been previously, I guess, asked, or I know I mentioned it to you as an issue, and you seemed resolved that this was an adequate affidavit for today proceedings. Are you still in that mindset?

MS. ASHTON-CICKO: I'll defer to Mr. Stone because I've let him handle this one.

MS. STONE: I do believe -- I do believe that this is adequate because the application for PUDA has been a continuation since that initial application that was submitted. So we consider this entire process part of the same application so we can trace it back to that initial request.

CHAIRMAN STRAIN: Okay. And, Tony, as you go along and we have -- we answer a question or two of yours, I want to just make a clarification. I know your comment about making changes on the fly, but so far what's happened today is no different than we handle other projects where we have to modify, compromise, and stipulate throughout the hearing, and then we end up with a list of stipulations at the end of the hearing. We've been doing that for years, so...

MR. PIRES: And, Mr. Chairman, I understand that. I'm aware of that. And I guess the other difficulty with that is there was a neighborhood information meeting October 12th, and between that date and today we have heard nothing from the applicant as far as receiving any revisions. And, again, that just further amplifies the -- I'll guess the -- not really knowing what this project is and the difficulty in trying to evaluate it

and also adequately advise how to proceed.

In this particular project, again, Briarwood is a well-established primarily residential community, over a thousand persons residing in 558 homes.

The property that's the subject matter of this PUD amendment is designated zoned as commercial -- community commercial, and it's been designated, as you-all are aware, since 1976. Storage or warehouse uses, as we've discussed many, many times, are not allowed in the community commercial areas of Briarwood PUD.

We believe that what is being proposed is storage. What is being proposed is warehouse. These proposed new principal uses, which we keep changing the name -- and I guess this is the definitive name now. We're going back to the private club -- currently couched as private clubs and private parking garages are the exact same problematic uses as those that were previously submitted and designated as upscale storage facilities, in our opinion.

An interesting enough, as stated by the applicant and the agent on August 20, 2015, in the minutes of the Planning Commission that day, Page 47, Mr. Hood stated, they are -- more than 60 percent of the floor area that's within these units is going to be for vehicle storage.

Now, again, that becomes the principal use is storage, and we all know that that is not allowed. That's been made very clear. I have a copy of that for the record also and would like to incorporate all those minutes as part of this meeting today.

The proposed new uses and increase in floor area and land area for the new uses in our opinion are not appropriate for the Briarwood PUD and should be denied. We recommend -- at the end we'll recommend and ask that you recommend denial to the Board of County Commissioners. The uses belong in industrial park or business park, not in Briarwood.

I was struck by the video, as that reminded me of every other storage facility I've driven through in every other industrial area of Collier County. You know, the sameness, the oneness, and that's what that reminded me of. There are storage facilities.

The current Briarwood PUD has private clubs and private garages only as conditional uses. And as defined in the Land Development Code, a conditional use is a use that would not be appropriate, generally, or without restriction throughout a particular zoning district or classification but which, if controlled as to number, area, location, or relation to the neighborhood would promote the public, health, safety, welfare, morals, order, comfort, convenience, appearance, or the general welfare.

By the trick of trying to make this a permitted use, they are trying to remove the protection afforded to the community that -- controlled as to number, controlled as to area, controlled as to location, controlled as to relation to the neighborhood would promote the public, health, safety, welfare, morals, order, comfort, convenience, appearance, or the general welfare. None of that's been shown. None of that can be shown in this particular instance.

Consistent with this approach, I've outlined in my letter in a search of the online Land Development Code, I did not find any zoning districts of the standard zoning districts where private clubs are listed as a principal use. I did find private clubs listed as conditional uses in the community facility district, the CF district, the residential tourist district, the RT, and in the Vanderbilt Beach residential tourist overlay. Those are the only areas where I found public -- private clubs allowed as conditional uses, and no districts were they allowed as permitted uses.

Again, if this proposed amendment is allowed, moving these uses from the conditional use category to permitted use, the new permitted uses, along with a substantial increase in floor area and land area, would no longer be controlled as to number or area as originally envisioned by having them as conditional uses at the inception of the Briarwood PUD.

We've heard this discussion with regards to the maximum number of users, maximum number of owners. What's interesting is if you have -- if you have 1,000-square-foot units -- now, they've indicated they're only going to have 148 units, and they agreed finally, after much resistance -- they refused earlier to put any maximum number in the PUD. There's emails to county staff saying that. Today they've indicated, apparently, that they've agreed to 148 maximum units.

But you can have 10 -- it says 10 members or 10 owners. You can have multiple clubs. Each club

could have multiple members of those clubs.

And when they talk about guests, again, there's no prohibition -- a limitation on number of guests. And it talks about occupancy in a unit. You have outside the unit, then you have the parking issues, you have the traffic issues.

What they have done in this instance is taken this use, this area, and tried to minimize its impact from the TIS perspective, trying to couch it as a private club where, in reality, it still is storage. And making it a private club still has substantial issues.

Remember that these are the exact same uses. They've tried to add a recreational component, sort of, to each unit with the exact same uses as this board heard on August 20th. They were storage.

My understanding also is staff was to evaluate around the country, go around the country and do an evaluation, see how these were labeled. Page 76 of 90 of the August 20th Planning Commission meeting, Chairman Strain said to Mr. Bellows, 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 standard industrial classification code -- it's a way to grade uses.

And then there's another one called North American Industrial Classification Systems. Between those two, somewhere in the country there must be a label put on these. Now, that label will help us understand where the 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 online. We'll come up with something.

I think that document -- I have not seen it. I think it would have been invaluable to this Planning Commission in order to be able to determine what this use really is, because we still think it's a storage use.

CHAIRMAN STRAIN: I don't want to forget things as you talk, so if you don't mind me interrupting.

MR. PIRES: No, sir.

CHAIRMAN STRAIN: Ray, that's a good point. I did mention that last time. Did you -- or did you get together with the applicant and you guys come up with some kind of matrix showing how these are looked at in other parts of the country?

MR. BELLOWES: Staff did a lot of research on it, including myself, and we've incorporated some of those features into staff recommendations, but we didn't produce a separate document.

CHAIRMAN STRAIN: And what I had envisioned is a reference to an SIC code or, at even the least, maybe the uses that -- where these normally are found in other jurisdictions, under what kind of zoning. We didn't have anything --

MR. BELLOWES: There is no SIC code for the use.

CHAIRMAN STRAIN: So elsewhere in the country, you checked, and nobody's found -- nobody's utilized an SIC code as a comparable?

MR. BELLOWES: Well, there's no SIC code for this use, so whatever is being used is a hybrid.

CHAIRMAN STRAIN: Wafaa, did you have anything?

COMMISSIONER ASSAAD: Tony, in your view, what's the difference between reviewing this request as a provisional use or reviewing it as a PUD amendment? It seems to me like they have been through a lot of lengthy, detailed, carefully oriented review, and there's a lot of conditions that appear to be -- appear that they will be imposed on it if it's approved.

So in my mind I don't see the distinction between the provisional use review and this review. Could you help me with that?

MR. PIRES: We think there's a substantial difference when the provisional use, I don't think, was ever intended to apply and make the whole site what is now a former provisional use, a permitted use. And I don't believe there has been that evaluation with regards to -- it's not controlled. It says, the evaluation is controlled as to number, area, location, of relation to the neighborhood would promote the public health. There's been no analysis of promoting the public health. Promote the public health, safety, welfare, morals,

order, comfort, convenience, appearance, or the general welfare. There has been no such analysis. And that analysis goes away in the permitted use category. That's one of the issues.

COMMISSIONER ASSAAD: Thank you.

MR. PIRES: Yes, sir.

As I've indicated in my correspondence, we believe the applicant's merely playing a game charade, a word charade, cloaking the real uses, upscale storage facilities that was used last time, in the mantle and masquerade of words calling it now a private club and private parking garage in order to convince the staff, the Planning Commission, and the Board of County Commissioners that these uses are compatible and should be allowed as permitted uses.

As further indication that the proposed new permitted uses are exactly the same as the previously up -- named upscale storage facilities, the supplemental staff report for today's hearing clearly states that the PUD findings and rezone findings in the previous staff report, quote, are hereby restated and reincorporated herein.

Now, they changed the term from upscale auto storage facilities to private clubs and garages, but the staff stated in Page 6 of 11 of your supplemental staff report for today, the PUD findings and rezone findings in the previous staff report are hereby restated and reincorporated herein.

At Page 15 of the reinstated and restated and reincorporated staff report for the August 20th Planning Commission hearing under rezone findings, staff admits and advises vigorously that, one, the subject principal use is not well defined in both the LDC and the PUD document; two, the new principal use that is being requested with this amendment is unique; three, the principal use is not well defined and, therefore, not permitted anywhere. That has not been modified in the supplemental staff report.

In addition, if the proposed amendments, in our opinion, are approved, there will be no limitations as to the number or types of private clubs. With 16 different buildings, there could be 16 different private clubs, each with one building. With 148 different units, there could be 148 different private clubs, each with one unit with no stated maximum number -- and we heard that's addressed today -- there could be at least 148 clubs in this area, and each club can have a substantial number of members. And a member of a club could be an LLC. That LLC, that corporation, that partnership would have members, would have owners, would have other members, and so you have this expanding base. And so, again, that gets back to the TIS.

But we believe the new uses are inconsistent with the Growth Management Plan. They really are storage.

Growth Management Plan Policy 5.4 states that new developments shall be compatible with and complementary to the surrounding land uses. Complementary has been defined as completing something else or making it better; serving as a complement; use of two things when each adds something to the other or helps to make the other better; going together well, working well together, and combining in such a way as to enhance or emphasize the qualities of each other or another.

No such analysis has been performed on the new principal uses, the proposed revised master plan, or the intensification of coverage or square footage. Neither the application or the staff report or supplemental report provide any information or analysis as to how the requested new principal uses, the proposed revised master plan, or the intensification of coverage or square footage are complementary to the surrounding land uses.

And as I mentioned before, the proposed uses we believe are industrial district uses, warehouse storage facility, much more appropriately located in a stand-alone business park district, research and technology park, or industrial district, not in a community commercial area.

We previously provided -- I provided it again in my package -- other places. My Other Place in North Naples; Hyde Park Storage in Daytona Beach; Hyde Park Storage Suites in Cornelius, North Carolina. And from all those photographs, you can see they're pretty much industrial-like settings.

And the applicant's agent has also mentioned storage facilities in Chandler, Arizona. There are two such facilities that I found; one on Okatia (phonetic) Avenue, I guess, and one on Enterprise Street or Avenue.

I attached satellite photographs of those two facilities from Map Quest as Exhibits F1 and F2. And it is clear from those two facilities neither of the two Chandler, Arizona, facilities are located in residential

communities. They're located in heavy commercial industrial-type settings.

What I'd also like to make part of the record is some material involving those Chandler, Arizona, facilities. This is off a website.

CHAIRMAN STRAIN: You're going to need copies for the court reporter to make them part of the record.

MR. PIRES: Yes, I have copies. I'm making my separate stack for both court reporters, and also I have handouts for the Planning Commissioners that I can pass around.

This is a series of documents off the website, off the Internet, regarding Chandler, Arizona. The first one, pages from September 28, 2015, it's called Garage Town, Arizona. More than just a storage complex. It's storage that you own with storage ownership.

CHAIRMAN STRAIN: Tony, I don't mean to interrupt. I want to make sure the applicant has a copy of this as well. So if -- Eric, when you have an extra copy or --

MR. PIRES: I will provide the courtesy that they did not extend to me, yes.

CHAIRMAN STRAIN: No. They did -- after we asked, you got a copy, and I want to make sure they have a copy to be fair.

MR. PIRES: I never got a copy. I -- Stan Chrzanowski kindly provided me a copy, and I took photographs of it with my iPad.

COMMISSIONER SOLIS: So you have a copy of it?

MR. PIRES: Yes, but not from the applicant. I just want to make sure.

CHAIRMAN STRAIN: Thank you.

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Yes.

MR. JOHNSON: I have one copy left. That could be divided.

MR. PIRES: I have multiple copies.

CHAIRMAN STRAIN: As long as -- the court reporter needs to have one, Eric, and then please provide one to Fred.

MR. PIRES: I already provided one to Fred, and I have one for the court reporter.

COMMISSIONER ASSAAD: Eric, you can have mine.

MR. JOHNSON: We're fine.

COMMISSIONER HOMIAK: This was in an email, right?

CHAIRMAN STRAIN: I don't know.

MR. PIRES: No. This was not in email. And, again, Garage Town Storage Condominium ownership means -- and it's the ultimate storage space. And, again, this is the example of the facility that the applicant stated was something that they were planning on doing. It's a storage facility.

And also on their website, the word "club" does not show up at all in all of the materials on their website. They talk about housing their precious vehicles. And, again, that's -- housing to me is storage. And, again, that is the use, and it is a use that we would submit is not allowed and should be denied.

CHAIRMAN STRAIN: And, Tony, I need you to start wrapping it up.

MR. PIRES: Yes, sir.

CHAIRMAN STRAIN: You've had a healthy 20, 25 minutes.

MR. PIRES: I'd like to -- briefly, some of the new items that came up today. The issue with regards to the maximum occupancy load. Again, for sake of this discussion again, we -- my clients oppose granting this requested amendment. It's a storage use, and it's going to be an intensive storage use, as we see it, because of the -- you can have -- it's going to become a storage club.

I mean, you have a number of members that can apply, you have no cap on the number of clubs, and you have enforcement issues, and you have the utilization is that of a storage facility.

Based upon all that -- and, again, I've not had a chance, unfortunately, to really analyze what was handed out today. I know the Planning Commission had a number of questions -- we'd still request -- respectfully request that this application in its entirety be denied.

And if I could have a moment to hand items to the court reporter and any questions you may have.

CHAIRMAN STRAIN: We may have some questions. Wafaa?

COMMISSIONER ASSAAD: Question for Tony.

MR. PIRES: Yes.

COMMISSIONER ASSAAD: Do you think this proposed use is more harmful to the community than a cocktail lounge?

MR. PIRES: There are a number of uses in there, the community commercial, for which may actually be amenities for that neighborhood because they would not have to leave and go on the arterial highway in order to obtain and utilize various community commercial services. So my answer is no.

COMMISSIONER ASSAAD: So your answer is no?

MR. PIRES: That's correct.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Okay. Diane first and --

COMMISSIONER EBERT: Tony, I have a question for you. I know this is in their Briarwood PUD, but I understand this property was sold from the developer many years ago to a commercial real estate entity. Is this true?

MR. PIRES: I think it's been sold a couple of times. I think the original developer sold it to a group -- I think, I could be wrong, but Todd Gates was involved in it.

COMMISSIONER EBERT: Yep.

MR. PIRES: I think Todd was involved and sold it to Home -- to Lowe's. That's my understanding.

COMMISSIONER EBERT: To Lowe's. Okay. So he had this at one point but he decided to take this portion of the property and sell to a commercial real -- is not Gates more of a commercial real estate?

MR. PIRES: I believe so.

COMMISSIONER EBERT: Okay. So Gates then sold it to Lowe's?

MR. PIRES: Correct. That's my understanding.

COMMISSIONER EBERT: Well, I'm just trying to understand this, too.

So he actually had control over this at the beginning, but he decided to --

MR. PIRES: No. The original developer -- I can't recall the name. I'm not sure if it was McAlpine or --

CHAIRMAN STRAIN: McAlpine, yeah.

MR. PIRES: -- had it, and apparently they sold it to the Gates group, and then Gates sold it to Lowe's, is my understanding. That's my fuzzy recollection.

COMMISSIONER EBERT: Okay, okay. I was just checking on this. I thought it was Spinelli that had sold it to the Gates.

MR. PIRES: I don't believe so.

CHAIRMAN STRAIN: Anybody else have any questions of Tony?

(No response.)

CHAIRMAN STRAIN: Tony?

MR. PIRES: Yes.

CHAIRMAN STRAIN: Did the applicant come back to you since our last meeting for -- I know they did for a presentation. Did you guys offer any written suggestion? I know I got a letter, as everybody else -- or an email, as everybody here did, that was, I think, 51 pages long. It included backup from you, stating your objections. Did you give any of that to the applicant ahead of time so they had the benefit of that for today's meeting so they could have tried maybe to meet some of those conditions?

MR. PIRES: No, I did not. I provided it to staff, which was the same process by which I received documents. I did not receive any from the applicant. I received everything from staff between August 20th -- or September 23 -- 24th and today. From September 24th to today I received nothing from the applicant.

CHAIRMAN STRAIN: Okay. So today's disbursement by them of the changes they've offered is not much different than your disbursement to them of the letter that you sent out to everybody?

MR. PIRES: I respectfully disagree.

CHAIRMAN STRAIN: Okay.

MR. PIRES: Again, I don't know if staff provided them a copy of my letter, but the only way I was

receiving documents was public records request to staff, which I had to make in order to receive the documents.

CHAIRMAN STRAIN: But your clients have not in any time submitted a list of things that they would need to see corrected involving this use on the property because, basically, they just don't want the use; is that --

MR. PIRES: That's correct.

COMMISSIONER EBERT: And then we received your letter two days ago --

MR. PIRES: Yes.

COMMISSIONER EBERT: -- that's correct? So nobody's -- we -- I mean, it wasn't in our packet either.

MR. PIRES: Yeah. And recognizing I didn't receive anything from county staff until -- well, the county staff received a final submittal November 5th or 6th, I believe, and I had to have a chance to go through the 555 pages in order to properly draft the correspondence to you-all.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: Just to correct the record, Mr. Johnson had been providing documents to Mr. Pires on a regular basis. I think he missed one email that I sent and, therefore, we told Mr. Pires that he needed to do a formal public records request to ensure that he received all the documents. But he had been getting documents on a regular basis from Mr. Johnson.

MR. PIRES: Well, I wouldn't say regular. It was --

CHAIRMAN STRAIN: I understand.

MR. PIRES: -- large gaps, and I received nothing from the applicant.

CHAIRMAN STRAIN: One of those things where you may never agree, but we understand.

Anybody else? If not, we'll go to the next public speaker. Thank you, Tony, for your presentation.

MR. PIRES: Thank you.

CHAIRMAN STRAIN: Eric, you want to call the next public speaker.

By the way, we will go on forward with public speakers until 12 o'clock. We'll take a one-hour break and come back and finish up after that and then go into debate and finish the project today.

MR. JOHNSON: Okay. Jeanette Santomieri, S-a-n-t-o-m-i-e-r-i -- I'm sorry -- m-i-e-r-i.

CHAIRMAN STRAIN: I think she's got the hint.

MR. JOHNSON: Okay. And the next one after that would be Charles Berry, if we decide to move beyond that in this segment.

CHAIRMAN STRAIN: Oh, we will. We can hear two or three people.

MS. SANTOMIERI: Thank you, Eric. Thank you, Mr. Chairman, Commissioners.

My name is Jeanette Santomieri. I live at 834 Cold Stream Court in a single-family home. I'm on the Architectural Review Committee and a realtor in Naples.

A couple questions came up during the presentation. One was in regards to the PUD ownership of units. It states that 10 people or entities can own one unit. And my question is, what is an entity? Is Harley Davidson club an entity? If that's an entity, then it could potentially be unlimited number of people owning one unit. Can Briarwood association be an entity?

CHAIRMAN STRAIN: We had discussed that earlier today, and one of the items remaining for discussion further is the maximum number of club members based on units would be 10. There will be a cap on guests, so there will be no more than -- 10 will be the maximum occupancy, and there will be only 148 units.

MS. SANTOMIERI: So it's just -- it's people, not entities?

CHAIRMAN STRAIN: You can have multiple clubs buy a unit, but I believe the intent would be that you still can't have more than 10 members of that unit in the club.

MS. SANTOMIERI: Thank you.

At our NIM, our last NIM, we had talked a lot about how we were going to enforce issues, noise --

CHAIRMAN STRAIN: Bring the mike a little closer to you. Thank you.

MS. SANTOMIERI: We had talked about how to enforce issues that may come up, and we were told that -- you know, to call the authorities. They're going to have 24 -- 24/7 access to their project. In a

gated community, or a planned -- or a -- you would have a guard gate if you have 24/7 access.

If it's a storage unit, you would have limited hours of access. Being that we -- there's really no way to police anything behind the walls -- and I'm not sure how law enforcement would even get through there if it's gated -- we kind of felt that we -- the burden was put on us to enforce any problems that may arise due to their project.

I think everything else was -- Tony handled. Thank you for your time.

CHAIRMAN STRAIN: Okay. Thank you, Miss.

Next speaker, please.

MR. JOHNSON: Charles Berry, and then after that would be Kim Bennett.

MR. BERRY: Mr. Chairman, Commissioners, my name is Charles Berry. I do not live in Briarwood. I am a licensed realtor in Collier County since 2001. My specialty has been finding places for people who have more cars than garages. And I wanted to address some concepts here that don't involve shrubs or dimension.

Naples needs this facility. For some years I've served the car community in locating the type of facility being proposed here. There is not enough commercial space in Naples. The price of land in Naples now prohibits most commercial development.

The customers or car club members are generally well-to-do individuals. They don't encourage boisterous activity or sharing of units. This concept of partnerships in units is probably specious.

Naples has become very car centric. Witness one: Weekly Cruise-in at Park Shore Plaza attracts a hundred cars or more. Two, Cars on 5th, February 13th. You've all been there or you've heard it. They close off 5th. They fill it with cars. Go down there. Go shoulder to shoulder with those people, and look at the vehicles that are going to be occupants in the Premier facility.

Antique Automobile Club of America is the largest auto club in the country. They will be holding a national meet in Naples March 16th to 19th which will replace the annual depot show.

I give you these examples as some of the ways in which car ownership and demonstration has become much more expansive recently. Look at the Car Dealer Association. They're building a new Lincoln dealership. They're building a new Mercedes dealership. They've built a new Hyundai dealership last year, and there's another one going up at Pine Ridge/Livingston. I don't know what it is, but it sure looks like an auto showroom.

Let's think about the tax implications for just a moment. Lowe's pays \$63,409 annually to Collier County as tax on this 15-acre plot. My thumbnail estimate -- and I can be corrected probably by almost anybody in the room -- is that this project, when completed, will contribute \$350,000 a year in taxes, approximately five times as much, plus impact fees, thus, a major economic benefit to the county and as a byproduct, perhaps, the avoidance of a tax increase in Briarwood.

Go out the main gate from Briarwood and turn right. Almost immediately you come to Orchid Run, 22 acres, 282 rental units. If you don't do this car thing, that's what you're going to have eventually at the corner of Radio and Livingston.

Land values are increasing dramatically in Naples, thus increasing the density of housing that must be put on any given plot.

This would be the crown jewel in that neighborhood. Another Orchid Run would not be a crown jewel. Naples needs this facility.

Thank you.

CHAIRMAN STRAIN: Thank you, sir. And just one correction; residential isn't allowed on that property.

MR. BERRY: Pardon me?

CHAIRMAN STRAIN: Residential is not allowed on that property. Rental units would not be able to be there without a change to the PUD.

MR. JOHNSON: Next up, Kim Bennett. After that, Brian Wagner.

MS. BENNETT: Kim Bennett, for the record. I live at 642 Briarwood Boulevard. Thank you, everybody, for listening to me again today. I will try to be brief, because Tony did address most of the points that we as a community and the many people that I've spoken with hold.

I do need to add for the record that yesterday we allowed a petition for residents who couldn't make it here today, and I have over 125 signatures of residents that couldn't be here today.

CHAIRMAN STRAIN: You want to enter that for the record? Do you have enough copies for the record?

MS. BENNETT: I just brought the original straight here, but they can have it.

CHAIRMAN STRAIN: Okay. Heidi, it's for the record. Is there a -- could we take that and pass it around? I mean, just leave it on the counter for us to review at lunchtime to make sure it's we want to -- it's consistent with this application?

MS. ASHTON-CICKO: You mean review it instead of submitting it as part of the record?

CHAIRMAN STRAIN: No, no. I mean submit it as record, but I'd rather submit it as record after we've had a chance to look at it so we know it's relevant to this case.

MS. ASHTON-CICKO: Sure.

CHAIRMAN STRAIN: Okay. We've had other petitions submitted and they -- after review, it turns out they weren't as relevant to the case as they should have been, and I want to make sure it's relevant to the case, so -- okay. So you could leave that with our planner, and then during lunch those of us that want to take a look at it, without conversing, of course, about it. We'll just take a look at it, and then after you get back, we'll add it to the record, assuming it's what you say it is.

MS. BENNETT: Thank you. I appreciate that.

I just wanted to start off by saying the project itself doesn't belong where you're trying to put it. From the very beginning they have been struggling to find a name for it but, yet, even today, half the people who have spoken from your staff have continuously referred to it as storage. The word "storage" has been used more today by your staff trying to promote this private club and parking garage than the word "private club" and "parking garage."

It has been consistent from day one that this has been referred to as storage. Storage doesn't belong here. The use doesn't belong here, and no matter how much perfume you put on this, it's still a storage warehouse. That's one of the main problems with it.

There's a lot of development going on. I understand that. And to speak to the gentleman who doesn't live in Briarwood, we understand that your job is to make sure that the growth of Collier County is done with a great deal of thought and benefit to all the residents of Collier County. And there's no doubt that there's probably a place for this storage park, and it's probably something that would get a lot of attention for the many car owners. It just doesn't belong at that location.

So I do agree with him that it could be a place for this, and you probably need to start thinking about what kind of zoning you would call that, but I don't think it belongs in that zoning at in our neighborhood.

They showed you a lovely video, and in that video that they went through, they showed trees that had been aged eight years. I'm not really interested in what that project is going to look like eight years from now, because the day they finish construction, it's going to have little, tiny saplings, not trees that have grown for eight years, masking, a little bit, a building that looks like a giant warehouse because it is, at the end of the day, a giant warehouse.

The Skelly Road that they talked about, why that's there, they didn't know why that was there. Well, that's because 20 years ago when they thought of this subdivision it was planned that the people who live in that subdivision would use that access to get to our shopping centers, to get to our stores to enjoy a cup of coffee, walk and have a cocktail if there happened to be a private club there, but not a private club that encouraged private parties, flushing engines of boats, revving motorcycles, storing cars. At the end of the day, we keep going back to the same thing. It's a storage facility for cars. And to try and continuously take this square peg and try and stick it in a round hole is just not working.

And every day we come here, we have the same thing over and over again. Well, what could we call it? How could we change it to turn it into a round peg? It's not. It's a square peg. It doesn't belong here. Thank you.

CHAIRMAN STRAIN: Thank you, Miss. And if you don't mind, during the break I'll make some copies of that so the applicant can have a copy, and we'll make sure you have a copy to take back with you after we give one to the court reporter.

MS. BENNETT: Absolutely. Thank you.

CHAIRMAN STRAIN: Thank you.

With that, we really don't have time for another speaker -- sir, you put your one finger up. Does that mean you've got one minute?

MR. WAGNER: One minute.

CHAIRMAN STRAIN: Well, let's try it. I'll be glad to accommodate.

MR. WAGNER: Thank you very much. I'm leaving out of town here for a few days. Brian Wagner, 5151 Cold Stream Lane in Briarwood. I live about in the middle of the area.

Everybody's -- I would ask you to turn down their request for this. It is not a commercial community -- commercial development. It is a -- in my mind an industrial development. They've tried to change the name, just like Kim said. It's not for the betterment of the community, which is something I was aware was going to be there, some commercial community.

They've shown pictures with no A/Cs up on the roof. They don't show how close the condos are on those fly-overs. And the trees that are there are not that wide. If you look at it, they've added additional trees. So they're not showing the condos that are right there. It's going to be a noise issue.

I would just thank you. I'd like to have vote -- have you vote against it. Thank you.

CHAIRMAN STRAIN: Thank you. You were accurate in your time frame. Appreciate it. Okay. With that --

COMMISSIONER CHRZANOWSKI: We could have three more at that rate.

CHAIRMAN STRAIN: Well, we still wouldn't finish in time, and it's going to take longer than we would want to defer lunch to. So I recommend to this board, if nobody objects, we'll break from now and come back at 1:00 after lunch and resume with public speakers. Okay.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Okay, everybody, welcome back from lunch. Before we went to lunch, we had a couple of things I wanted to follow up with. One is a review of the one item for the record to make sure it was consistent with this project and this property, and it is. It's in front of me for any members of the Planning Commission that would like to review it. Subject to any objection, I've asked the court reporter to keep a copy, and she has it. And I believe a copy's been provided to the applicant as well.

And with that, we left off on -- with public speakers. And, Eric, if you want to call the next speaker.

MR. JOHNSON: Certainly.

CHAIRMAN STRAIN: If anybody's that's called is new to the room and they haven't been sworn in, please let us know so we can get you sworn in. Thank you.

MR. JOHNSON: All right. Mr. Armand Pepper, and then after Mr. Pepper would be Brijitte Grasso.

MR. PEPPER: Good afternoon, Commissioners.

My name is Armand Pepper. I live at 856 Cold Stream Court in Briarwood. I was the first resident to buy property and build my retirement home in Briarwood 24 years ago.

I have watched every home being built. It gave me great pleasure to see resident after resident move in to what is now a beautiful development.

Twenty-four years ago when I viewed the plans of our area, I saw a plan for Livingston Road and loved the idea of that. Never did I ever think that our neighborhood would have an auto park abutting Briarwood.

I was taken on a virtual tour of the auto park by the developer, as you all did. Do you know what I saw and what it reminded me of? Well, I'll tell you. In 1945 after the surrender of Japan, I was shipped to Japan to the Island of Honshu to the naval base at Curry Harbor. I was billeted at the office quarters. While there I saw row upon row of warehouses, all of them with garage doors, low buildings that very much looked like the auto park being proposed to you today.

This auto park, if approved, would be an eyesore in our residential community. Areas such as ours, if approved, our residents will have a loud, expansive -- expensive automobiles and motorcycles coming and going 24/7. It does not belong in our neighborhood. It belongs in an industrial area where their comings and goings affect no one.

The greater majority of Briarwood residents do not approve the auto park. I implore the Board not to approve the project to be built in our neighborhood.

Thank you.

CHAIRMAN STRAIN: Thank you, sir. Next speaker, please.

MR. JOHNSON: Brijitte Grasso. After her will be Janis Kiernan.

CHAIRMAN STRAIN: Ms. Grasso, are you not here? Ms. Kiernan, are you here? No. Let's -- oh, yes, ma'am, come on up, please.

You can pull that down. It will bend down. There you go.

MS. KIERNAN: Hi. My name is Janis Kiernan, and I live at 925 Marble Court, and I am truly against this.

To me -- I looked up a lot of things, and one of the things -- neighborhood commercial is to benefit our community. I don't feel it's benefitting our community. It may be benefitting the rich over on the shorelines, but not our community.

I also looked up a paper, Naples Daily News, for January 13, 2015, where the developer calls the place a storage area. Nothing to do with clubs.

I have a picture of the My Other Place, which is a club -- I mean, is a parking area, storage. The map indicates that this area is in a technical park. It's in a pink area called technical park. And here it is a year and a half later.

COMMISSIONER CHRZANOWSKI: If you put that on the visualizer, we could all see it better.

CHAIRMAN STRAIN: If you put it on the visualizer, though, we will need it for the record, so you're --

MS. KIERNAN: That's fine.

CHAIRMAN STRAIN: Okay. Thank you.

MS. KIERNAN: I tried to take the picture there so you could see the actual My Office Space there.

And then if you move to the other one, My Office, right there you can see it looks very similar to what they're proposing.

Now, I also looked up Naperville and a few other places, which I gave to Eric on the library. I don't know if you maintained those documents or not. You did?

MR. JOHNSON: They're in the file.

MS. KIERNAN: Okay. All of them were in an industrial area. And some of the places actually had the newsletters stating that they wanted it way away from the regular population. So -- I don't have them on me because there was just too much to print there.

I do have on me the sheet, the zoning of where we are today. And right where -- the yellow commercial that I had circled, right there, that's us that's Briarwood. If you look to the next one, you'll see Berkshire Lakes, same zoning. This is unprecedented to actually have a storage unit in these areas because now you're opening the book for anyone.

Now, if you name it as a private club, the other thing I had questions for is private clubs are insured differently. They also have certain hours that they're not open. There are also accessibility issues where you want people in wheelchairs, bathrooms, et cetera.

Also, in their schematic they do not have a sidewalk on Radio Road side, so they have to redo that, I would think. I didn't see it in their regular either.

And the other thing that should be put in the PUB (sic), if it ever goes through, is there probably shouldn't be any car sales there or car shows because then you're enticing other cars to park.

I think that's it.

CHAIRMAN STRAIN: Thank you very much, ma'am.

MS. KIERNAN: Thank you.

MR. JOHNSON: Next person is John Alcott -- I'm sorry, I'm sorry, David Noble. After Mr. Noble is John Alcott.

CHAIRMAN STRAIN: Eric, when -- those copies, would you make sure the court reporter gets those?

MR. JOHNSON: Yes.

CHAIRMAN STRAIN: Thank you.

MR. NOBLE: Good afternoon. My name is David Noble. I live in Dover Place, which abuts the proposed development.

CHAIRMAN STRAIN: Could you spell your last name for the court reporter.

MR. NOBLE: N-o-b-l-e.

CHAIRMAN STRAIN: Thank you.

MR. NOBLE: No, thank you for taking the time and looking at this with the diligence you have.

Everybody's concerned about the noise and the exposure if the project gets halfway built and then stops, what we'll be left with, which is warehousing. It has nothing to do with the residential.

I only wanted to echo what everybody else has said who's against the place, but I'd also like to point out that if we include the language for the flushing of boat motors to include a time, I think that's dangerous because flushing boat motors is repairs and maintenance and, according to the documents, that must be done inside with closed doors.

Thank you.

CHAIRMAN STRAIN: Thank you, sir. And, Eric, before you say anything, that gentleman reminded me when he said Dover, during lunch or right at the beginning of lunch, a gentleman from Dover came up and told me he wasn't going to be able to stay but that he was in favor of the project, and he just wanted me to know that. So I relay that for the record.

Next speaker?

MR. JOHNSON: Next person, John Alcott. After Mr. Alcott is Bill McMaster.

MR. ALCOTT: Good afternoon. Thank you for your diligence. I echo David's --

CHAIRMAN STRAIN: Could you state your name and address for the record, please.

MR. ALCOTT: Yes. John Alcott, A-l-c-o-t-t.

CHAIRMAN STRAIN: Thank you.

MR. ALCOTT: 379 Dover Place.

CHAIRMAN STRAIN: Thank you.

MR. ALCOTT: I am past president of the Dover Park Condominium Association and am partially here today representing the current board. None of the members could be here today.

Our association is the one that most closely abuts the projected project. Basically, you hear people say NIMBY, not in my backyard, but it is virtually our backyard. We are along the property line that abuts where the wall will be, okay.

I'm here kind of like as fish and fowl today; that's because the association has asked me to represent them and the board of directors -- now, not all the members of the association, but the board of directors has asked me to let you know that, obviously, they like the process that it's going through and they like the changes that are being made, but at the current time they're keeping their minds open, and currently they are okay with the project. And that's not a strong yes, but it's not a strong no either.

I am of the same mindset. I always have been, when I ran the association and the person that's running it now as president, of getting all the information together and see -- you know, make the decision, not make a hasty decision at the beginning or in the middle or anything like that. As I said, we're the ones that abut it.

I do -- would like to say that there are many people there that like the idea only because at least we have some control over it now. If it is approved, I think it's going to be scaled down quite some bit, at least we are hoping that it will be, and at least we know what we're getting into.

At some future date, nobody has a crystal ball to know whether or not -- what's going to come in there. And since we abut it, we also have concerns. We'll probably have more concerns at that time.

But one of the things that the board wanted me to say was that we have a feeling that this type of project would be a safer project than having a strip mall, et cetera, there, only because of the traffic that would be involved right behind us to get in and out of the strip mall from the residents in Briarwood, which is fine.

But at the very beginning of the project, Mr. Spinelli asked myself and, not the current president of the homeowners' subassociation in the back, but the one that was the officer at that time, to get together. Mr.

Spinelli, as the current developer, is 100 percent against it, has always been since day one when he found out about it.

His information that he gave us at that time was that he was against it. He gave the reasons why. And I said, well, we're open about it right now, and we think it could be a good project as far as our little subassociation is concerned.

He -- we then asked other gentleman who was in law enforcement, I just asked him straight out, is it better to have something that's gated by us, or was it better to have a strip mall, something like that, as far as safety is concerned.

And he said that the gated situation would be much better than having a strip mall as far as crime is concerned, possibility of crime -- again, nobody has a crystal ball. Doesn't mean it's going to happen -- but percentage-wise.

And that was the only thing I want to say. I appreciate your listening and just to let you know, primarily, that the association board is leaning toward liking this project as opposed to something else that might go there.

CHAIRMAN STRAIN: And I have one question. You said something earlier that said you expected this to be scaled down some. What did you think that -- what does that mean?

MR. ALCOTT: Well, in other words, it's already been scaled down as far as -- we were -- one of the concerns that we had as an association was the number of units and also the buffer, the tree buffer, especially between us and them, since we're right there. And we understand a lot of that, but what I mean by scaled down is they have already scaled down. And it seems from -- already with what's happening this morning and how you are questioning properly everything that the new developer wants to do, I would imagine -- just imagine that there may be more concessions that would be made to maybe make it more palatable to those who do not want the project.

So scaled down, I don't mean made smaller. I just mean getting more concessions from the current developer for that.

CHAIRMAN STRAIN: Okay. Thank you very much, sir.

MR. ALCOTT: Thank you.

CHAIRMAN STRAIN: Appreciate it.

Next speaker, Eric?

MR. JOHNSON: Bill McMaster. After Mr. McMaster is Robert Norton.

CHAIRMAN STRAIN: Thank you.

MR. McMASTER: Hello. I'm Bill McMaster. I live at 925 Marble Drive, and I've been a resident for about two-and-a-half years now.

And first I want to do some clarification. The last speaker was speaking supposedly for a board, but we don't see any letter to that affect or anything like that. I'm not sure how many of the Dover Place people are in favor of it. And the people I've talked to in the condos, which are close -- closer to the -- whatever you call it today, are not in favor of it.

So, anyway, I went back and looked at the minutes of the -- of going back to the January 15th CCPC, and some points were made there that I've never seen clarified since, one of which was that the HOA for Briarwood, the architect was going to have architectural review for the Premier Auto Suites, or whatever they're called today. So did they ever -- they never came to us for any architectural review. And they say they have a letter, but we've never seen it.

CHAIRMAN STRAIN: Well, let me make some corrections to that. When it was brought up in January, we were under the belief, because of the planned unit development zoning, that they had to go to your facility for architectural review. Their attorney has since -- one of their attorneys has since said that they don't believe they have to.

They did go to your architectural review board -- at least they've told us -- at least once, maybe twice. They have told us there has been no written correspondence from the Architectural Review Board to them laying out any problems with the project. Whether there are or not, I mean, there's nothing in writing that we are aware of.

So some of the things you said need to be clarified, like I just have, so...

MR. McMASTER: Okay, yes. I'm a member of the Architectural Review Committee for the Briarwood development. And, yes, they came to the NIM a couple of times, to the ARC and discussed the development, and we talked to them about it. We laid out our concerns and the fact that we didn't think it belonged there at all with a rather short note back to you folks, I guess.

CHAIRMAN STRAIN: It would have been helpful to have something in writing, yes. We have not seen anything in writing, so...

MR. McMASTER: Okay. We can do that if --

CHAIRMAN STRAIN: It's not necessary. It's kind of late now, so if you want to just plow through.

MR. McMASTER: Anyway, but the name change is what bothers me lately. It's the same project. Hasn't changed a bit, but now they're trying to pigeonhole it into the zoning requirements. And it's basically a story of the tail wagging the dog, and by dog I mean the garages.

It's just doesn't make -- last time you were the one that referred to them and asked them to come up with some sort of single concept for the development, but all along it's been a garage concept.

And to note that there's a clubhouse that now is the center of the development, that's kind of ludicrous, I think. That's about it.

CHAIRMAN STRAIN: Thank you very much, sir.

MR. JOHNSON: Next speaker.

MR. McMASTER: Oh, one other point. This is the only -- I've done research, my friends have done research, and this would be the only such thing anywhere adjacent to a residential community. It just doesn't exist anywhere in the country. Tony alluded to it, but I wanted to clarify. There's none anywhere in the country. We would be the first, and I don't think we should be the precedent for such an action.

CHAIRMAN STRAIN: Thank you.

Next speaker, Eric?

MR. JOHNSON: This was a name that was called previously. This represents the last card, Brijitte Grasso; Brijitte Grasso.

CHAIRMAN STRAIN: Is Mrs. Grasso here, or Ms. Grasso here?

(No response.)

CHAIRMAN STRAIN: Nope.

Okay. That brings us to the end of the registered speakers. Typically we ask if there's any additional, anybody else additionally who would like to speak. I ask that you still refrain from going on too lengthy. But if -- anybody here would like to speak who hasn't already spoken? Yes, sir. Come on up. Use one of the mikes. We'll get you next, sir.

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Yeah.

MR. JOHNSON: It's been brought to my attention that maybe Mr. Norton, Robert Norton, his attorney was next.

CHAIRMAN STRAIN: Well, it's too late. I've put this man up. Mr. Norton can come up after this gentleman does.

MR. JOHNSON: Very well.

MR. HENSHALL: And I haven't been sworn.

CHAIRMAN STRAIN: Okay. The court reporter will take care of that.

(The speaker was duly sworn and indicated in the affirmative.)

MR. HENSHALL: My name's Keith Henshall, and that's spelled H-e-n-s-h-a-l-l. I live on Marble Drive; have done for 20 years.

Two points, two quick points to make. One is in favor of the applicant. I want the denial of it. Once in favor of the applicant, I've been very impressed with the work they've put into making this place look good. I think they've gone the extra mile. You probably hear a "but" coming up here.

Like so many other people, I bought my house on the assumption this would be community commercial. I bought it on the assumption that community was the Briarwood community, not Naples, not Collier County, not Florida, not the Eastern Seaboard, but Briarwood. There's no commerce here whatsoever.

It's unlikely to benefit the community. The units cost more than many of the community -- our

community houses (sic), but it does look good.

Now, my argument is this: If my next door neighborhood, by whatever means, got permission to keep a horse in his backyard, it would be of no comfort to me whatsoever that it was a good-looking horse. This is an inappropriate use of our backyard, and that's really the point I want to make.

CHAIRMAN STRAIN: Thank you very much, sir.

Next speaker? Eric?

MR. JOHNSON: Robert Norton.

MR. NORTON: I've also not been sworn.

(The speaker was duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Mr. Norton?

MR. NORTON: Members of the committee, excuse my poor voice. I'm here to speak in favor of this project, and I have an ulterior motive, because I'm one who has bought a unit in that development already.

I've heard some people express concern about noise and revving of engines and wild parties and that sort of thing. And I suggest to you that I don't really look like a Hell's Angel. I think I'm fairly typical of the prospective owners of these condominiums for automobiles. I'm 76 years old, a retired engineering professor.

I own currently eight automobiles, and I only have a few of those here in Florida. I have other homes in Massachusetts. One of my homes in Massachusetts has a seven-car garage, the other has a four-car garage. It's extremely rare in Naples to find a home that has more than a three-car garage, and quite often those are only in Port Royal. My home happens to have a two-car garage in Naples.

I'd like to have some of my car collection down here to be able to use it while I'm here in the winter. And try as I might, I have not yet learned how to drive more than one car at a time. I would like to, but I've never figured out how.

So in my particular case, the use of this facility will be to put my cars there to get them out of the weather and out of the sun when I'm not using them, occasionally bring one in particular over to my house and swap it for a different one to go back into this facility and drive it for a couple of days, and then reverse the process. I don't think that's going to create a nuisance.

As far as loud parties at night, I rarely really am up after 9 p.m. these days. So as I said, I think I'm relatively typical of the potential owners of these. These are people who, if they have -- if they're able to own multiple automobiles, they probably are not poor, and I don't think they're into drag racing either.

That's really all I have to say, and I thank you very much for your attention.

CHAIRMAN STRAIN: Sir, one question. Since you're going to use this for your cars, what kind of finishes, decorating, kitchens, bathrooms, or wet bars are you going to be putting in, wide-screen TVs, lounge areas?

MR. NORTON: None.

CHAIRMAN STRAIN: Thank you.

MR. NORTON: I don't even like to watch TV. The bathroom will be included, and that's a very important thing for a 76-year-old man. I wouldn't buy it without that facility. However, I don't anticipate doing much in there except polishing my cars and then taking them out for a spin.

CHAIRMAN STRAIN: Okay.

MR. NORTON: Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

Is there any other speakers registered, Eric? That's the second time I've asked that, but we had someone show up late, so...

MR. JOHNSON: None others. Brijitte Grasso was a no-show, and I just want to make sure that -- there was a Mr. Berry. Did he speak?

CHAIRMAN STRAIN: Yes.

MR. JOHNSON: Yes. Very well. That's it.

CHAIRMAN STRAIN: Okay. And I asked a couple of times if there were any other speakers. I think those people have spoken, and so we will end the public participation part of the meeting and go back to

the applicant.

Well, first I've got some questions of Ray. In listening to everything that occurred, Ray, I wanted to confirm some issues that -- I think I might have asked you some of these on August 20th.

Did you ever issue a zoning verification letter pursuant to the uses on this property?

MR. BELLOWS: We issued a zoning letter for square footage information but not uses.

CHAIRMAN STRAIN: Okay. Were you ever asked for one?

MR. BELLOWS: No.

CHAIRMAN STRAIN: Did you ever issue a comparable/compatible analysis for this use on that property in writing?

MR. BELLOWS: No.

CHAIRMAN STRAIN: Have you done any -- you didn't do the additional studies that we talked about last time, in writing; you've got nothing to produce here today?

MR. BELLOWS: Nothing in writing because there are so many variabilities to these types of activities that it's almost impossible to really quantify through some kind of standard industrial code number. Because they can take on different concepts, some have a measured component, a drive-in, special-event type of environment. This one, it seems relatively sedate in the way they're proposing to operate.

CHAIRMAN STRAIN: Okay. Thank you, Ray.

By the way, the gentleman that was up here last, he mentioned how he was going to operate his facility. Would that have met the zoning code that you prescribed for this property? He said he was going to store cars there and he was not going to do any recreational component.

MR. BELLOWS: Could you repeat the question?

CHAIRMAN STRAIN: He said he was going to store cars there and he was not going to do any recreational components.

MR. BELLOWS: Well, there's no -- my understanding of the way the proposal was pitched to me and staff is that they're going to operate as a private club with this amenitized condo car facility that could have these types of options, such as TVs or pool tables or other kind of activities associated with -- such as a man cave. But I don't believe there's anything in the PUD that mandates they have to do those activities.

CHAIRMAN STRAIN: No. I'm more concerned how you put this into a classification that is a commercial corner versus what you did with the Hiawassa classification which you said was 4225 because they were going to store cars there. This gentleman came up and said he was going to store cars here. That's 4225. How does it fit into that corner?

MR. BELLOWS: It would not if it was just that, but he has to be a member of a club to be a member -- to purchase a unit in there, so he is a club member.

CHAIRMAN STRAIN: So purchasing a unit, you become a club member, but there's no additional use requirement. You simply buy a unit, you're a club member, and you can store cars there. We can do that in any storage facility --

MR. BELLOWS: Our intent was, from staff's support of this concept, was that they would operate a club.

CHAIRMAN STRAIN: Okay. So the operation of a club from your perspective is simply that all the buyers of these units, whether they buy them for storage facilities or retail components, if they join a club, it's also a private club?

MR. BELLOWS: Our intent is to approve a private club with the ability to have those various forms of amenitized gathering for space within each unit.

CHAIRMAN STRAIN: With the ability to have but not requirement to have.

MR. BELLOWS: Well, we were trying to get the applicant to require a certain percentage or a certain amount of amenitized improvements in the interior so it's not just a storage facility.

CHAIRMAN STRAIN: But now you feel it's not necessary to do that?

MR. BELLOWS: No, that's still our staff's position and recommendations in the --

CHAIRMAN STRAIN: That's contrary to what we just started talking about. So now it cannot be like the gentleman said that he just stores cars. He's got to do --

MR. BELLOWS: Well, I just want to be clear.

CHAIRMAN STRAIN: I want to be clear, too, because this is the whole crux of this issue for me. There's a lot of issues on the table here, and the only issue that I've bothered about was getting what they told you they'd give you for the use that was supposed to fit there instead an industrial park. If this was an industrial park or an RT park or anything like that, we wouldn't even be discussing this today.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: We'd be done. But they're fitting it into a unique situation because they have a hybrid use. Your basis for that analysis is absolutely critical.

If you're saying it takes no more than just -- than being a storage area that's in the form of a club, that's not how I envisioned this from day one.

MR. BELLOWS: Nor I, and I didn't mean to imply that.

CHAIRMAN STRAIN: Okay. I'm a little dismayed we can't get a clearer reading on it from you, Ray, but this is --

MR. BELLOWS: It's only because it's such a hybrid use. What are you going to mandate, that they have to have -- hold parties in there?

CHAIRMAN STRAIN: What am I going to mandate?

MR. BELLOWS: No.

CHAIRMAN STRAIN: What were you looking for as zoning director? That's more what it's coming from.

MR. BELLOWS: Yeah, a private club.

MR. HOOD: Mr. Chairman, if I may.

CHAIRMAN STRAIN: Go ahead, sir.

MR. HOOD: I just spoke with the gentleman that just spoke, and he intends to have, like, a little personal office in his mezzanine area, so he didn't get a chance to discuss that.

CHAIRMAN STRAIN: Ladies and gentlemen, please. Let the gentleman -- let him speak.

MR. HOOD: I asked him specifically, because this issue did come up. And it is an issue that is relevant, because we discussed in 6.2.A.14.B that these uses that are outlined would have to be present in this use. So if he did not want to have those uses in his unit -- whether he used them or not, if he didn't want to have those uses in his unit, he would not be able to do what we're proposing here. He would have to abide by what's here in the PUD and also what's in his condominium documents when the condominium is established.

So, again, whether he uses his private office or not in his unit, it still will have to be there as one of the components to build these units.

CHAIRMAN STRAIN: Okay. Well -- go ahead, Andy.

COMMISSIONER SOLIS: Well, Mark, I was just going to say that the amendment that's proposed says that the following features shall be provided. So, I mean, the language makes it mandatory that they have to have common areas, amenities generally associated with principal use including, but not limited to, a clubhouse, and then B, an indoor mezzanine, recreation spaces, pool tables, card -- other games, personal office space, and bathrooms. I mean, there are things that they have to have there that if they didn't have they wouldn't be consistent with the zoning, right?

MR. BELLOWS: Correct.

COMMISSIONER SOLIS: I mean, that's what you're saying?

MR. BELLOWS: Yes. And I'd also like to clarify a little bit that part of this request is for private garages and a certain amount of being able to come in, get your car and drive it out like any garage is part of this request as well.

CHAIRMAN STRAIN: Okay. And one of the items on the list that Andy referred to was recreation space. And I have been asking consistently, how do we assure that recreation space is there? Well, we've heard from the building director it's out of his territory. It's in ours.

And I've been looking for language for us to add to assure that happens, and I have not heard it or -- heard it become available yet, and that's what I've been trying to understand from you is, what do you expect to see to desig -- to acknowledge that's recreation space? If it's just a note by the architect on the plan "this is recreation space," that can be used for anything. That doesn't give you recreation space.

MR. BELLOWS: Yeah. We were hoping to get a minimum base standard from the applicant of

what commitments they're going to guarantee as a part of amenitized interior features. Unfortunately, they can't commit to too much more than what we have in the PUD document.

CHAIRMAN STRAIN: Okay.

MR. HOOD: Outside of what we've proposed today.

CHAIRMAN STRAIN: And, Fred, go ahead.

I'll be a little while yet. You might as well jump in. I've got some questions of Fred, but -- so you --

COMMISSIONER ASSAAD: I've got a couple of questions.

MR. HOOD: Yes, sir.

COMMISSIONER ASSAAD: You know, it depends on the speakers of the logic that's being presented. Sometimes I think it makes sense. Sometimes I don't think it makes sense. So I just have some simple question. The original or the current PUD calls for private clubs.

MR. HOOD: As a conditional use, private clubs, garages --

COMMISSIONER ASSAAD: As a conditional use.

MR. HOOD: Right; yes, sir.

COMMISSIONER ASSAAD: I am one of those, I used to practice planning many years ago, and I drafted many PUDs. And in my mind when we put a use as a conditional use as a private club, that means something like the Italian-American Club, like the Veterans Club, like places of assembly. It never crossed any of our minds that this would be a place where you can buy a place to store your cars.

So that I want to understand how did we leap from private club to what are you proposing right now and if this was an interpretation that was given to you officially before you started your application by the county. That's my number one question.

MR. HOOD: To answer that question, private clubs, what I have seen them as and what I've seen other people look at them as, as you described with the Italian-American Club and VFW and so forth and so on. Those are typically fraternal club organizations. They have a membership and so forth and so on. The private club that we are looking at doesn't happen to have a fraternal component to it. It is --

COMMISSIONER ASSAAD: I can see that, but how did you make -- how did you make the leap or the interpretation from here to there?

MR. HOOD: That would -- okay.

COMMISSIONER ASSAAD: Because I can propose any use and I can make it a club, and the zoning director would have a tough time deciding or interpreting because it's not a conventional da, da, da, da, da.

So I'm having a hard time finding out how did all of that begin. How? And what was the logic behind making the interpretation that you -- what gives you a level of comfort to do all of that, spend all this money, take all this time, hire all of those consultants to get to this point? And I'm the newcomer here, so...

MR. HOOD: To the level-of-comfort question you just posed, before we spent a significant amount of money and I'm -- again, I don't want to drop this back on staff or to us, but we had a discussion with staff in the preapp meetings and throughout the reviews, okay. So along that timeline at some point it was decided by both the applicant and staff that this was a private club use.

We came in with a conditional use as the private club and the private garages for that specific reason. I've heard a couple of people discuss that we've changed names a few times. That has been a product of several months and months of coordination between the applicant and review staff. It's changed names probably -- changed the name of the use, I would say, probably three or four times maybe since we filed the conditional use application. It's always been the same private club use in our thinking and in our proposal. It's changed --

COMMISSIONER ASSAAD: I understand, but I respectfully disagree.

MR. HOOD: So to get to the point -- okay. But to get to the point of how we made that leap, it was a coordinated effort between the applicant and review staff.

COMMISSIONER ASSAAD: I understand.

MR. HOOD: So I really can't give you --

COMMISSIONER ASSAAD: I don't need anymore.

MR. HOOD: Okay.

COMMISSIONER ASSAAD: Thank you. The next question is, can you cite any similar development proposed in the neighborhood commercial site? You see, you have to understand that at the time that this PUD was approved -- and that I had the privilege of working for the county planning department many years ago, then I went to private practice, and I created some of those PUDs.

The idea was to develop a neighborhood shopping center so that you can keep a significant amount of the traffic on site. You don't get on Radio Road. You don't get on Livingston Road. You try to contain it.

MR. HOOD: Correct.

COMMISSIONER ASSAAD: So convince me how does this use comply with the concept of a neighborhood commercial or where in the county do you find similar facility in a similar zoning site.

MR. HOOD: In Collier County you're not going to find anything like what we're proposing. It has been discussed about the Garage Town in Chandler, Arizona, that this was not next to any residential areas. That's false. I have aerials. I've got the zoning sitting here, and I can show those things to you, and I can give them to you as part of the record.

COMMISSIONER ASSAAD: Believe me, I read every single paper that was given to me.

MR. HOOD: I'm not sure if you saw -- if you've seen this aerial, but this aerial will show you that there -- on two sides of this development there are residential homes.

COMMISSIONER ASSAAD: And this is where?

MR. HOOD: This is Garage Town in Chandler, Arizona.

COMMISSIONER ASSAAD: Well, maybe Collier County is a little different than Arizona?

MR. HOOD: It may be. But the question that we were asked at the last hearing was to look around the country and find other examples. We have not found one that's in Collier County that is correct by zoning and by what we're trying to do.

COMMISSIONER ASSAAD: My last concern, and then I'll be quiet after that, I promise you.

MR. HOOD: Yes, sir.

COMMISSIONER ASSAAD: The increase in the square footage.

MR. HOOD: Yes, sir.

COMMISSIONER ASSAAD: I don't find any justification that would be helpful to the county or the neighbors or the community at large, just like somebody is asking for more density if you're doing residential development. As a matter of fact, if you're even asking for more density in a residential development, as a developer I could contend that they want to make it affordable. But in this case you're not catering to the low-income or the moderate-income people in the county.

So why is the extra square footage? If the -- if the commissioners find it acceptable to grant your petition, then I'd like to know why are you asking for more square footage? Why couldn't you live with the constraints of the PUD?

MR. HOOD: We probably could live with the 20 percent, but what we've proposed is the 148 units with the 27 percent of the square footage. So I don't really have a good answer to you to say, you know, we need this. It's more of we're requesting this to meet a certain goal that our developer has.

COMMISSIONER ASSAAD: Thank you very much.

MR. HOOD: Thank you.

COMMISSIONER ASSAAD: Am I crazy?

CHAIRMAN STRAIN: Sir. Anybody else?

COMMISSIONER EBERT: I have a question for you.

MR. HOOD: Yes, ma'am.

COMMISSIONER EBERT: It's completely different from this, whether you call it man cave or doghouse. You also have in here a clubhouse, per se. We've not spoke about this clubhouse at all. How big is it? What is there? Can you tell us anything about that?

MR. HOOD: Sure. I'm getting the exhibit for you, and then we can discuss the clubhouse.

MR. WERCHEK: Hi. Mike Werchek. I'm the proposed developer of the project.

The clubhouse is 2,400 square feet, and it will be set up more of a gentleman's bar type place insofar as the finishing and the feel of it. I want it to feel like you're in a country club's locker room more. It will have a bar there but not a stocked bar or anything, just somewhere to basically gather bathrooms and a place

for us to have our meetings, to have our general things if people want to have some type of get-togethers. If we do decide as a group -- which we will as a group, have monthly meetings and monthly get-togethers, it's just somewhere to basically get together as a group and have one central place to be, just like any other club would have or any other facility.

COMMISSIONER EBERT: Okay. So would your residents in these 148 units, if they have more than 10 people coming to their unit, could they then use the clubhouse?

MR. WERCHEK: The clubhouse is for the residents. It's for everyone in the facility, basically.

COMMISSIONER EBERT: Okay. So they could take their 10 guests or what -- if it's more than that, and they can just take them to the clubhouse?

MR. WERCHEK: Yes, exactly.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Fred, before you go into your rebuttal, I have several questions. I heard Ray's comments on this. I need yours.

MR. HOOD: Okay.

CHAIRMAN STRAIN: Did you ever ask for a zoning verification letter, and if you did not, why did you not?

MR. HOOD: We asked for -- at the time when we asked for the zoning verification letter, we asked for the specific square footage question, and I have it here, so --

CHAIRMAN STRAIN: I've read it multiple times.

MR. HOOD: We asked for whether the square footage for the private club and private garages, I believe -- I'm recalling on my fuzzy memory -- would that be linked to the commercial land area floor area maximum of 20 percent? That was one question.

I believe the second question was, what -- if this use were permitted as we're looking at it right now -- and, again, this is on my fuzzy memory without looking at the document, if this use were permitted, would we -- would we be beholden to that 20 percent, I think.

CHAIRMAN STRAIN: I have it somewhere in here, and -- okay. Here's what your letter -- this letter is in response to zoning verification letter dated November 25th. Your zoning verification request is limited to two inquiries, and you had posed as specifically one. Please confirm the 20 percent maximum contained in the PUD is limited specifically to footprint area and/or land coverage and is not construed for purposes of this PUD as a .2 FAR; two, are parking structures or facilities subject to the floor area limitations? And it goes on with the details to that.

Do you have somewhere in that letter that you referred to as referencing the uses that you were going to have on the property?

MR. HOOD: No. Outside of you just reminding me -- and I'm looking at it now -- the private garages and private clubs being subject to the F -- the floor area requirement, no.

CHAIRMAN STRAIN: Okay. So you never followed up with a zoning verification letter to see if the uses that you verbally discussed with Ray were acceptable for this property in an analytical letter like a verification letter response?

MR. HOOD: Not in letter format, no.

CHAIRMAN STRAIN: Okay. Did you ever ask for comparable/compatible analysis of any type, and if you did not, why not?

MR. HOOD: At that time, no, we did not, and I believe for -- you're talking about the comparable use determination application?

CHAIRMAN STRAIN: Yes.

MR. HOOD: I believe it was available at the time, but we did not look at that option. We were already in the conditional use --

CHAIRMAN STRAIN: Since August 20th when we suggested that as another solution to trying to figure out how to deal with this, apparently you and Ray did not get together on looking for the various sites where these occur across the United States for some comparison to those. So you still did not follow up on

the -- you have nothing from the county analyzing in writing that this use you're proposing is acceptable for this property other than the staff report that we've got?

MR. HOOD: Not together, no.

CHAIRMAN STRAIN: Okay. The additional studies we looked at, you showed us one. Is that all you found?

MR. HOOD: Oh, no. We've looked at all of the ones that Mr. Pires looked at with us, but this one I specifically looked at because it had commercial zoning with -- inside of its planned area development.

CHAIRMAN STRAIN: Did you do a matrix so we could visibly see how they all compare?

MR. HOOD: Can I do one?

CHAIRMAN STRAIN: No, did you? I mean, it would have been nice to have something today that we could have seen.

MR. HOOD: No, I did not.

CHAIRMAN STRAIN: Okay. The zoning analysis that you would typically do for comparing zoning sections of this PUD to the zoning you're asking for, like if you were asking comparable/compatible, did you do a zoning analysis of your own to show how the uses that are allowed there fit to the uses you're asking for?

MR. HOOD: We relied on our conversations with Collier County to decide whether this use would be permissible here. We didn't do an independent review of zoning outside of, you know, my client coming to my office and asking, hey, I want to put this here. Do you think that we'll be able to do that. That's -- at that point we went to the county and asked those questions in the format of a preapp and an application. That all went through, through the conditional use, as you know, with understanding that this use was permissible. We left it at that area. We didn't do any additional research on that.

CHAIRMAN STRAIN: Because the use has been such a focal point, I didn't know if there was something more substantial than we already have and we could -- that could assist us in this analysis.

MR. HOOD: No.

CHAIRMAN STRAIN: Okay. And that's the remaining questions I have of Fred. And I know we usually typically allow rebuttal, so if you want to take 10 minutes or so to do rebuttal, you're more than welcome to.

MR. HOOD: Sure. As I was sitting here listening to, you know, a lot of the comments that were being brought up, a couple of things popped out at me, and some of them are more important than others.

I just kind of wanted to clear up one of the items, though, with regard to giving information and submittals to the Briarwood community. On August 20th when we had our last CCPC hearing, if we will review the minutes from that hearing -- I believe it's on Page 77 of 90 -- it was requested by Mr. Pires that Collier County staff forward him all submittals that we made to Collier County. That's been done. It's not that we didn't want to give him anything. It is that we sent it to the county as official submittals, and they forwarded that information along. I just wanted to make that clear and on the record.

CHAIRMAN STRAIN: That didn't carry any weight with me.

MR. HOOD: It wasn't meant to.

CHAIRMAN STRAIN: I understand Tony has a need to get paperwork a lot, so I'm used to him asking for a lot of paperwork.

MR. HOOD: I understand. I just wanted to make that very clear that we did what we were asked to do.

I had a question about the health, safety, and welfare and morals, et cetera. From my standpoint, when PUDs are created and when the land uses inside of PUDs are created, they have to be created consistent with the health, safety, welfare, and morals, et cetera, of the PUD ordinance.

When we were discussing this with staff, and now that we're here at this late date finding out what this actual use is and their acceptance of this use, I believe that the health, safety, and welfare of the community is still being at the -- is still being checked at this level when we're reviewing this.

We may have a difference of opinion on that, but I think that with going through this process, that is an intended side effect of us moving forward.

To the issue about if additional clubs could be created in the 16 buildings, that's not our intent. If we

are asked to provide additional language, I can provide additional language in 6.2.A that will say, you know, Principal Use No. 14 will be a singular club, and we can just let that issue lie as it is, if that's okay with you-all. I just thought I would pose that.

We discussed the additional Garage Town use that is in Chandler, Arizona. I wanted to just make it abundantly clear that that specific site does have residential around it. On the southern side of it, it is bordered by single-family residential and on the eastern -- or the western -- I'm sorry -- the eastern side of it, it also has residential adjacent to it, and I believe directly to the east it has agricultural zoning to it.

We discussed the entity issue, whether Harley Davidson of Naples could come in and buy a unit; absolutely. Any LLC or incorporated company or individual would have the right to come in and buy a unit. We are still limiting the occupancy capacity of each unit to 10 persons at a time. We are also limiting the number of memberships per unit to 10 currently.

Looking at the fly-through -- and we spent a great amount of time on figuring that out and making sure that these buildings looked a little bit more like a residential community. I just disagree with the fact that they look like industrial storage facilities. Yes, we will have to go through with the architectural review standard of the LDC and meet 5.05.08 so that they are designed commercially. But what we have done here, I believe, we have gone above and beyond what is included in 5.05.08. And I would just like to make that point.

Outside of that, with noise and 24-hour access to units, we are talking about a condominium type of development. When we discuss self-storage facilities, those are rental facilities. This is a facility that each, you know, member or 10 members will own, and we will not be able to preclude someone from -- well, I won't say we won't be able to preclude, but we don't anticipate precluding anyone from getting to their property that they've purchased. So the idea of placing hours of operation on an individual owned use doesn't seem appropriate here.

Discussing the flushing of boat motors, we do understand that that's a hot-button issue, and we do want to work with the Briarwood residents and the Planning Commission as well as staff to provide some hours of that being appropriate and, as discussed before, I think 6 a.m. to 8 p.m. is appropriate.

So I'll leave it there and answer -- oh, one more thing. There was a question about the sidewalk along Radio Road. There is actually a sidewalk that is existing adjacent to our site along Radio Road, and I believe there is one on Livingston as well. So that's -- it's there. That's why it's not on our plan as proposed.

CHAIRMAN STRAIN: Okay. Does anybody have any final questions of the applicant or anybody at this point?

COMMISSIONER EBERT: I have one. Say that time again for these. I thought it was from 8 p.m. at night to six in the morning with these.

MR. HOOD: I'm sorry. That's what I meant from 8 p.m. to 6 a.m. there will be no flushing. I reversed it.

COMMISSIONER EBERT: Okay, thanks.

COMMISSIONER SOLIS: Just a question for Ray.

Is the -- in your opinion, would the proposed use, this private club and private parking garage, I mean, is that a use that you would feel is less intensive than, say, what's in No. 3, retail shops, shopping center, stores?

MR. BELLOWS: Yeah. When staff reviewed this petition for the impacts and looking at developing conditions to help make the project more compatible with the residential, you know, part of the analysis looks at what kind of uses are allowed in the PUD. What is the definition of a private club? Does that meet the purpose and intent of a private club? What kind of traffic impacts result from how they propose to operate based on their application? It was staff's opinion that this was equal to or less intense than those other uses.

COMMISSIONER SOLIS: Was there ever a site plan or anything proposed for the shopping center? I'm assuming there was going to be a Lowe's there. That was originally the intent?

CHAIRMAN STRAIN: Yeah, we had -- the last meeting -- I don't know if you were --

COMMISSIONER SOLIS: I don't think I was here.

CHAIRMAN STRAIN: Yeah. We had a -- they did have an SDP for the Lowe's and an SDP for the

shopping center, the strip center before that. It was a regular shopping center. So there's been two SDPs on this property, or at least site plans.

COMMISSIONER SOLIS: Yeah. And one was just a strip center and the other one had a Lowe's.

CHAIRMAN STRAIN: Correct. And Lowe's had the parking field facing inside toward the Dover residential portion with the back of Lowe's facing Livingston. The shopping center had the back of it facing Dover and the Briarwood with the parking field towards the south.

COMMISSIONER SOLIS: Okay.

CHAIRMAN STRAIN: Anybody else have any questions?

Fred, I'm going to read some issues so that when we go into deliberation on this we can at least know where you stand on these.

Maximum number of units will be 148. It will be limited to a specific use of 14 as a singular club use only.

There will be no balconies.

Watercraft engines will be flushed only from 6 a.m. to 8 p.m., or not flushed from 8 p.m. to 6 a.m.

How's that? Does that get you there?

One parking space will be required in front of each unit.

Maximum number of club members based on the units will be 10.

There will be no special events.

The maximum occupancy per unit is 10.

The order of construction phasing is -- will have to be determined, and we're suggesting east to west. 278,610 square feet is the 40 percent figure, not what's in the PUD.

There will be no uses added to the roof other than maintenance and roofing for the mechanical stuff up there.

The quantities in Deviation No. 1 will need to be justified or stated.

The setback from the pavements for the driveways in the front of each units will be greater -- 15 feet or greater, with the exception of the one that has to house a parking space. That's going to have to be addressed.

Add the language on the Exhibit B in lieu of 10.02 -- I think it's -- .03.D; it will be 5.05.08.

The emergency access service will be Turfstone or Geoweb pervious materials.

And Staff Recommendations 1 and 2 are accepted, 3 as modified, 4 as modified, 5 added -- with the added phasing plan, 6 will be a change of hours from 6 a.m. to 8 p.m., and then 7 as written, and 8 can be dropped.

That's a summation and notes I made during the discussion, so the Planning Commission can talk about them as we move forward with our deliberation on it.

Do you understand all those, Fred?

MR. HOOD: I do. I just have a couple of proposed changes or --

CHAIRMAN STRAIN: Requests?

MR. HOOD: -- requests and questions for the Board and for Eric, as staff.

With regards to Condition of Approval No. 1, with the providing one space in front of each unit. Can you just, again, Eric, for me provide the basic reasoning for providing one space in the driveway versus what we have proposed having two of the spaces inside of the unit?

MR. JOHNSON: It's more of a way to ensure that there will be guest parking. So, you know, enforcement is more of a reactionary type of process than proactive, so that's the bottom line, or one of the bottom lines.

MR. HOOD: So if we're looking at it from a perspective of guest parking, I just -- I guess I'm trying to figure out what sort of -- we're looking at a proposed use. We're looking at the potential for there to be visitor parking or even visitors coming to the site, and the justification for staff's approval would be to have one of those spaces in the driveway in front of each of those units.

MR. JOHNSON: Well, actually, as point of clarification, I think that's what the chairman said that would be in front of the unit.

Staff's position is that one space would be provide outside the unit, which could also be in the form

of an off-street parking area.

CHAIRMAN STRAIN: That's fine, outside. I understand. I was -- I had no problem with that.

MR. HOOD: So now I guess where I'm coming from with this line of inquiry is in the areas -- and I completely understand that this is on the onus of the developer and us as his consultants. We are taking this master plan that you have in front of you, and we are essentially redesigning it based on a condition of approval for parking spaces in front of the units, at least one, and those areas that we're --

CHAIRMAN STRAIN: Outside the units. I think he corrected me on that, and I will accept that correction.

MR. HOOD: Yeah. Outside the units, and I'm assuming outside of the units is in the driveway of each of the units that have driveways that are long enough, from my perspective.

So we're -- for all intents and purposes, the areas -- the driveway areas in front of the units that do not have the minimum depth requirement for a commercial parking space, we are being asked to create an additional parking area outside of what's already been proposed, A; and, B, I'm looking at this, and the way that we proposed it, it will be on the buyer of the unit, it will be on the developer of the community commercial property for Principal Use 14, we have already decided and said that these parking spaces can be placed inside of the garage -- inside of the garage units. That is something that does happen elsewhere in Collier County when you're discussing residential and multifamily residential land uses.

We set this plan up to look that way. It's a commercial use, but we set it up to work and operate and park that way, if you will, because -- and if you look at, you know, those residential uses, they're -- from a TIS standpoint, from a level-of-service standpoint, they are very much more intense.

I understand that if we were to look at this as a self-storage facility, which we are not, that the parking would be nominal. It will be less than the two spaces per unit that we were looking at. If we were to look at this as a private club, it would be -- we would be under, but the type of use that we are proposing here does not fit into any of those criteria.

It looks more like a residential community from the way that we've designed it, and that's why we have asked that those parking spaces, if they're not able to be parked in the driveways in front of the units, that they would be able to be parked inside the unit.

And I just -- generally just don't agree with the visitor space and the driveways. I think that we can get there -- I think we can get there without having that commitment in the PUD document.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody else?

(No response.)

CHAIRMAN STRAIN: If not -- I'll close. Eric?

MR. JOHNSON: May I say a few words?

CHAIRMAN STRAIN: Sure.

MR. JOHNSON: Great. Thank you for the opportunity.

Earlier in the discussion my name was mentioned about whether or not I was giving Mr. Pires whatever Mr. Hood gave to me, and, you know, I tried to do just that. I'm infallible, so if and when I miss something, I apologize to Mr. Pires, but I would like to point out that the open records request process very, very appropriate and that I have been very diligent about responding to Mr. Pires and giving him what I felt was responsive to the request, so far as for me to even go into a store and buy a flash drive on my own dime and, you know, submit that to him, and without asking for reimbursement.

I just wanted to say that, you know, if we were going to go forward with this type of he said she said or the way to get documents, I would say that the open records request is the best way to do it.

CHAIRMAN STRAIN: Since this board is the one that is hearing this today and none of us had any questions in that regard, you're defending something you don't need to defend. We all are used to Tony. You're new in the county.

COMMISSIONER HOMIAK: He's not.

CHAIRMAN STRAIN: So you don't have to worry about it. No one's holding you at fault for anything, at least that I know.

COMMISSIONER HOMIAK: We believe you.

COMMISSIONER SOLIS: We all agree that Mr. Pires knows how to request documents from the county.

COMMISSIONER EBERT: I have just one thing with staff, and I know, in reading this and talking with staff, that this is a unique situation. There is not other storage areas in Naples. So this was new to the staff. This was a whole new area for them, too. And I can see -- because this was really approved the first time, had already gone to the Board under a conditional use. There was no one here objecting to it. Everything was fine the first time.

So I understand staff's point of view here, too. What do we call this? You know, we're trying to -- so I do understand that portion. I just want to let staff know that.

MR. HOOD: And we greatly appreciate staff for working with us in this arduous process.

CHAIRMAN STRAIN: Okay. Does anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: If not, we'll close the public hearing and have discussion.

I've read a lot of things into the discussion just in case anybody who would want to make a motion would want to use them. I don't know what the -- I can't tell what the weight is on this board, what you-all want to do, so I'm certainly interested to find out.

Mr. Assaad?

COMMISSIONER ASSAAD: When we were discussing the outdoor parking space, I suggested that you make the front yard setback a minimum of 20, and you suggested 23.

Now, they are -- the applicant is insisting or indicating they would like to go with a 15-foot front yard setback.

CHAIRMAN STRAIN: We don't have to agree with the applicant.

COMMISSIONER ASSAAD: I know that. I know that.

And the question about the square footage, the response was -- how was it? We prefer to have more, or we would like to have what we asked for, but we don't mind what was in the PUD? Something like that? You can live with what's in the PUD?

MR. HOOD: Fred Hood, for the record.

We could --

COMMISSIONER ASSAAD: I'm not trying to put words in your mouth.

MR. HOOD: I understand. Yeah, what I did say was, when we looked at the commercial land area limitation, we would be able to -- we could have dealt with the 20 percent, but we wanted the additional 7 percent moving forward for the type of units and the number of units, yes.

COMMISSIONER ASSAAD: All right. Thank you.

CHAIRMAN STRAIN: Thank you. Anybody?

COMMISSIONER CHRZANOWSKI: Yeah. Just when we came up with that 23-foot ordinance, we had a problem with people parking their cars in driveways and sticking them out into sidewalks, and we even had a photo of police cars.

Your average car is like -- well, not average, but the longest cars you'll see are, like, 18, 19 feet long. Nobody parks their car a foot away from their garage door. They always hold it back enough to walk in between.

So we went and measured a lot, and the 23-foot was a -- if you want to park a car, you've got to leave 23 foot.

And in my experience -- you know, I've been around a long time. I've had a lot of nasty neighbors. I've seen my folks have nasty neighbors. Some people are just, you know, they're just bad neighbors. Most of the ones I've seen have been people, not entities. Entities, generally, they're fairly quiet and whatever.

I would guess if you've got nasty neighbors in here, it's going to be some of the people. And I would think you could get nasty neighbors in Berkshire.

I mean, I live in Lakeside right now. I've got great neighbors. We have a clubhouse. Certain times of the year they rent it out. I hear parties across the lake, you know, until 8, 9, 10 o'clock. I don't really area, you know, people having fun, but you hear the music. You know, granted I don't have people revving their engines in their yards and whatever, but you're going to stop those folks like 8 o'clock at night.

My biggest concern was that you folks are a good neighbor to the people next door. And the biggest concern I had wasn't so much -- it's a nice-looking project, like the gentleman said. Noise is always the worst thing you can do to your neighbors and, you know, as long as you guys are willing to hold things down and enforce your own rules, I really don't have a problem with this.

CHAIRMAN STRAIN: Okay. And just out of curiosity, if staff wasn't indicating a need for a parking space in front, one outside, if it was in front, what depth of a parking space were you considering?

MR. BELLOWS: Twenty-three feet.

CHAIRMAN STRAIN: Twenty-three, okay.

COMMISSIONER EBERT: So that would have to be put in there?

CHAIRMAN STRAIN: Well, additions like that would be noted as far as stipulations if this board wanted to see this move forward.

MR. HOOD: Mr. Chairman, could I ask a quick question, if you would?

CHAIRMAN STRAIN: Yeah.

MR. HOOD: With regard to the 23 feet, we're typically talking about the front of the garage to the back of curve, correct, Ray?

MR. BELLOWS: Correct.

MR. HOOD: Okay. So would staff consider the potential for parallel parking in front of these units for the ones that wouldn't meet the necessary depth for front loading but for side loading?

MR. BELLOWS: As long as it meets all other requirements, it wouldn't be a problem.

CHAIRMAN STRAIN: I think all we're saying is we agree with staff if -- maybe it's that direction, that one space is required, in front of the unit or outside the unit.

MR. HOOD: Yeah, we're just --

CHAIRMAN STRAIN: How you get there, it's up to staff to make sure it's consistent with the code.

MR. HOOD: We're just trying to avoid the setback versus parking issue in front of the units.

COMMISSIONER ASSAAD: It doesn't really effect you too much when you look at the building outline except with the center units where they are protecting beyond the others. That would be the only unit that is subjected to the 15-foot setback. And the solution is to shrink the front of the unit, not the back, just the front, by 8 feet. So that doesn't cut much into your sellable space, if you will. It really a nonissue.

MR. WERCHEK: We've also made these bigger --

CHAIRMAN STRAIN: First of all, you've got to use the microphone.

MR. WERCHEK: Sorry.

CHAIRMAN STRAIN: Identify yourself for the record.

MR. WERCHEK: Mike Werchek, the hopefully developer of this project.

We've made these units here as drive-throughs. So we can -- so people could then -- when they did buy a bigger unit they would not have to move cars.

Again, our intent is you bring a car, you take a car. This isn't like you're going to be parking cars outside. You can't park overnight. We really don't want parking outside, period.

If we do have -- and if someone should happen to have a party for some reason, which I'm sure they will. You're going -- everyone has parties. These are going to be fun places. We want to have fun and be good neighbors here.

But our intent was that, and that's why those units are bigger because they're drive-throughs. So everyone would have four doors in that unit. They could, you know, literally pull in and never have to back a car out. And that was our intent in all of these units, of if you had a camper or you had a boat with a trailer, you wouldn't have to back out, and that's really why those are all bigger.

COMMISSIONER ASSAAD: Do you also intend to have a management office on site?

MR. WEEKS: We will have a management office on site, and then it will depend on the membership as to even what kind of amenities we want. You know, is there someone to start a car, someone to do this, someone to do that. But this will all be decided once we do -- get all of our members in.

And we also spoke about the phasing. I want to address that, because I think that's big. There seems to be fear of the phasing of the project. With what we currently have reservations for, I will be having to start this building, this one, this one, this, this, this, this, this, this, and that and do our clubhouse.

So we're going to be starting almost eight buildings on the site immediately where I have reservations for the project. So this is -- I hope this isn't a fear that we're going to bust. I mean, so far our response has been overwhelming, and I do feel that activity is going to bring a lot of activity once they see the project.

And I know we are unique, but I do believe we're going to be the best neighbor these guys ever had. I mean, you know, you met Mr. Norton. I mean, we're past the age of -- we want to think we party hard, but we really don't.

CHAIRMAN STRAIN: Didn't he say he's in the Hell's Angles Club?

MR. WERCHEK: Yeah, I mean, again, I just think they're not even going to know we're there nobody. Nobody's going to know we're there. We don't even want signage on this property. I mean, we just want to be alone.

CHAIRMAN STRAIN: This is -- well, first of all, this is only our deliberation, not your testimony, so we need to back up a little bit. Can you show us on the overhead, not the graphic -- I mean, not the screen -- what buildings you're talking about starting up as your first phase if this gets approved.

MR. WERCHEK: Building 1, Building 2, 16, 15, 14, 12, 11, and 8, and this one, and 10.

CHAIRMAN STRAIN: Well, then you could phase it between those two vertical -- those two north/south buildings, and then the first phase would be to the right, second phase would be to the left.

MR. WERCHEK: Well -- and that's kind of how I saw it was that we'd start this -- you know, the whole east side of the project and just work --

CHAIRMAN STRAIN: Yeah. You come in off Skelly Road, go between those two buildings, jog to the west, go between those two north/south buildings and go down to the south by Radio Road between those two buildings. There's your first phase on the right, second phase on the left.

MR. WERCHEK: You know, our intent is just to keep building all the way out.

CHAIRMAN STRAIN: I know what your intent is, but we're -- just as a backup we're --

MR. WERCHEK: Yeah, but that would be a minimum. I mean, this is -- you know, we're going to be half the project immediately.

CHAIRMAN STRAIN: I just think it wouldn't hurt to you say there's two phases, and if you do both of them at the same time, who cares.

MR. WERCHEK: We'll be doing this in two phases.

CHAIRMAN STRAIN: Okay. That's what I'm kind of getting at if it gets us there.

Okay. Now, with that, is there any further discussion by this board?

(No response.)

CHAIRMAN STRAIN: If not is there a motion by someone to move forward?

COMMISSIONER CHRZANOWSKI: I move we approve --

CHAIRMAN STRAIN: Stan, your mike.

COMMISSIONER CHRZANOWSKI: Sorry.

I move we approve PUDA-PL2015000178, the ordinance of the Board of County Commissioners amending the Briarwood PUD with the stipulations that Mark outlined. I think there were eight and you deleted No. 8.

CHAIRMAN STRAIN: There were 17 of them. There were eight by staff, and No. 8 from staff was deleted, so there's 17 plus one of those 17 contains seven by staff.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: So the staff's recommendations were accepted as modified with the expectation of No. 8 that was dropped. And then the others would stay intact except that the outdoor parking spot still insisted on, and it will be 23 feet.

COMMISSIONER CHRZANOWSKI: Right, good.

CHAIRMAN STRAIN: And that's --

MR. BELLOWS: Unless they parallel park.

CHAIRMAN STRAIN: Parallel park, they're still going to have to be long, isn't it?

MR. HOOD: No. It will have to be wide.

CHAIRMAN STRAIN: Well, width and -- whatever meets the code at that point.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: An outdoor space that meets the code. And if it's -- yeah, okay. You understand what we're getting at?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: This has got to come -- and is there a second?

COMMISSIONER ASSAAD: I want to see if he accepts an amendment to the motion before I second it.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: Would you accept an amendment to limit the square footage to the original in the PUD?

COMMISSIONER CHRZANOWSKI: No, I wouldn't. Why do you want to do that?

COMMISSIONER ASSAAD: It just seems like it shows good will and compliance with the PUD, the existing PUD. It gives a level of comfort to the neighborhood, and I think the county has made -- is about to make a lot of concessions to accommodate this development.

I think it's a good development, and you-all are commended for your presentations. But the county seems to extend or willing to extend a lot of accommodations to make this happen, and that would be a small show of faith or just showed that they intend to comply and be good neighbors and get along.

COMMISSIONER CHRZANOWSKI: I think they've made a lot of concessions already.

COMMISSIONER ASSAAD: Okay.

COMMISSIONER HOMIAK: I'll second the motion the way it is.

CHAIRMAN STRAIN: Okay. And now discussion?

Ray, what is the standard FAR for across the county, generally, for commercial?

MR. BELLOWS: Well, FARs aren't --

CHAIRMAN STRAIN: I mean -- I know, but we use them in the rural fringe, we use them in the Rural Land Stewardship Area, and I believe the number's 2.5. It's one of those rhetorical questions again.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: If it is .25, if you take the amount of square footage that would have gone under normal conditions, we would have ended up with quite a bit more square footage, over almost a million -- a lot more square footage. I'm going to run that number again.

Ray, would you mind -- if you take a .25 FAR times 15.99, what do you come up with?

MR. BELLOWS: You said an FAR of .02?

CHAIRMAN STRAIN: .25.

MR. BELLOWS: Times?

CHAIRMAN STRAIN: Yeah, I come up with 174,000, so we're pretty close to the FAR that is --

MR. JOHNSON: I think he wants to hear the parameters of what you're saying; 15.99 --

CHAIRMAN STRAIN: I'm just trying to understand how the FAR in the -- .20 in the PUD compares to what we see built out across the county. It's lower than what we normally see on a commercial project, if I'm not mistaken. That's all I was wondering.

MR. BELLOWS: Yes.

COMMISSIONER EBERT: So we shouldn't have a problem with it?

CHAIRMAN STRAIN: Well, it's not a problem so much as the difficulty this whole project's been, to be honest with you.

Anyway, you have a motion and a second.

Discussion? Does anybody have any discussion they want to add?

(No response.)

CHAIRMAN STRAIN: I'm going to, I'm going to reluctantly support the motion. I'm very disappointed in the way this project has come about. The lack of, let's say, confirmation from county staff to the applicant, the lack of studies that we have asked for that we haven't gotten, the zoning comparisons that we typically see or we have seen in other projects in the past that didn't appear in this one, the fact that a lot of this stuff had to come at a late date and had to be worked out where it should have all been worked out ahead of time.

I thought this was one of the best projects I had seen when it first came to the county, and I actually said that in town meetings. I've shown it as man cave project, as something that is going to end up having values of 3-, \$400,000 including the vehicles and fixings inside. So I saw this as a positive thing. And how it's come out a as negative in regards to the many concerns we've had has been a complete surprise to me and one I didn't expect and one that's very disappointing.

So I am going to support the motion. I don't -- I wish we had gotten here in a different way. I wish things had come out a little differently and we hadn't had to go through this process to get here.

But I do think it's a better use than the Lowe's or the strip center for the most affected parties, which are the people in that Dover project, because the Dover project is the one most affected by this.

This property's been sitting here for 40 years, never built on for commercial. It had two SDPs, and I believe the reason it wasn't built on, it just wouldn't work in that area, so I think the developers have realized that it just isn't going to work there.

So with that, I'll still favor the motion.

Anybody else?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6 -- we've got a 6-0? Yeah, 6-0 today.

Thank you, Fred. It was a surprising turnaround, but we're done for today.

Thank you-all.

COMMISSIONER HOMIAK: Do we want to do consent?

CHAIRMAN STRAIN: Oh, yeah. Let's talk about consent. Thank you. I suggest strongly this come back on consent, and is there a motion for it to do that.

COMMISSIONER EBERT: I make a motion.

CHAIRMAN STRAIN: Diane. Second by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Karen.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries. It will be coming back on consent. Thank you all.

MR. HOOD: Consent date is two weeks from today?

CHAIRMAN STRAIN: As fast as you can get the documentation to staff.

MR. HOOD: We'll get it to you ASAP, Ray and Eric.

CHAIRMAN STRAIN: Okay. As far as old business, there isn't any listed.

New business? None listed.

Any additional public comment? Nobody's here.

And is there a motion to adjourn?

COMMISSIONER EBERT: I make a motion to adjourn.
CHAIRMAN STRAIN: Is there a second?
COMMISSIONER CHRZANOWSKI: Second.
CHAIRMAN STRAIN: Made by Stan, motion made by Diane.
All in favor, signify by saying aye.
COMMISSIONER CHRZANOWSKI: Aye.
COMMISSIONER SOLIS: Aye.
COMMISSIONER EBERT: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER ASSAAD: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: We're out of here. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:20 p.m.

COLLIER COUNTY PLANNING COMMISSION


MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 12-17-15, as presented _____ or as corrected .

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