

March 3, 2016

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, March 3, 2016

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, 3299 East Tamiami Trail, Naples, Florida, with the following members present:

CHAIRMAN: Mark Strain
Wafaa F. Assaad
Stan Chrzanowski
Diane Ebert
Karen Homiak
Charlette Roman
Andrew Solis

ALSO PRESENT:

Mike Bosi, Planning and Zoning Manager
Corby Schmidt, Principal Planner
Raymond V. Bellows, Zoning Manager
Heidi Ashton-Cicko, Managing Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, March 3rd 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. If the secretary could do the roll call, please.

COMMISSIONER EBERT: Yes.

Good morning, Mr. Eastman.

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: My mind just went blank.

Mr. Solis?

COMMISSIONER SOLIS: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Assaad?

COMMISSIONER ASSAAD: Here.

COMMISSIONER EBERT: Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Thank you, Diane.

Addenda to the agenda. We have a request from staff to continue the architectural review matter, and that is Item 9D, and it is -- they're asking for a continuance to the March 17th meeting. Is that fair to say, Jeremy? He's nodding his head yes.

Okay. Is there a motion by the Board?

COMMISSIONER ROMAN: So moved.

COMMISSIONER EBERT: I second.

CHAIRMAN STRAIN: Made by Karen (sic), seconded by Diane.

Discussion?

(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.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0. Thank you.

The next item, there is no other items for changes unless staff has any. Anything from staff?

MR. BELLOWS: No.

CHAIRMAN STRAIN: No, okay.

Planning Commission absences. Our next meeting is March 17th. Does anybody know if they're not going to make it to the March 17th --

COMMISSIONER SOLIS: I will not. I'll be out of town.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Sure. It's St. Patty's Day.

CHAIRMAN STRAIN: Ah, that's right. Well, my beard will have to be green then, I guess, that day.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you.

Approval of the minutes. We had electronically been distributed the February 4th minutes. Are there any changes or corrections to those?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Made by Karen.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Seconded by Stan.

Discussion?

(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.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

BCC report and recaps. Ray?

MR. BELLOWS: Yes. On February 23rd, the Board of County Commissioners heard the PUD rezone for the Westclox Street PUD rezone, and that was approved 5-0 subject to Planning Commission recommendations.

CHAIRMAN STRAIN: Okay. Thank you.

And then the Chairman's report, two things, just more or less housekeeping matters. The packets that you received this time weren't necessarily in the order that the Planning Commission has customarily received them. Usually it's the staff report, which is the pages up till the signature page, then the ordinance with the PUD or whatever documents being reviewed, and then the backup.

There was a little confusion this time. Staff and County Attorney's Office have worked together to get that in order. So from now on our packets will be hopefully more in order than what they were this time.

And, also, during the week there have been some flurries of continued changes going on with a couple of the items. So that the Planning Commission has a better understanding prior to the applicant's presentation as to where staff is going on the changes, I've asked staff for those areas where there's been significant changes just to come up and mention those after the announcement of the issue so that we know staff has seen those when the applicant goes to make their presentation. So that will be a slight change for today's order.

***And then from there we'll move into the consent agenda. There is no consent items for today, which will take us directly into our first advertised public hearing. It's Item No. 9A. It's PUDZ-PL2015000204. It's been continued from a series of other meetings; February 4th, February 18th, to today's meeting. It's the Abaco Club RPUD at the southwest corner of Immokalee Road and Woodcrest Drive.

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

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

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

MR. EASTMAN: None.

COMMISSIONER CHRZANOWSKI: None.

CHAIRMAN STRAIN: Andy?

COMMISSIONER SOLIS: None.

COMMISSIONER EBERT: Yes. I talked to Mr. Anderson and a slough of staff on this one.

CHAIRMAN STRAIN: Okay. And I've had meetings with the applicant, the applicant's representative, the engineering firm hired by the applicant. I've also met with various county departments concerning several matters on this, and I think that's all. Diane?

COMMISSIONER HOMIAK: It's Karen.

CHAIRMAN STRAIN: Karen. I'm sorry.

COMMISSIONER HOMIAK: None.

CHAIRMAN STRAIN: You're on my other right.

Wafaa?

COMMISSIONER ASSAAD: None for me.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Just staff.

CHAIRMAN STRAIN: Okay. With that, I'd like staff to first address any of the significant changes that have come up since the staff report was issued.

Dan, it's yours.

MR. SMITH: Good morning. Daniel Smith, principal planner, zoning division.

During the PUD document that was sent out to you in your packet, there's been some changes that have been taking place, and I just want to give you an overview of some of the major changes.

What we found out is that there was some conflicts between -- in the document with the townhomes and how they relate to the road right-of-ways. We have talked to the applicant, and they have agreed to remove townhomes altogether as a principal use.

So most of the changes you're going to see in the document that I've presented in front of you is -- that I handed off is basically removal of the townhomes and any changes with that, the footnotes, that's going to be removed for anything related to townhomes.

There's also a transportation issue that was changed, and it had to do with exactly when the turn lane would be implemented; that's going to be discussed during the meeting, and that's -- that's another change.

And then there's a stormwater change on Page 8, and that has to do between -- regarding the county's agreement and this PUD.

So those are the three major changes before you.

CHAIRMAN STRAIN: Great. Thank you, Dan. That kind of sets the stage so that we know you've reviewed those when we listen to the applicant's presentation. So with that -- and we're still going to have a staff report after -- a more detailed staff report after the applicant's presentation --

MR. SMITH: Right.

CHAIRMAN STRAIN: -- but at least we know, Bruce, what you are hopefully going to be talking to us about, staff has reviewed in its new context.

So go ahead, sir.

MR. ANDERSON: Thank you very much, Mr. Chairman. My name is Bruce Anderson from the law firm of Cheffy Passidomo.

And I have with me today Mr. Michael Greenberg from Neal Communities; Alexis Crespo from Waldrop Engineering, who's the project planner; Jeremy Arnold, an engineer with Waldrop Engineering; and Jim Banks -- there you are -- the transportation engineer.

I've displayed on the visualizer an aerial of the subject property. Abaco Club is just under 16 acres, and it's located at the southwest corner of Woodcrest Drive and Immokalee Road across from Heritage Bay. Access to the project would be from Woodcrest Drive.

This property is within a residential density band around the activity center at Collier Boulevard and Immokalee Road.

The Growth Management Plan allows a density of seven units per acre. The Abaco Club density is 6.5 units per acre. The total number of multifamily homes is 104.

Eventually, Woodcrest Drive will extend south, and then it will connect with Tree Farm Road, which will extend west to connect to Collier Boulevard. These two roads will form a bypass route around the Immokalee Road/Collier Boulevard intersection.

As depicted on the PUD master plan, lying between where the homes would be constructed at Abaco Club and the homes that are presently under construction next door at Bent Creek is a water management pond which is 100 feet wide, and it's located on the Abaco Club property.

We are in agreement with staff and have incorporated all prior stipulations into the PUD document, except we do disagree with the staff recommendation against approval of Deviation No. 9. This deviation would eliminate a landscape buffer on either side of the water management pond between Abaco and Bent Creek.

My client and the developers of Bent Creek have agreed that neither of us want a landscape buffer in this location so that the residents of both communities can enjoy the amenity of the views of the pond.

As a result of a meeting held on Monday with the staff and Chairman Strain, and an email yesterday from the County Attorney's Office, there are five minor changes to the PUD document that is in your agenda packet. Daniel identified three of them. The other two are we have limited multifamily buildings to two stories not to exceed 35 feet, and we have added language to Paragraph 4A regarding the requirement for a developer's agreement for joint use of the stormwater pond that was requested by the County Attorney's Office. And I'll display a succinct summary of those.

I and the other members of the project team are here to answer any questions that you may have, and we would respectfully request your recommendation of approval.

CHAIRMAN STRAIN: Thank you, Bruce.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: Questions from the Planning Commission; anybody have any questions of the applicant at this time?

COMMISSIONER ASSAAD: I do.

CHAIRMAN STRAIN: Wafaa.

COMMISSIONER ASSAAD: Where do I find the change from 45 feet to 35 feet note?

MR. ANDERSON: That will be in the Development Standards Table.

COMMISSIONER ASSAAD: On Page?

MR. ANDERSON: On Page --

CHAIRMAN STRAIN: Three.

MR. ANDERSON: -- 3 of the PUD document.

COMMISSIONER ASSAAD: That's the same table on the staff report Page No. 5?

MR. ANDERSON: Should be, yes.

COMMISSIONER ASSAAD: All right. So that change will be made for the multifamily?

MR. ANDERSON: Yes, sir.

COMMISSIONER ASSAAD: Okay.

MR. ANDERSON: Two stories not to exceed 35 feet.

COMMISSIONER ASSAAD: Okay. And when -- question to staff. And in reviewing deviations, I notice that you're using the criteria of not being detrimental in evaluating the criteria. In your analysis of the deviation, the statements are often made that this deviation is not detrimental. Is that a code standard, or is this a common language, or why the word "detrimental"?

MR. SMITH: That's just been a -- Daniel Smith, principal planner. That's just been a common language that's used in previous staff reports for anything that, as far as staff is concerned, is justified for the deviations.

COMMISSIONER ASSAAD: Okay.

MS. ASHTON-CICKO: Maybe I can help him out a little bit.

COMMISSIONER ASSAAD: Excuse me. I can't hear you.

CHAIRMAN STRAIN: Your mike's not picking up there, Heidi.

MS. ASHTON-CICKO: It's not on?

COMMISSIONER ROMAN: No, it's not on.

MS. ASHTON-CICKO: Can you hear me now?

CHAIRMAN STRAIN: Ah, perfect.

MS. ASHTON-CICKO: Under Section 10.02.13 of the Land Development Code, when it deals with master plans, it does have a standard for deviations there and, historically, staff has applied that as the standard for deviations. So there is a section. It's 10.02.13. I can look it up and read it for you if you'd like for me to find it.

COMMISSIONER ASSAAD: No. I just wonder why the word "detrimental" is the guideline for evaluating deviations. And I do have a concern about too many deviations because I feel -- I feel the county has taken enough time to review and adopt standards, and then many of those standards are waived just by judgment of staff as not being detrimental, and the applicants are using too many deviations in the name of flexibility, and I cannot see in my mind where, as an example, placing a sign closer than 10 feet to the right-of-way will add flexibility.

I mean, the word "flexibility" is used too often in reviewing the deviation, and the word "detrimental" is used too much as well in accepting those deviations.

I feel if the county has standards, unless there is a very strong reason to propose or accept a deviation, there should be none. As an example, the signage. The signage is, if you leave it flexible for the sign makers and the developer, the county will go back to where it used to be in the 1970s. You could drive the streets, and you see billboards, you see free-standing signs, you see huge signage everywhere, and it was too much clutter. So they decided to adopt a sign ordinance, and it has standards.

Now developers and sign makers are saying it limits our flexibility. Well, exactly, because you don't want to leave everything flexible for everybody. You want to have minimum standards.

So once you adopt minimum standards, I don't see the reason for having too many unnecessary deviations just because they're not detrimental to the county.

MR. BELLOWS: Yes. And for the record, Ray Bellows, manager with the zoning section.

I agree with you wholeheartedly; however, there are -- other concepts that come into play when we look at deviations as well. There may be tradeoffs, and staff looks at the totality of the request being made in the deviations. Are they making up for that deviation elsewhere on the site and -- or are they providing above code requirements in other areas.

So certainly we want to look at is there a -- for some deviations, is there some land-related hardship, such as a canal that pushes the signage back off the road. Those are typically better justifications for granting or staff supporting a deviation. But another one is certainly if there is a health/safety issue that would come into play; that is one criteria we also look at as well.

But we, I think -- that's been an ongoing discussion with staff and with our various applicants about the amount of deviations, plus the suitability of these deviations. And the more we deal with these cluster housing types where their lot area, lot width is reduced, that means the remaining area for the required landscaping and water management areas gets pressed, and that's where you start seeing more deviations, especially in road right-of-way issues.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: You feel that applies to size and location of signs, as an example?

MR. BELLOWS: No, size and location of signs, those deviations probably are more aesthetic than anything or marketing driven in many cases. And we had a policy maybe 10 years ago just outright not supporting any sign deviation. But as we start looking at various design alternatives that some agents are applying, it may make more sense --

COMMISSIONER ASSAAD: Give me specifics.

MR. BELLOWS: Well, I'd have to come back with you. I can't think of specifics offhand other sites where sign deviations were approved. But, generally speaking, where sign deviations are approved where staff supports it, such as those projects off Immokalee Road where there's a canal that pushes those frontages back 100 feet off the road right-of-way, that's an example where staff would support a sign deviation.

COMMISSIONER ASSAAD: Do we have a master plan showing the buildings for this project?

MR. SMITH: No.

COMMISSIONER ASSAAD: Location of buildings?

MR. SMITH: No.

COMMISSIONER ASSAAD: So how could we claim that in the name of flexibility we're going to waive this and that and the other thing? I can see if you have a very small piece of land and you have a final site plan and you have a very strong architectural theme, that you -- the developer would want to do certain things to follow the theme of the development.

And I'll give you a stupid example but the one that comes to my mind. If there is a small piece of land, maybe five acres or something, and you want to do a development designed after the Swiss villages, okay, and you want to have certain features that lends itself to that, then you can have narrow streets, you can have closer setbacks, but when you're assigning tracts of land in a PUD with no building or definitive master plan, and in the name of flexibility -- and I don't see a lot of flexibility with this development. It looks like the site plan is going to be very straightforward.

And there is a lot of exception, and a lot of reduced setbacks are claimed in the name of flexibility, and I personally don't see any. So this is something that concerns me personally, the very casual -- maybe casual is not the right word -- the very lenient way of recommending approval on the deviations in spite of the fact that the county has standards.

And during my short tenure on the Planning Commission, the few applications that I have been part of reviewing, I can feel a tendency to approve certain deviations in all of them. So if the deviations are good, I think you should go back to the county and advise them that the standards they have adopted are incorrect, and in the name of flexibility, or whatever it is, they should reduce the location of the signs from 10 feet to 5, the entrance sign from 30 feet to 100 feet or 80 feet, and have them correct the ordinances.

But to review and approve and be lenient in accepting so many deviations in every application is not a good planning practice for the county or for myself to accept.

Thank you.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: (Shakes head.)

CHAIRMAN STRAIN: Anybody else have any questions? Charlette?

COMMISSIONER ROMAN: I have a similar concern, and that has to do with Deviation 7, which is the location of the off-site preserve.

As my fellow commissioners realize, that we've had that deviation come before us on other petitions. And the code is clear about that being an option for preserves less than one acre in size.

And from time to time we've allowed a location of off-site preserve if it was a fraction over one acre, but in this case it's almost a quarter acre more than the county code allows, and I have a problem with that because so far the petitioner has not shown why there are circumstances to support that precedent.

Thank you.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: I have a few comments. I've taken a quick look at the handout that's been provided with some of the changes and corrections. And on Page 3 in the Development Standards Table, I've got a question about the change to the footnote for minimum distance between principal structures. It used to be Footnote 3 under the primary column on the left, which then made it apply to all three uses.

And when I read Footnote 3, it says, the minimum distance between buildings may be reduced to zero where attached garages are provided. That's a typical request when we deal with townhouses. I don't see it necessarily applying to multifamily, so I'm curious from the applicant's view how they thought that -- how that's going to -- how they think it's going to work with a multifamily application.

MR. ANDERSON: We can delete that, sir.

CHAIRMAN STRAIN: Okay. And we get in -- on the next page of the handout, which is the same as our packet, it talks about -- it's the master plan. On the left-hand side it says, 6-foot-tall fence wall/hedge. And I believe in our conversations, that meant in your minds that it was optional whether you do 6-foot-tall fence, wall, or hedge.

Now, we're only talking about that buffer on the south between the edge of the drainage easement and the right-of-way, and I don't know why we wouldn't want that to be a wall there and not necessarily limit

it to optional. You're backed up against another project whose single-family backyards are going to be up against, you know, multifamily. So do you have any objection of leaving -- making that a wall instead of an optional?

MR. ANDERSON: Yes, sir. We would request to be able to retain the options that are provided in the Land Development Code. And I don't believe our neighbors have an objection to that.

CHAIRMAN STRAIN: I know that your neighbors weighed in on the removal of the buffer between the drainage easement and their property. I didn't see any notations about this being specifically discussed or brought up by your neighbors.

MR. ANDERSON: That's correct.

CHAIRMAN STRAIN: Okay.

MR. ANDERSON: I think they went over the PUD with a fine-tooth comb.

CHAIRMAN STRAIN: Well, they go over all their PUDs with a fine-tooth comb. It doesn't mean they catch everything, I think -- if I'm not mistaken.

Deviation No. 9 involves the buffer that would normally have been required around the maintenance easement, or between the maintenance easement and the residential on both of these projects.

And staff is in disagreement with the removal of that; however, the neighboring property has clearly weighed in on that and said they have no objection to that -- removal of that buffer because they'd like to see it removed so that they can retain the views that the pond offers, and I can understand you would like that as well.

I'm not sure that it's necessary to say no to that deviation. It seems practical where all parties agree in this case.

And then the last item that I have remaining based on the handout is you've included a new stormwater reference on 4A. And 5C is left in, but 5C has already been taken care of. So I'm not sure we need 5C anymore.

Heidi is shaking her head no?

MS. ASHTON-CICKO: No, we don't need it.

CHAIRMAN STRAIN: Okay. So in my review of what's been handed out versus what we started with, those three items, the Footnote 3 being removed from the Development Standards Table, the addition of a 6-foot wall to that 15-foot Type B southern buffer for the area that it's shown in, and the removal of 5C are concerns I have.

Anybody else? Stan?

COMMISSIONER CHRZANOWSKI: Yeah. I agree with the chairman on Deviation 9. I can't see -- although I would like to see some clusters of trees along that far shore there, just to line the lake.

CHAIRMAN STRAIN: If we take out the buffer, then the only trees that would be required are those required to be on the lots per code, and that would be on both sides. So Bent Creek would have whatever they're required by code minimum for their backyards, and so would this project. And maybe, Dan, you could tell us what that might be so we know if -- the extent of the landscaping back there?

MR. SMITH: Well, foundation planting -- Daniel Smith, principal planner.

Foundation plantings are required per code. Foundation plantings are, at a minimum, based on the square footage of the -- of the structures themselves. There can't be necessarily any guaranteed foundation plantings will be on the side facing the water. I can't guarantee that based on code.

The B buffer, code does allow for clustering against waterways, and that was one of the reasons why they put that in there is so they could cluster 60-foot openings for water views. That's why staff didn't support the deviation is because there is a clustering portion in the code that allows for smaller hedges and trees to be clustered.

COMMISSIONER CHRZANOWSKI: But I'm not talking about a hedge at all. I'm talking about just some trees along that bank and, you know --

MR. SMITH: The only trees that are going to -- are based on what Bent Creek currently has, which is an A buffer, trees every 30 feet on the other side of the pond.

COMMISSIONER CHRZANOWSKI: Okay.

MR. BELLOWS: That's trees be clustered.

MR. SMITH: On the other side of the pond?

CHAIRMAN STRAIN: So in the backyards of these multifamily units, these two-story units, basically the foundation plantings, which are more like ground plantings?

MR. SMITH: Well, there's trees, shrubs that are -- it's a square footage that's required.

CHAIRMAN STRAIN: Okay.

MR. SMITH: And there's nothing that I can guarantee -- you know, without looking at the building and going through the process, I assume there's going to be some sort of plantings the applicant is going to put in. I just don't know what that is.

CHAIRMAN STRAIN: Well, maybe we'll try to find that out so we get to Stan's point.

Is your landscape architect present, Bruce, or can your planners or anybody from your team tell us what kind of plantings are going to go in the back or, as an alternative, suggest a planting that would work for you even though you may not have planned it right now, but that also meets some minimum planting in the back that Stan would -- would consider?

MR. ANDERSON: If you'd give us a few moments, the project planner, Ms. Crespo is going to take a look at that for us.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: I have a question. On your master plan, the retention pond that the county has, it says that the county does not require buffers on their ponds. Is that true? Well, I mean, that's what it says here.

Heidi, is that true?

MS. ASHTON-CICKO: Can you refer me to which section you're on?

COMMISSIONER EBERT: Well, I'm looking on Page 3 of 22 of the master plan, and it says, no buffers are required, and I know the county has that property.

CHAIRMAN STRAIN: No. The county used to have the property until last week. And while the county did have it, yes, they have -- they are -- there's a -- there's some leniency in regards to how the county handles its stormwater ponds. But this pond has been re-deeded back to the property owner.

COMMISSIONER EBERT: Oh, it's been re-deeded, okay. And how deep is this pond?

CHAIRMAN STRAIN: About 20 feet, I think, the last -- it was dug out by Bent Creek, and it went from dry detention to wet detention, and I believe they just used the standard formula for depths, so it could be about 20 feet deep.

COMMISSIONER EBERT: And are both communities going to maintain this?

CHAIRMAN STRAIN: No. The maintenance is supposed to be done by the community that's being -- Abaco community, and it would be passed down to the successor and assigns if it was assigned to an HOA, for example.

And, Heidi, jump in if --

MS. ASHTON-CICKO: Well, currently it's under a maintenance agreement with the Bent Creek so the developer --

COMMISSIONER EBERT: Yeah, we had trouble with them.

MS. ASHTON-CICKO: -- or HOA is currently responsible for maintenance. So if the rezone goes through, there will be a companion developer contribution -- a developer agreement that we've been in discussions on business points and pretty much have just one issue remaining. And under that agreement, the HOA of this new project will be responsible for maintenance.

COMMISSIONER EBERT: Okay. From the other development, Standard Pacific, I understand that Bent Creek is the one who dug the dry retention pond, made it deeper, and then used the fill for their project?

MS. ASHTON-CICKO: That's my understanding as well. There's a contribution agreement that sets forth those details.

COMMISSIONER EBERT: Do we have any of that? I mean, do you -- you're saying you don't quite have the agreement with Abaco. Do you have an agreement already with Bent Creek?

MS. ASHTON-CICKO: We've been in discussion with business points that will then go into a developer agreement, and staff just needs to issue final approval of the language that we've -- that we've been in discussion. So we're pretty close. We're just waiting for the nod from the various staff departments.

CHAIRMAN STRAIN: I think she asked if we already have an agreement with Bent Creek, and we do.

MS. ASHTON-CICKO: With Bent Creek, yes.

COMMISSIONER EBERT: Okay. Bruce, I noticed in here that you're not asking for -- I mean, I shouldn't say that. There's been so many revisions on this, but you're not asking for any deviation on the road, so it will be 60 feet, will be the road?

MR. ANDERSON: They are considered accessways because they're all internal. They're not going to be dedicated to Collier County. They'll be privately maintained.

COMMISSIONER EBERT: Yes, I know. But they will be 60 -- it will 60 feet of --

CHAIRMAN STRAIN: Well, no. If they're considered accessways, they're like driveways. You don't plat them as a right-of-way, so there's no width to them. They're part -- like a driveway to your house. They just don't factor in as a right-of-way with dedicated utilities and things like that in them. They become more flexible in design for the applicant to move them in an SDP process instead of a fee-simple platted process.

COMMISSIONER EBERT: I have a little problem with that. Our streets are getting too narrow in these developments, way too narrow.

COMMISSIONER CHRZANOWSKI: This isn't a subdivision.

CHAIRMAN STRAIN: These aren't a street. Yeah, this is not a --

COMMISSIONER CHRZANOWSKI: This is not a street. It's not a subdivision. They don't subdivide lots and put right-of-way. A street is a right-of-way in a subdivision.

CHAIRMAN STRAIN: This is going to be an SDP like a condominium.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: So when you have a condominium and multifamily, you don't have roads and right-of-ways. You've got internal accessways and driveways, and they don't get platted separately.

COMMISSIONER EBERT: Yeah, okay.

CHAIRMAN STRAIN: The county never would inherit them. The HOA would always take care of them.

COMMISSIONER EBERT: I know, I know. And I do understand that. And that's --

MR. ANDERSON: Commissioner Ebert, there will be sidewalks, I believe, on both sides. Yes, yes, ma'am.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: So you're going to place sidewalks on both sides of your accessways?

MR. ANDERSON: Yes, sir.

COMMISSIONER ASSAAD: Are the sidewalks right next to the pavement or removed from the pavement? Will there be a separation, like a 5-foot grass area or some --

MR. ANDERSON: I'm told four-foot separation, sir.

COMMISSIONER ASSAAD: And how are you going to put the signage at five feet from the driveways? You're requesting a waiver from 10 feet to five feet.

MS. CRESPO: Good morning. For the record, Alexis Crespo, with Waldrop Engineering.

That specific deviation is for way-finding signage internal to the community, such as those smaller signs that say Buildings A through C this way, Buildings D through F that way. So they're small in nature. I believe the code limits them to between four and eight square feet in size, and to set them back that far from the pavement would be putting them in people's yards, and that's why we were requesting the reduced setbacks.

But due to the clustering of the site in the eastern portion of the project, those will be very low travel speeds on the accessways. It's not -- it won't be long street lengths that would generate higher travel speeds where you'd have a safety issue with the signage being close to the roadway.

And I just want to make sure you understand we're not requesting reduced setback for the main entrance signs. Those will fully comply with the setbacks from Woodcrest and applicable rights-of-way for the larger entry signs.

And just to close out on that, staff did ask us to provide examples of other planned unit developments

that had gotten the 80 square feet approved, which is a fairly nominal increase over the 64 square foot, and we were able to document five or six PUDs approved within the last year that were allowed that larger sign area, and it's not simply for the naming of the community but for architectural embellishments, other things that go in that sign face area to create the aesthetic appeal that Neal Communities is seeking for their signage design.

Thank you.

CHAIRMAN STRAIN: While you're on that deviation, though, you're asking for the deviation from 5.06.02.B.5, which refers to the edge of roadway or from private internal roadways within the PUD. You don't have any internal roadways, do you?

MS. CRESPO: I believe the accessway falls under the general definition of roadway. It's simply not a platted right-of-way.

CHAIRMAN STRAIN: Then from staff's perspective, if they're -- if they're basing their sign layout along their driveways, has that been uniformly applied under that basis? Because those driveways can be any width, any size, anywhere they want to go.

So I'm wondering if Deviation 5 is even needed because they may not -- they may have the latitude already since they're no longer platting the roadways.

I mean, it's something to consider. I don't know if it's been looked at because previously with the townhomes there, we had to assume that the option would always be to have platted roads. But with the townhomes out, that might change Deviation 5, and I would have to spend some time researching or ask staff if they know offhand how that --

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

That deviation was primarily for the platted right-of-ways when townhomes -- when we were first talking about townhomes. This may not even be needed.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: The roads will be platted, but they will be privately owned.

MR. ANDERSON: No, sir.

CHAIRMAN STRAIN: No.

MR. ANDERSON: They will not be platted.

COMMISSIONER ASSAAD: You will not have a condominium plat?

CHAIRMAN STRAIN: They'll have phased condominiums, but you don't plat roads in an SDP, so --

COMMISSIONER ASSAAD: We're not talking about an SDP. For them to convey title, they have to have a plat, and the plat --

CHAIRMAN STRAIN: No.

COMMISSIONER ASSAAD: -- would be a condominium plat. It's not a county plat. It's not up to the county standards. But you're going to have to identify accessways, the roads; you're going to have to identify utility easements; you're going to have to identify any particular easements that you like for all kinds of utilities, water/sewer, cable, power, phone, all of that; you're going to have to identify any sign easements.

So there will be an exhibit that will be recorded. It may not be, what do you call it, a public plat or something, but it will be, and it will have the dedications on it.

MR. BELLOWS: For the record, Ray Bellows, manager.

On a multifamily project -- and that's the only use left remaining now that the townhomes that would have been platted and all that information that you just stated would be part of that type of process, but since this is now just a multifamily project, there's no need to have a road right-of-way. It will all be kind of a drive access as shown on this site development plan. So Deviation 5 would not be required in this case.

CHAIRMAN STRAIN: Okay. Then without -- unless the applicant objects, we would delete Deviation 5, and that would take care of some of --

COMMISSIONER ASSAAD: And 4 and 6 as well, Deviations 4 and Deviation 6.

CHAIRMAN STRAIN: Well, that's up to the applicant.

COMMISSIONER ASSAAD: Would you think about deleting them as well?

MR. ANDERSON: No, sir. We feel that we need those.

CHAIRMAN STRAIN: Okay. That takes us -- any other questions from the Planning Commission? Okay. Bruce?

MR. ANDERSON: I'll ask Ms. Crespo to address the landscape issue and also that of the preserve area.

MS. CRESPO: Alexis Crespo with Waldrop.

I tried to pull up the building permit or planning section of your LDC. I believe that it does require building permit or plantings, foundation plantings on all sides of the buildings, and we'd be happy to commit to ensuring that those foundation plantings would be provided along the western sides of those multifamily buildings facing Bent Creek in order to soften the looks of those buildings.

I'll note we did limit the height of the buildings to two stories to reduce the overall scale so that they'd be much more consistent with what's being developed in Bent Creek so it's not your, you know, more typical multifamily community that may be three and four stories and larger buildings in scale.

And I'll also note general tree requirements are also in place that would -- could be planted in those rear yards to, again, provide additional vegetation in those areas.

CHAIRMAN STRAIN: What's the width of that easement; do you know offhand? It's a 5-acre county tract, but I don't know -- I don't remember what the width was on it.

MS. CRESPO: I believe it's 200 feet including the 100-foot-wide water body and the easements on either side of it.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody else have any questions?

MS. CRESPO: If I may just --

CHAIRMAN STRAIN: Sure.

MS. CRESPO: -- address the off-site preserve, because we certainly understand the county is examining this item, and it's not appropriate in every case that comes before you.

Staff has supported the request for the 1.22 acres to be mitigated off site. This is in the last urban piece you have on Immokalee Road, so this is really the edge of the urban development footprint. So we were looking to be able to maximize the ability to develop the property in context of that urban land use area.

And I also want to point out that there's no connectivity to off-site preserves. We're bound by roadways to the north and east, and then Bent Creek is fully developed to our south and west.

So there really would be no advantage to providing that on-site preserve in that it would be a very isolated pocket without any off-site continuity.

And so for those reasons Steve Lenberger was supportive, and we'd respectfully request your approval as well.

CHAIRMAN STRAIN: Okay. Any other questions?

(No response.)

CHAIRMAN STRAIN: Okay. Bruce?

MR. ANDERSON: If I could, please, I'd like to speak briefly about the deviation process. Differences from the Land Development Code have traditionally been allowed in PUDs, historically. They were just simply written into the PUD and never called out as deviations.

It's only recently that staff has wanted to call them out and identify them as deviations, but, traditionally and historically, PUDs have been -- have contained differences from what the Land Development Code requires in many instances.

COMMISSIONER ASSAAD: I think -- I think if you go back a little bit in history -- and you were definitely there as the county assistant attorney -- you would recall that when the PUDs became a popular way of zoning land was because there was a contractual agreement, and the developers were asked to donate a fire station site, as an example, or a school site. And the county felt that negotiated zoning was illegal, so they created the PUD zoning to allow for flexibility for larger tracts and to allow the county to negotiate, for the benefit of the community, extractions from the developers. So that was the essence of the PUD zoning at the time. Over time it evolved.

Then the practice came about that you include deviations from the development standards, which has nothing to do with zoning, like your road construction, the width of the right-of-way, the utility easements.

So many things are not zoning issues, but those come in play at the time you record your plat or you get your construction plans approved, stuff like that.

Now, the minimum acreage for a PUD is what, five acres? You can apply for a PUD for any size?

MR. BELLOWS: Within an activity center, there's no size limit, but outside activity centers there's --

COMMISSIONER ASSAAD: Okay. The practice has evolved that you ask for deviations at the same time you're coming for zoning, and those have nothing to do with, like, the signage. I don't see why is that a flexibility issue or a design issue. As an example, you're asking for a bigger entrance sign. What is the justification for the bigger entrance sign?

Now, in my personal view, and maybe this is something new, I have no problems with the density, I have no problems with the site plan, although it's not very creative. It looks like it's been designed by an engineer or a surveyor. All the streets are straight shots. Nothing is meandering around the lakes to create interesting points and different views and stuff like that, but that's fine.

But to include the bigger signage in the name of flexibility and the criteria for evaluating it is that it's not detrimental to the county, creates a problem for me. I would be very happy to support your petition if the sign deviations are removed from it.

I also understand that because the site is too small, you have not included any more specificity on the site plan, location of the buildings, types of buildings, because you may have to react to market conditions if you develop it in phases. And if you develop a bad product, you want to change yourself quickly so you would have a successful development. All of those are fine with me.

But the deviations, in my mind and my view as a professional planner, as someone who's been here for a long time and lived through the history of the county, as a newcomer to the planning board, I find the deviations are just a killer for me. I don't -- I just can't swallow it.

So that's my statement, and I was hoping that you would consider removing the deviations concerning the signage.

CHAIRMAN STRAIN: Okay. Dan, do you have a staff report?

MR. SMITH: Can I mention something --

CHAIRMAN STRAIN: Sure.

MR. SMITH: -- quick? Because there's something that was brought up, and I just want to make sure the Planning Commission is aware of this, there's no misconception.

When we talk about foundation plantings, usually there's room for foundation plantings, and this specifically the Deviation No. 9. The PUD document allows for a zero-foot setback to the LME, lake management -- maintenance easement, and the problem is with having any foundation plantings, there it -- we don't want any required plant material in the lake management easement, because that's supposed to be a 20-foot area for access.

So there's conflicting things there with the zero setback in the development standards from the lake management easement. I just wanted to make you aware of that.

CHAIRMAN STRAIN: But if they were to agree to plant -- the foundation plantings will be planted in the rear setback outside of the LME, then they would have to set the building back enough to accommodate the foundation plantings.

MR. SMITH: That's correct. I just wanted you to be aware of that.

CHAIRMAN STRAIN: And they seem to have agreed to that, and so that's where I think it's heading, and that's what their site plan that I've seen the buildings placed on provide. I mean, there's -- that site plan seemed to have room in the back, so...

MR. ANDERSON: Commissioner Assaad, we are prepared to drop the deviation related to signage on the internal roadways, and as far as the community sign, I wonder if we could work out a little compromise.

The biggest reason for that deviation is so that the architectural embellishments that will make it look like a nice sign are allowed. Perhaps we could craft the deviation such that architectural embellishments are not counted as part of the 64-foot size limitation on the sign. Would that be acceptable?

COMMISSIONER ASSAAD: I appreciate your dropping the internal sign deviations. That makes

it a lot more acceptable to me.

If you exclude the embellishment from the calculation, then you could have a huge embellishment around the sign. So to leave the embellishments or the overall sign of the entrance sign unregulated makes it worse, in my view.

MR. ANDERSON: Well, we could still limit it to the 80 feet.

COMMISSIONER ASSAAD: Okay. That sounds good. That sounds fine. Thank you.

CHAIRMAN STRAIN: Well, then, what you're saying is you're going to drop Deviation No. 5, and you're going to modify Deviation No. 6 to remain the same?

COMMISSIONER ASSAAD: They're dropping Deviation No. 4.

CHAIRMAN STRAIN: Well, they didn't say anything about 4. Are you guys dropping 4 as well?

COMMISSIONER HOMIAK: I don't have a problem with these deviations for the signs and --

CHAIRMAN STRAIN: They're consistent with what we've done, yeah.

COMMISSIONER HOMIAK: I don't see any --

CHAIRMAN STRAIN: I don't either.

COMMISSIONER HOMIAK: We're doing it for others, and I don't have any problem with supporting them, so I don't know where we're going through all this. If everybody else is going to say no to it, then --

CHAIRMAN STRAIN: I mean, the sign code was made for one size fits all. We have 23 pages of a sign code that is extremely hard to understand that includes things like architectural emblems, that also includes the fact that if you have one sign here and one sign here, you have to connect them with some mysterious geographic shape and it all becomes part of the sign even though there's nothing on it.

So the sign code has a lot of issues. And the deviations of those on a case-by-case basis for a creative PUD -- which PUDs are allowed by code to be there for additional creative standards. I don't have a problem with the idea of deviations. I think they're warranted and they're needed.

Not only that, if you were to take a look at what's a deviation from our code as written, everything in a PUD is; otherwise, you don't need any of it. So the mere fact we have the PUD means we're creating deviations from our standard codes.

So I'm -- I just think the deviation process has worked well. We've scrutinized it on a case-by-case basis for all the 15 years I've been on this board. And from my history of 40 years in the county, I don't see any problem with that as a standard trying to move forward in modern times.

So I'm supportive of your deviations. I think Deviation 5 is unwarranted because it's no longer needed. I think Deviation No. 9 has been addressed by the compatibility acknowledged by the neighboring properties who are the affected parties and, I mean, the rest of them to me are fine to go forward with.

But I'm not trying to prevent you from getting a unanimous vote and working your situation out with Commissioner Assaad, and I think to whatever you want to do that, go right ahead.

Dan, did you have a staff report?

MR. SMITH: Thank you. Daniel Smith, principal planner, zoning. Services staff recommends that the Collier County commission forward the petition for PUDZ-PL20150000204 to the BCC for the recommendation of approval for the following conditions:

Removal -- we're going to keep Deviation 9; however, we're going to make a change to allow for 10 feet of foundation plantings toward the west side of those buildings? I need some direction.

CHAIRMAN STRAIN: Okay. And I think we'll get that from the applicant. Alexis?

MS. CRESPO: I don't know that we're able to commit to an exact width at this time based upon our site plans being in flux. What is the -- what is the code required width for --

MR. SMITH: Code required width would be 10 feet for a building that's over 10,000 square feet.

MS. CRESPO: So you're not seeking any additional width of the foundation planting area?

MR. SMITH: No.

MS. CRESPO: What was staff seeking in lieu of --

MR. SMITH: This would allow 10 feet for foundation plantings on the west side of those buildings.

MS. CRESPO: On the west side of the buildings. We can --

CHAIRMAN STRAIN: That means your LME -- you'd have to be 10 feet back from the LME in

order to fit the foundation plantings in.

MS. CRESPO: We can accept that. Thank you.

CHAIRMAN STRAIN: Okay.

MR. SMITH: So that would include removal of Deviation 9 and foundation plantings for the west side of the building to be a minimum of 10 feet.

Other corrections would be as follows: On Page 1, under principal uses for residential, townhomes would be removed. Page 1, Exhibit A, removal of final subdivision plan as a development order since the subdivision plan is not required for the multifamily development.

Page 2, recreation area section, add a location reference to the master plan regarding recreational uses.

On Page 3, remove fences and walls. They're not needed for the project entrance. On Page 3, in the table of residential standard, remove townhomes, change the footnotes to correspond to multifamily developments only, add two stories along with the building height in the table, and remove Footnote 3.

Six, I don't know if this was resolved, the -- my recommendation is to change the 6-foot wall/fence -- or fence/wall/hedge on the south side of the development to read, 6-foot-high wall/fence required with a hedge. I don't know if we've resolved that comment. That was on my recommendation.

CHAIRMAN STRAIN: I don't think the applicant agreed to it, but --

MR. SMITH: Okay. That's my recommendation is to change the 6-foot-tall fence/wall/hedge on the south side of the development to read 6-foot-high wall/fence required with hedge.

Page 7 under the transportation Section C, required turn lane is to be required with the occupancy of Building 1 instead of Building 5.

On Page 8, under stormwater, Note 8 would be added, prior to any joint use by the owners of the county stormwater pond within the Collier County's drainage easement for Immokalee Road, the owner shall enter into a developer's agreement with Collier County.

On Page 5 -- oh. Page 8, removal of 5C. And my question was, the last one is, the removal of Deviation 5. It's not needed. Are we still removing that?

CHAIRMAN STRAIN: Yes.

MR. SMITH: Okay. That would --

CHAIRMAN STRAIN: I think the applicant already said they agreed to that, so...

MR. SMITH: All corrections stated on the record today. Ends my recommendations.

CHAIRMAN STRAIN: Thank you.

Any questions of staff from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Okay. Are there any members of the public here to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Hearing none, I'll move back to the applicant. Are there any final comments that you have, Mr. Anderson?

MR. ANDERSON: No, sir.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Alexis might have something.

MS. CRESPO: We're in agreement with those changes with the exception of the change to the PUD master plan for the fence/wall along that segment of the southern perimeter.

We are requesting that we satisfy the opacity and screening intended by the code with a hedge. We feel that that will work from a maintenance perspective long term. Sometimes walls create maintenance issues between communities, especially where there's this tight of space.

We're limiting the height to two stories, so whether that be a 6-foot hedge or a 6-foot wall, it will effectively screen the same portion of the proposed multifamily buildings from the rear yards of the adjacent neighbor.

So we feel, again, the code provides the hedge as an allowable way of screening these differing uses, and we would respectfully request consideration to maintain the option for a hedge.

Thank you.

CHAIRMAN STRAIN: Okay. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. We'll close the public hearing, and we'll start with a discussion from the Planning Commission.

I've made some notes of my own, and each of you may have your own notes. I'd like to make sure we get them summarized into a stipulation format so when there's a vote they can either be included or not included in the vote.

The ones that I've made note of was removal of Footnote 3 from the standards table, which has been acknowledged; the requirement of a 6-foot wall or fence and buffer along the south property line, which the applicant has said they don't agree with; removal of 5C, which the applicant does agree with; sidewalks on both sides of the accessways, which the applicant volunteered; deletion of Deviation No. 5, and allow Deviation No. 9, and No. 9 would have some amendment to the discussion that the foundation plantings will be planted in a -- there will be foundation plantings, and they will be planted within a 10-foot rear setback area on the west property line outside of the LME.

And those are the notes that I've made, and I know that Mr. Assaad had some other notes he may want to make. Charlette may have some, and so I'm open to suggestions from this panel for the rest of it.

Anybody?

(No response.)

CHAIRMAN STRAIN: No other items? Okay. Is there a motion?

COMMISSIONER SOLIS: I would make a motion to approve with all of staff's recommendations. My motion would be not to require them to have a wall and a hedge, which was one of staff's recommendations. I think what the code requires in the opacity and the lowering of the building is fine.

So my motion would be to include all of those comments and suggestions from staff except for that.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER HOMIAK: I'll second it.

CHAIRMAN STRAIN: Okay. Discussion?

First of all, as far as the wall -- I mean, I'm willing to go along with the majority on this issue. I mean, it's not a deal breaker for me for the wall or fence, especially since the neighboring property owners did not object to it, and their -- their attorney or their representatives have been active with this group in how they've laid it out.

But I want one clarification. It's not that the code doesn't require it. The code has it as an option in that kind of buffer, and it's up to this board, then, to also exercise the ability to exercise that option.

So since it's already in the code as an option between unlike uses, this is a multifamily to single-family, I thought it would be warranted. But, again, there's other reasons why it's not as necessary, and it certainly isn't a deal breaker for me.

So I will go along with the motion.

Anybody else have any comments on the motion?

COMMISSIONER EBERT: So it will just be a hedge, correct?

CHAIRMAN STRAIN: It will just be a hedge, yeah.

All those in favor of the motion, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Okay. Motion carries 5-2. Thank you all. We'll look forward to seeing you next time.

COMMISSIONER HOMIAK: He also had to -- it said requires EAC review?

CHAIRMAN STRAIN: Oh, yeah. Did this require EAC review?
COMMISSIONER HOMIAK: The staff report said so.
CHAIRMAN STRAIN: Okay. Is there a motion from the perspective of the EAC to approve this project with the stipulations that were so noted on the first approval?
COMMISSIONER CHRZANOWSKI: I'll move that.
CHAIRMAN STRAIN: Made by Stan. Seconded by?
COMMISSIONER HOMIAK: Second.
CHAIRMAN STRAIN: Karen.
Discussion?
(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?
COMMISSIONER ROMAN: Aye.
CHAIRMAN STRAIN: Motion carries 6-1 on the EAC side.
Okay. With that, thank you, Bruce, and we'll see you next time.
MR. ANDERSON: Thank you very much. And does this constitute any consent hearing if one would even be needed, sir?
CHAIRMAN STRAIN: Well, you've passed out a pretty detailed -- well, I didn't see one needed. Unless we vote to ask for a consent, a consent isn't required. Okay.
MR. ANDERSON: Thank you very much.
CHAIRMAN STRAIN: Thank you.
***The next advertised public hearing is PL20140001311. It's for the Creekside Commerce Park Commercial Planned Unit Development, CPUD. It's on the corner of Immokalee Road and Goodlette. All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. (The speakers were duly sworn and indicated in the affirmative.)
CHAIRMAN STRAIN: Okay. Are there disclosures? We'll start with Tom.
MR. EASTMAN: None.
CHAIRMAN STRAIN: Stan?
COMMISSIONER CHRZANOWSKI: I talked to Mr. Yovanovich.
CHAIRMAN STRAIN: Okay. Andy?
COMMISSIONER SOLIS: And I have a conflict, so I won't be participating.
CHAIRMAN STRAIN: Okay. You'll need to fill out one of the conflict forms.
COMMISSIONER SOLIS: Yep.
CHAIRMAN STRAIN: Diane?
COMMISSIONER EBERT: I talked with Nicole and I talked with staff.
CHAIRMAN STRAIN: Okay. And I talked with the applicant; we had a meeting. And I talked with staff numerous times. I did talk with Nicole as well.
Karen?
COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.
CHAIRMAN STRAIN: Wafaa?
COMMISSIONER ASSAAD: No contacts.
CHAIRMAN STRAIN: Charlette?
COMMISSIONER ROMAN: None.
CHAIRMAN STRAIN: Okay. With that, there's no substantial corrections from staff that I know of at this time so, Richard, it's yours.

MR. YOVANOVICH: Thank you. Good morning. For the record, Rich Yovanovich on behalf of the petitioner. With me are David Genson, representing the property owner; Wayne Arnold with Grady Minor, who is the professional planner on the project; and Norm Trebilcock, who is our transportation engineer on the project.

I've put on the visualizer an aerial showing the location of the property. It's on both the east and west side of Goodlette-Frank Road. And within the PUD itself there are different designations between business and then industrial IC district.

The original PUD was approved for 620,000 square feet of IC uses and 550,000 square feet of -- I'm sorry and -- strike that back -- 620,000 square feet of business uses and 150,000 square feet of office and 40,000 square feet of retail in the business district.

We're making some changes to those allocations by removing 70,000 square feet of the IC uses and placing 50,000 square feet of additional office in the B district and 20,000 square feet of retail in the B district.

We're adding some additional uses to the PUD that are your typical retail uses you would find in your little strip retail centers, similar to the strip retail center on the corner of Goodlette-Frank Road and Pine Ridge Road where South Street is located and Five Guys and those types of uses. So we're adding those types of uses to the retail type uses.

You could see that the retail center is actually up and under construction, and the tenants are anxious to move in and open up their stores.

We're asking for one deviation, which is actually where the sign -- the directory sign could be located. We would like to -- and I'll put up the master plan. We'd like to be able to locate the directory sign, instead of having to be right here at the entrance, move it a little bit closer to the intersection. We believe it makes it -- it's a better location for visibility so people can actually see the directory sign before they get to the turn lane to turn into the project. It's the only deviation we're requesting, and staff is recommending approval of that deviation.

We've had two neighborhood information meetings for this project, and we have met with the representatives of Collier's Reserve as well to discuss the project, and we've not heard any objections from the neighbors or from Collier Reserve.

One other change we did make was to the hotel. We're increasing the height, and we're reducing the setback from 500 feet to 350 feet from Immokalee Road, and we discussed all of that with the residents of Collier's Reserve. They were very involved at the last amendment.

Now that you can see that the retail building is where it is, you have the memory care building where it is, you have the long-term care facility where it is, and the quality of construction, I think a lot of the unknown concerns for the residents of Collier's Reserve were resolved by seeing the quality of development to the location on the site, so they were understandable and acceptable to the changes to the hotel use that we're proposing within the PUD.

There's only one point of disagreement in the staff report, and that has to do with the number of trips generated in the PUD as it exists today versus the number of trips that could potentially be generated based upon the revised amendments.

Your comprehensive planning staff believes that if you increase the number of trips, we would be inconsistent with the Comprehensive Plan although all the other level-of-service standards have either stayed the same or gone down for the analysis as to consistency with the Comprehensive Plan.

We are going to agree with the recommendation of your staff at this point because we think we can live within the existing transportation trips that are in the transportation studies; however, I don't want that to be interpreted to mean we agree with staff's analysis as to what the standard is for future changes as to consistency with the Comprehensive Plan.

So for purposes of today's hearing, we are okay with capping the trips to the existing analysis in Mr. Trebilcock's report, which I believe is 1,754 unadjusted p.m. peak-hour trips, and they're both the two-way trips. I think I got that right, but we can take those numbers directly from his report.

I don't think I've left anything off as to what the proposed changes are. I did spend some time with Heidi talking about what would be left in the PUD after these changes are made as far as IC and B uses.

After the reallocation of the 70,000 square feet from the IC district to the B district, there will be 105,592 square feet of unused IC today for anybody zoned IC within the project, and 76,547 square feet of -- I got that backwards, sorry. 76,547 square feet in the IC district unused, and 109,592 square feet of unused business district after the allocations are made.

So there is -- there is remaining square footage in both the IC and the B district available to property owners within those districts if the PUD amendment is approved.

I think I hit all the highlights. And if you have any questions, we're available to answer them.

CHAIRMAN STRAIN: Okay. Questions from the Planning Commission?

COMMISSIONER EBERT: Where is the hotel going to be?

MR. YOVANOVICH: This is the better drawing to see it. Right behind -- this is the memory care right up here. It's going to be down here.

COMMISSIONER EBERT: That's not where we originally okayed this, correct? We okayed it on Goodlette Road.

MR. YOVANOVICH: No. We -- based upon the minimum setbacks, we're in the general same location, and we have spent time with the Collier's Reserve people to specifically talk about this.

COMMISSIONER EBERT: I understand. I thought we originally, though -- where you have -- where the long-term building is, that curved building, I thought that's where the hotel originally was going to go in your plans.

MR. YOVANOVICH: I believe you're correct. Right around where the Altec is.

COMMISSIONER EBERT: Yes.

MR. YOVANOVICH: Okay, right. And then once the L Tech got built, we met with the Collier's Reserve people and said, we still need a hotel. We'd like to put it over here. They saw that both the retail would block the view as well as the memory care. They liked the new location based upon how the site has developed in reality. And it's actually further away from them than we had originally proposed.

COMMISSIONER EBERT: Yeah. And I notice that you are contemplating another light, a future stoplight?

MR. YOVANOVICH: I think that's always been in the plans. I don't think that's something that's new.

CHAIRMAN STRAIN: Okay. Stan?

COMMISSIONER CHRZANOWSKI: Yeah. I drive through this intersection a lot, and if you look at all the development around there, for as developed as it is, this is one of the least traffic impacted intersections I've ever seen. I mean, it just -- I don't know why anybody would have a problem, even with all this going on. It's just a comment.

CHAIRMAN STRAIN: I tend to agree with you, Stan.

Anybody else have any questions of the applicant?

COMMISSIONER EBERT: Is it -- well, when it comes to transportation, I'll ask something there on that.

CHAIRMAN STRAIN: Okay. Well, there isn't a -- okay. They have reduced their application to be consistent with what they've currently got approved for transportation today, just so you know.

COMMISSIONER EBERT: I know.

CHAIRMAN STRAIN: Okay. I have no questions. I've found the application complete, and I disagreed with the comprehensive staff's position, but you've already resolved that by not pursuing it, so I'm fine with going forward from here.

Staff report, then, at this point.

MS. GUNDLACH: Good morning, Commissioners. I'm Nancy Gundlach, for the record.

And I just had one question I wanted to ask of Assistant County Attorney Heidi Ashton, if we've resolved the issues with the post office yet.

MS. ASHTON-CICKO: The United States Postal Service is a property owner within this PUD in the IC district, and they were provided notification. I have spoken with some of the representatives of Mr. Ruffing (phonetic), and they have not indicated at this point that they have an objection. I haven't gotten a letter of no consent, but they have not provided an objection, and they are aware of the hearing today.

So that was part of the reason I wanted to make sure that Mr. Yovanovich put on the record the amount of industrial square footage that's still left, because the deed that was conveyed to the post office didn't limit their square footage or identify, you know, how much buildable area they had.

So there is available square footage, and my understanding from the way staff applies the square footage in this type of scenario, is that it's a first-come, first-served basis. So at this point there still is square footage available for the post office, but it's a first-come, first-served basis. Does that answer the question?

CHAIRMAN STRAIN: I didn't have it. I think Nancy did.

MS. GUNDLACH: Answers my question. Okay. Staff is recommending approval.

CHAIRMAN STRAIN: Okay. Does anybody have any questions of staff? Charlette?

COMMISSIONER ROMAN: Yes, I have a question.

Nancy, in light of the information regarding the location of the hotel that was just presented to us, in that buffer that's between the future site potentially of the hotel and the adjacent preserve, there's some small writing there that talks about that buffer. And it says that it would be an alternate A, five feet wide and trees 60-foot on center, and it's very small writing, so maybe I'm not reading it right.

And I'm just wondering if that will stand in light of the fact of the hotel location, or will that be revisited?

MS. GUNDLACH: It will stand.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Any other questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. Are there any members of the public that wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Richard, do you have anything you want to add to your presentation before we close the public hearing?

MR. YOVANOVICH: No, sir.

CHAIRMAN STRAIN: Okay. With that, we'll close the public hearing, and we'll entertain a motion. For discussion purposes, one stipulation that came out of the discussion and presentation was that the trips from this change will still be capped at the current standard in the PUD, and that's the only item I heard brought up as an issue.

Anybody have anything else?

COMMISSIONER ROMAN: I have a question to follow up again with Nancy, if I could, please.

CHAIRMAN STRAIN: Sure.

COMMISSIONER ROMAN: It also says A or C. And I'm a little confused there what -- does the C refer to the buffer there? It says A or C, and then it's not alternate A.

MR. YOVANOVICH: That refers to the right-of-way cross-section.

CHAIRMAN STRAIN: That's the cross-section.

COMMISSIONER ROMAN: Okay. All right, great. Thank you.

CHAIRMAN STRAIN: Okay. Having no other questions, is there a motion from the Planning Commission?

COMMISSIONER CHRZANOWSKI: Yeah. I'll move to approve PUDA-PL20140001311, Creekside Commerce Park, with the stipulation outlined by the Chairman.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

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

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: (Abstains.)

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Let the record show the vote was 6-0 with one abstention.

And with that, before we move into the next one, we'll take a break and return at 10:30, a little bit over 10 minutes.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay, everybody. Welcome back from break. If everybody will take their seats.

COMMISSIONER CHRZANOWSKI: Take your time.

CHAIRMAN STRAIN: Any time, Diane. We'll just kind of wait for you; it's okay.

COMMISSIONER CHRZANOWSKI: We're just sitting here waiting.

CHAIRMAN STRAIN: Last item up is Item 9C. It's RZ-PL20150000901. It's the Goodland rezone located on Block Y of the Goodland Isles subdivision.

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

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

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

MR. EASTMAN: No contacts.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Nothing.

CHAIRMAN STRAIN: Diane -- or, I'm sorry, Andy?

COMMISSIONER SOLIS: None.

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: None? And I have had several meetings with staff. I don't know if I had just an email or even a conversation, maybe both, with Fred Hood, and I think that's it. Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Okay. Wafaa?

COMMISSIONER ASSAAD: No contact.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: None.

CHAIRMAN STRAIN: Okay. With that, there are some changes in this particular project, so I'm going to ask that on this one staff highlight us on some of the change -- the change or changes that staff has recognized.

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

There was some changes made since your packet went out. Staff has uncovered some acreage conflict between the application, the survey, and the backup.

I had talked to the applicant. The applicant has agreed to these changes because of this oversight, is in agreement with the staff moving forward.

Just one clerical. In the staff report on Page 10, I -- the setbacks that are for village residential I put down as 10 feet. It's actually 20 feet. That's a clerical error. I just wanted to mention that.

But regarding the application, in the backup provided by the petitioner, represents 1.7 acres as owned and being considered for this rezone. The Florida land use and cover classification system maps provided, however, show 1.36 acres to the mean high-water line with .34 acres submerged. LDC Section 1.08.02 definition of density residential does not allow land submerged beneath tidal waters and marine wetlands.

So, in essence, moving forward, the density is not going to change for the land use portion of it, but as far as the acreage, we're going to be looking at -- instead of seven units, the maximum is going to be five units based on the acreage.

CHAIRMAN STRAIN: And the applicant is in agreement with your findings?

MR. SMITH: That's correct.

CHAIRMAN STRAIN: Okay. So with that, we'll move now to applicant's presentation. Mr. Hood?

MR. HOOD: For the record, Frederick Hood with Davidson Engineering representing the applicant.

Yeah, everything that Dan said is true. We found the discrepancy on the acreage on, I believe, it was Monday, and brought it to his attention and also to the Chairman's attention -- or the Chairman brought it to my attention, actually, when I --

CHAIRMAN STRAIN: Well, I think staff -- staff actually -- the county found that error. And I think your firm was aware -- was made aware of it on Monday, from what I understand from Dan, so...

MR. HOOD: That's correct, that's correct.

CHAIRMAN STRAIN: Okay.

MR. HOOD: So the purpose of the application is to take the property that is in total 1.70, but for density reasons it is 1.36 -- to take that property and down zone it from C4 with the Goodland zone -- sorry, Goodland zoning overlay district to a VR Goodland zoning overlay district and provide the property the ability to construct single-family homes on.

That's the long and short of it. We wanted to take -- the applicant wanted to take the commercial intensity off of the project and wanted to allow the more residential nature of the neighborhood to remain the same. So they are aware that taking the commercial zoning off of the property will likely -- we'll never see it again, but that's what they want to do, and that's where we are.

CHAIRMAN STRAIN: Okay. Questions from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Well, with that correction, it seems pretty straightforward, Fred. I don't think I have any comments.

You had a lot of discrepancies in the way you talked and wrote about the number of units or lots you were going to have, but I think the clarification from staff kind of changes all that. So it's going to be no more than five.

MR. HOOD: Yes.

CHAIRMAN STRAIN: And the staff reports -- or going forward, that will be reflected as the right number. At this point I don't think I have any other questions or concerns. Anybody else?

COMMISSIONER ROMAN: The only concern that I have, and it's probably a sidebar to this petition somewhat, is the fact that the Goodland road is currently under water during major rain events, and that is the primary road to and from the Goodland community.

And, you know, I'm just wondering how prudent it is to put more residential in there when that road right now is compromised during storms. So that's my only -- my only point I'd like to make.

CHAIRMAN STRAIN: The only counter to that kind of is they do have a right to proceed as they're currently zoned, which is commercial, which would be far more intensive in cases of flooded waterway -- flooded roadways than residential might. So it may not be -- we may be actually making it better by the reduction in intensity and density than the way it could be built the way it is now.

COMMISSIONER ROMAN: Yeah. I had that thought as well, Mr. Chair. It's just the point that in the transportation review that was not mentioned, and I just would like to get that on the record.

CHAIRMAN STRAIN: Okay. Okay. Hearing no other questions of the applicant, is there a staff report?

MR. SMITH: Thank you. Zoning services staff recommends the Collier County Planning Commission forward Petition RZ-PL20150000901 to the BCC for recommendation of approval with the following stipulations:

One, mobile home development is prohibited because new rezones to permit mobile home developments are not allowed within the coastal high hazard area per the Growth Management Plan;

Two, the maximum allowed density is four dwellings per acre typically denoted in ordinance -- in ordinance as VR4; and,

Three, archaeological monitoring by a certified archeologist shall be required during any excavation activity on site per the Historic Archaeological Preservation Board.

CHAIRMAN STRAIN: Okay. Anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. Are there any members of the public here wishing to speak on this item?

Ma'am, if you'll please come up and identify yourself for the record.

MS. BEATTY: Yes. My name is Diane Beatty.

CHAIRMAN STRAIN: You can pull that towards you. There you go.

MS. BEATTY: Diane Beatty. I'm a homeowner and a director of the condo association adjacent to the property for rezoning.

The homeowners asked me to attend because there was some concerns from the original meeting that they had the Rose museum on Marco talking about this rezone to the side setbacks that were changing. We were understanding that now it was a minimum with the commercial of a 15-foot side back -- setback to change to a 5-foot side setback.

One of the buildings in our condominium complex faces directly towards this lot. So if that is the case -- if I'm misunderstanding that, I'll take that back to them. But if the change is from 15-foot to side foot -- 5-foot setback, we feel that that will dramatically affect that condo building's value.

CHAIRMAN STRAIN: According to the setback stated on the mapping, it's 10-foot side setback.

Ray or Dan, do you have any change or difference to that?

MR. SMITH: No, it is -- Daniel Smith, principal planner. It is 10-foot setback.

MS. BEATTY: Is this a reduction from a 15-foot or any reduction in the setback from the C4 zoning?

MR. SMITH: This is a completely different zone. There's still going to be buffers that are going to be required between the existing residential and this piece of property.

MS. BEATTY: Okay.

MR. SMITH: So I believe that's going to be a 10-foot A buffer that's going to be also included with that.

MS. BEATTY: So 20-foot between the --

MR. SMITH: Absolutely, correct.

MS. BEATTY: Wonderful. That was our main concern. Thank you very much.

CHAIRMAN STRAIN: Thank you, ma'am.

Okay. If there's no other members of the public wishing to speak, the applicant -- Fred, I don't imagine there's much you want to have a final comment on.

MR. HOOD: I do not.

CHAIRMAN STRAIN: It's pretty straightforward.

Okay. With that, do you have any -- are you in agreement with the staff stipulations?

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: Okay. Thank you.

Unless -- there's no questions from the Planning Commission, we'll close the public hearing and entertain a motion subject, I assume, then, to staff stipulations and the new revision of the number of units as Dan had articulated to us in the beginning. Does anybody --

COMMISSIONER SOLIS: So moved.

CHAIRMAN STRAIN: Made by Andy. Seconded by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Karen.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you very much, Fred. That was probably one of the shortest ones you've ever had.

MR. HOOD: Thank you.

CHAIRMAN STRAIN: With that, we'll -- I believe we're just about at the end of our agenda, but we've got to continue this meeting. We've got to carry this meeting on past noon because Andy challenged me to be done before noon, so I think we've done it.

COMMISSIONER SOLIS: Two meetings in a row.

CHAIRMAN STRAIN: Yeah. I see you're doing -- we're doing really good.

Is there any old business?

(No response.)

CHAIRMAN STRAIN: No. New business? The only old business I'd like to remind staff, at some point I would like an update on our request to codify or define the man cave exotic car issue with the LDC as to how you're going to schedule that, when it might be coming through, what LDC cycle it's going to be in, things like that. So could you kind of make sure you don't forget to come back and remind us of that. I don't want that falling through the cracks.

I know the Board added a bunch of moratoriums -- temporary moratoriums and things to the plate, and I just want to make sure this one isn't forgotten in the process.

MR. BELLOWS: Will do.

CHAIRMAN STRAIN: Okay. Any new business?

(No response.)

CHAIRMAN STRAIN: Any public comments?

(No response.)

CHAIRMAN STRAIN: None. Is there a motion to adjourn?

COMMISSIONER HOMIAK: Motion to adjourn.

CHAIRMAN STRAIN: By Karen.

COMMISSIONER SOLIS: Second.

CHAIRMAN STRAIN: Second by Andy.

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.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you all.

March 3, 2016

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:41 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 4-21-16, as presented ✓ or as corrected _____.

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