

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, October 4, 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 8:30 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark Strain
Stan Chrzanowski
Diane Ebert
Karen Homiak
Joe Schmitt

ALSO PRESENT:

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

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everybody. May I have your attention, please. We'd like to get started with the meeting. We are starting a bit earlier, earlier than normal. So everybody please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you. And before roll call, we have an interesting announcement to make. We have a new member of the Planning Commission, someone who's very familiar with us and Collier County, Mr. Joe Schmitt. Welcome aboard, Joe.

COMMISSIONER SCHMITT: Thank you very much.

(Applause.)

CHAIRMAN STRAIN: With that, we'll do the roll call by the secretary.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Mrs. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: And Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

CHAIRMAN STRAIN: Okay. Next item is addenda to the agenda. We still -- this is a special meeting for one item, which is known as the Creekside Commerce Park, also as Arthrex. That's the only item remaining on today's agenda. Our intention is to continue hearing this today until we hear everybody's comments. So we could be here for a long time.

One item I'd like to mention under this to the Planning Commission, you received packets for this meeting, which were about 700 pages, and you also received packets for a meeting in two days, which was somewhat comparable, several hundred pages. Included in that second packet was the Annual Update and Inventory Report, the AUIR.

I'd asked staff as recently as Monday or so to please consider letting -- continuing that until the next meeting. We'll officially do that Thursday morning. I wanted to tell you-all now so if you tried to prepare for that meeting, the AUIR is one item that you don't have to digest in your preparations.

And with that, we'll move right into our first and only advertised public hearing for today. This item has been continued since the -- from the September 15th Planning Commission meeting. It's the Creekside Commerce Park, commercial planned unit development, CPUD. It's on the -- near the intersection of Immokalee Road and U.S. 41. It's also known as the Arthrex project.

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

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

CHAIRMAN STRAIN: Thank you. We'll start with disclosures on the part of the Planning Commission. Mr. Eastman?

MR. EASTMAN: None other than the emails of public record.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: More emails in the same vein and a few conversations with people from the business community.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I spoke with Mr. Arnold, Mr. Pritt, Nicole Ryan, and I have hundreds of emails.

CHAIRMAN STRAIN: Okay. And I have talked to the applicant, their representative since the last

meeting, and prior to last meeting I've talked to Mr. Pritt and some people from the community prior to the last meeting.

By last meeting I think I received about 150 emails. Since then to now, I think there's been about 20 more, but I have not received any emails regarding the issue of height since the project's changes have occurred that were announced, I guess, Friday night to the neighborhood and Sunday in the newspaper.

So with that, I think there's about 170 total, though, prior to that point. And I have talked to some of the County Commission members, three of them.

Okay. Karen?

COMMISSIONER HOMIAK: I have all the emails, I previously spoke to Mr. Yovanovich, and I spoke to Commissioner Fiala.

CHAIRMAN STRAIN: Okay. And, Mr. Schmitt, I know it's your first meeting, and I'm going to ask for your disclosures. But first off I'd like to verify that you have reviewed the video from the last meeting involving the public testimony that we had for this particular case.

COMMISSIONER SCHMITT: Yes, I did. I reviewed the entire segment.

CHAIRMAN STRAIN: Thank you, sir. If you -- do you have any disclosures?

COMMISSIONER SCHMITT: Just one. I had emailed with David Weeks related to the adjacent PUD, the Naples Daily News, in regards to when a portion of that PUD or property from Creekside was transferred to the Naples Daily News, and I just wanted some clarification.

CHAIRMAN STRAIN: Okay. Thank you.

And the way we have the meetings is at about 10:30, 10:15, we'll break for 15 minutes for the court reporter as well as ourselves, we break at lunchtime as close to noon as we get a reasonable point of stopping, and then we'll resume at, usually, an hour later.

Now, this meeting originally was scheduled for this room, then after it got scheduled we found there was a conflict in the afternoon with the Board of County Commissioners. I wish to extend the Planning Commission's thanks to the Board of County Commissioners for agreeing to let us continue in this room if we need to, and they're actually going to hold their legislative delegation hearing upstairs on the fifth floor.

So with that in mind, the protocol for today will be the applicant will make a presentation and their experts, the Planning Commission members can ask questions as we move through it, usually at the end of their presentation. Then staff will make a presentation. We'll, again, ask questions. After the staff's presentations, we turn to public speakers. Then after the public speakers and through the questions and answers, the Planning Commission may have -- will end up asking the applicant if they would like to do a rebuttal to anything they've heard, and then at that point we will close the public hearing and have discussion and entertain a motion from the Planning Commission for a recommendation.

Today's actions are purely a recommendation to the Board of County Commissioners. The Board of County Commissioners makes final decisions on matters such as this.

So with that in mind, if the applicant's available for presentation.

MR. YOVANOVICH: Thank you, and good morning. Rich Yovanovich on behalf of the applicants for this matter. With me today are David Bumpous and Dan -- who? Who? Dan Hall, I knew that. I'm sorry. I thought you said Paul -- Dan Hall from Arthrex; Wayne Arnold from Q. Grady Minor; David Gensen from Barron Collier Companies; Norm Trebilcock, who's our transportation engineer; and Tim Hall, our environmental consultant.

On the visualizer is an outline of the Creekside PUD that we're here to discuss, multiple changes to the PUD all relating to the expansion plans relating to Arthrex. There have been some changes to our request since we last met, which we'll go over. But, generally, the PUD is requesting an increase from the allowable IC square footage today of 550,000 square feet to 716,000 square feet. We've been able to true up the acreage related to the IC district, which results in an increase from 41.6 acres to 49.9 acres.

We're also increasing the allowable square footage within the B district of the PUD from 260,000 square feet to 292,000 square feet, and we're reducing the retail from 60,000 square feet to 50,000 square feet.

We're also increasing the overall project floor area ratio from a .35 to a .45 and excluding parking garages, which have always been excluded from FAR calculation.

All of the additional square footage we're talking about, which is a hundred and, I think, 98,000

additional square feet -- yeah, I think that's right -- is going to be medical-related uses. So we're consistent with the Comprehensive Plan since those increases are being limited to medical-related uses.

Section 3.4 of the PUD, which applies to the IC parcels, is allowing parcels on the west side of Goodlette-Frank Road to increase from 35 feet to 50 feet, and on Tract 5, which is the parcel that has been what we've been discussing predominantly is the Arthrex world headquarters parcel.

Originally, the request was for an actual height building of 205 feet. In response to community comments and community concerns, we have gone back to the architect and made adjustments to the building to make it lower in height and reduced it to an actual height of 122 feet with a zoned height of 104 feet.

We're also asking you to revise Section 4.4 of the PUD, which is Tract 9, and Wayne will go through in great detail all of these, but I'm just highlighting. Tract 9, we're increasing the height for all other uses besides the group housing portion of the PUD to 75 feet actual height and 85 -- I'm sorry -- 75 feet zoned height and 85 feet actual height.

We're also asking for a vacation of a portion of Creekside Boulevard to reroute traffic around what's ultimately going to be the Arthrex campus onto a roadway network that will still allow people to go from U.S. 41 to Goodlette-Frank Road, but a portion of the roadway will be vacated, and there will be improvements associated with the vacation of a portion of that roadway.

The ultimate goal here is to allow for Arthrex to expand its current operations within the Creekside PUD, which is consistent with the county's Economic Element which requires the county to provide support to new businesses and existing businesses that want to expand in Collier County. So we're consistent with that portion of the element.

Arthrex will be bringing -- it will be spending a lot of money on a new building and bringing 560 new jobs to Collier County.

We're also asking for a deviation on the east side relating to a portion of the existing preserve. That is also consistent with your Comprehensive Plan, which allows for deviations to the required preserve requirements to further economic development in Collier County. And the 1.35 acres of offsite preserve that we're requesting is consistent with other approvals.

I'll briefly touch on why what we're asking for on the east side of Goodlette-Frank Road is, in fact, related to Arthrex, and Dave Bumpous will spend a little bit more time in that. But I'm not sure that people appreciate the amount of visitors Arthrex brings to Collier County each year, and they bring 12,000 hotel nights per year to Collier County related to their operations at their current location and expanded location.

Hotel nights are difficult to come by, and one of the uses on the east side of Collier Boulevard is a hotel, so that hotel is related to the operations and expansion goals of Arthrex.

The request before you is important to Collier County because I think it's Collier County's first true commitment to economic diversification and economic development in Collier County, and Arthrex has already proven to be an important company in Collier County and throughout the world. So we have an opportunity to keep one of our own and grow one of our own companies, which is consistent with your Comprehensive Plan and the economic development set forth therein.

The staff report, staff is recommending approval of what we're requesting. They recommended approval of the 205-foot building. I'm assuming they'll recommend approval of the 122-foot-high building, and we've shared that information with staff.

Staff has two recommendations that we cannot agree to in their staff report. One has to do with an IQ irrigation quality water line that they want an easement through our project. They want us to agree to agree in the future on a location of an easement. Our position has been, let's talk about where the easement's going to go before the Board of County Commission meeting, and if we can agree to the location, we'll continue to move forward with that. If not, we're not going to agree to a condition to provide an easement regarding the IQ water line.

And the second recommendation we don't agree to is the staff recommendation to deny our request to go offsite for 1.35 acres of our preserve.

With that, that concludes my opening comments, and I'll turn it over to Mr. Bumpous to take you through the Arthrex request.

CHAIRMAN STRAIN: Thank you.

MR. BUMPOUS: Good morning, Chairman Strain, members of the board. My name is David Bumpous, and it's a pleasure to be here this morning, especially representing Arthrex.

I want to take a few minutes first thing and talk a little bit about Arthrex and some of the very exciting things that have been happening at our campus on Creekside as well as some of our other campuses in Fort Myers and Ave Maria.

Everyone knows of us here locally as the company on Creekside Boulevard, occasionally hearing of us in the news, but most people don't truly understand the global footprint that we currently have. As a leader in sports medicine and orthopedics, we have locations around the world and service patients on a global basis.

Some numbers we're incredibly proud of: 95 percent of all of our products are manufactured right here in the United States of America, and 70 percent of that is here in Southwest Florida.

Another item as you can imagine we're very proud of is the fact that for two consecutive years we've been rated as one of the best 100 companies in the United States to work for. We consistently rate high with all demographics and all genders.

I also wanted to share some recent improvements we've made on the Creekside Boulevard. We took an old warehouse that was originally our warehouse when we moved to Creekside back in 2003 and have converted that space over the last 12 to 14 months. Very exciting project for us, as you can imagine. It's allowed us to continue to grow within the envelope that we currently had.

And to speak to Mr. Yovanovich's comments about those 12,000 hotel nights, it also allowed us to double our current medical education capacity. So I can't stand here today and tell you that those 12,000 nights will double, but they will significantly grow over the coming years as more surgeons visit Arthrex here in Naples to learn the latest and greatest techniques in orthopedics.

The facility on Creekside Boulevard where we're proposing our new office tower and research and development area is currently a manufacturing operation. It consists of about 116,000 square feet. It's an older building that we acquired many years ago from Hellermann Tyton Corporation.

The picture I have on the screen right now depicts the original building that was built out at Ave Maria several years back at about 200,000 square feet, and the section you see to the right, which has the wider and newer roof on it, is an addition of 163,000 square feet that we'll be opening in December of this year.

It's our intent, should these plans continue successfully, to relocate the manufacturing we have on Creekside Boulevard to this facility out at Ave Maria.

The building you see in the back is also a facility we've built over the last couple of years. We refer to this as our finishing facility. And, again, it's more resources we've brought in-house to continue our growth and development.

You also can see a parcel there to the north and east. That's about nine acres that we have for future development there in the Ave Maria campus.

I mentioned the warehouse on Creekside Boulevard. It seems like just yesterday, when we moved in there in 2003, but that's all been relocated now to Fort Myers where we have a warehouse of 258,000 square feet. This facility ships approximately 700,000 packages a year to over 100 countries. It's a beautiful facility, and, hopefully we'll -- we won't run out of space there too soon.

Some important numbers for everyone to know. I know some of this has been reported recently in the newspaper, but last year Arthrex brought to the local economy an impact of \$837 million. That number continues to grow and build. And as you can see, it's estimated that by 2020 that impact will be \$1.67 billion annually. I know these numbers, again, were in the paper recently. They left out one key factor, the word "annually."

The project that we're here to talk about today will have a one-time impact of approximately \$73.4 million is the estimate and, of course, generating additional taxes of 1.78 million. So it is a significant project in its own right.

The one thing we're probably most important -- or most proud of Arthrex is our giving back. We're recognized both here in the local community as well as across the United States and many other countries for our charitable giving. It's millions of dollars each year that Arthrex provides to these charities. But more importantly, or equally importantly, I should say, is the thousands of man-hours that our employees dedicate

to supporting and helping to grow these charities, and much of that time is actually provided and paid for by Arthrex to our employees.

To the subject at hand, this is our current Creekside master plan. You can see -- I don't have a pointer here, but you can see where Creekside Boulevard has the addition of two roundabouts; one on the west side directly in front of the Arthrex campus entrance, and then one to the east side.

Just move that. That will work. Thank you, Rich.

One roundabout here with significant improvements and widening of Arthrex Boulevard.

UNIDENTIFIED SPEAKER: Can't see it.

CHAIRMAN STRAIN: Whoever's shouting out from the audience, please refrain from doing that.

MR. BUMPOUS: And then over to the east side, the same thing, a roundabout that would allow for traffic flow through the community.

The building here, I'll be showing a rendering next. But as Mr. Yovanovich also added, a significantly different building from what our original intentions were. We challenged our architectural firm to come up with a new plan that would be more palatable to the community and at the same time meet our square footage needs and growth needs in the many coming years.

We feel like we've done that. It was challenging, but at the same time our objective has been and still is to create a campus-like environment for our employees, our growing population of employees, as well as those tens of thousands of visitors that we've talked about that visit our beautiful campus every year.

This is our current rendering. As Chairman Strain pointed out, it's been in the paper recently. Many people have seen this. This is a seven-story building, a portion of it does extend over a three-level parking structure.

This would be a view from the northern portion or from Immokalee Road. Obviously, landscaping has been removed so that you could see the building more clearly in this rendering.

This is a cross-section of the building, giving you an idea of the different atrium and levels as well as the parking structure. It also, of course, spells out those heights that were previously mentioned as well.

These are some visualizations or sightlines. The top three were courtesy of our neighbors at Bay Colony depicting what they believe would be our future building. The three along the middle are actually what the 204-foot-tall facility would have looked like based on renderings from our architectural team, and then finally the two on the bottom are those same two snapshots from the driving range as well as I believe it's the No. 11 fairway or green. And, of course, very little is visible above the trees. In fact, you can also see very little of NCH as well. So, again, a significant change in the part of the height.

Before I turn it over, one thing I'd like to clear up, perhaps, as well is I've been inundated with questions since the article in the paper on Sunday specific to our willingness to stay in Collier County or moving from Collier County. And I think the paper alluded to the fact that Arthrex has no intention of moving from Collier County, and that's very true.

I just showed you some significant investments and improvements that we've made to our Creekside campus; however, it is important to differentiate that our future growth, this growth that we're talking about today and future growth, is important to us, and doing it right, doing it right by the community, but also doing it right by, again, the thousands of people that will be using this space for their safety and for the future development of products and growth.

So while it is our intention to stay here and to grow this project here, we certainly hope we don't at some point have to look elsewhere. Thank you.

CHAIRMAN STRAIN: Thank you.

MR. YOVANOVICH: Mr. Strain, our next speaker will be Wayne Arnold, who you're all very familiar with as a professional planner, in particular an expert in planning in Collier County. We have gotten into we're now qualifying experts, so I want to make sure --

CHAIRMAN STRAIN: Well, we're not qualifying experts. We're taking all testimony, and we'll differentiate how we weigh that testimony in our discussion.

MR. YOVANOVICH: I would like Mr. Arnold -- to qualify Mr. Arnold as an expert in planning in Collier County.

CHAIRMAN STRAIN: I'm not qualifying Mr. Arnold today at this hearing. We will listen to Mr.

Arnold. We're familiar with Mr. Arnold as well as other people, and we will weigh it accordingly.

MR. YOVANOVICH: Okay.

MR. ARNOLD: Good morning, Mr. Chairman and Planning Commission members. I'm Wayne Arnold, professional planner with Grady Minor & Associates in Collier County. I've been practicing planning in the state of Florida since 1987, and I hold the AICP certification, which is the certification process for professional planners.

I'm going to work from the visualizer for the few slides that I have. It's just easier for me to put things back and forth. But one of the things that I'll put up to start is an aerial photograph. I know we had one in our presentation.

COMMISSIONER EBERT: And, Wayne, I know that the Planning Commission tries to let you-all get through your presentation before we ask questions, but we are starting -- I know I'm collecting some questions to ask. What's your preference, as you go along or till you-all finish? And is any of your other experts or individuals going to testify after you?

MR. YOVANOVICH: After Mr. Arnold will be Norm Trebilcock, who will be testifying to the transportation-related impacts of the project, and after Mr. Trebilcock will be Tim Hall to address environmental impacts of the project. So there will be two further experts to testify.

CHAIRMAN STRAIN: Okay. I would like to, then, after Mr. Arnold finishes, for this panel to ask any questions they may have accumulated through the last couple presentations involving the planning aspects of the project, and then we'll hit the other specialties separately as they come up.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: Thank you. I thought I would start by just reaffirming that we all understand the location of the project. It is -- well, we're discussing an amendment to the Creekside Commerce Park. It's an existing business industrial park and about 106 acres, and it has industrial components, it has commercial components, but more importantly what it's adjacent to and what's surrounding it.

To the south, obviously, it's our Pelican Marsh community, and that is the Bay Colony Golf Club and Bay Colony Estates residences that you can see. Immediately to our west, though, is the Naples Daily News property. That was another business park PUD. And immediately west of that is Granada Shoppes PUD, which is large-scale activity center commercial shopping center.

Just north of Granada Shoppes, of course, is Riverchase Shopping Center, which is part of the Tract 22 DRI which also includes the Collier's Reserve residential community.

Located east of us is a medical office complex to the east side of Goodlette-Frank Road, and the county's wastewater treatment facility is located to our south as well.

Immediately North, I think we're all familiar with the North Collier Hospital complex. And, obviously, Creekside Boulevard is to the south, which has been discussed; point that out so we're all familiar with the orientation of that. And then Goodlette-Frank Road again.

So with that, I'll talk a little bit about location and why this makes sense for expansion here. And you heard Arthrex's expansion plans and why it's critical for their growth needs, but also from a land planning standpoint, it makes sense. This is well within your urban area. It's in an area that already has a support infrastructure that's necessary for the expansion not only for Arthrex but other supporting facilities that you have heard Mr. Yovanovich mention. The master plan is being modified to accommodate that.

This is the existing and approved master concept plan, and Rich talked to you a little bit about some of the changes we're making, most notably the tract that we've been discussing is not shown, but we've added tract designations here so we can better identify in the PUD document where some of these specific commitments are being made. One of the areas you're going to hear about is the preserve area expansion deviation.

So this is our proposed master plan. It's in your packet. And it shows, for instance, Tract 5 on the master plan is here. That is the existing Arthrex building that would be demolished, and the new 104-foot zoned height office building and research and development center would be constructed. You can see it's central to the site, which makes sense for the taller building, and you can see on the east side of Creekside Tract 9, as it's called, has been expanded. And that's where our impact to the existing preserve is proposed,

and Mr. Hall will discuss that deviation in a little bit more detail.

One of the things that has been discussed is building height, and I'll get into that in a minute. But I just wanted to touch base briefly about your Comprehensive Plan. In the future land use element urban designation, there are special provisions for medical-related expansion of uses near hospitals, of course, proximity to the North Collier Hospital. And the specific provision says that any site that's within a quarter mile of the hospital is allowed to have medical-related uses, and the Comprehensive Plan --

CHAIRMAN STRAIN: Pull that mike up a little closer.

MR. ARNOLD: The Comprehensive Plan is a little bit more generic. It doesn't list SIC codes, but I think we can all agree that Arthrex and their operations are medical related.

So all the square footage that we're asking for in addition to what's been there previously will be for medical-related uses, as Rich said and that's important because that is consistent with your Comprehensive Plan. It's also consistent with your economic development element because your economic development element also makes provision for that to be a targeted industry, medical related, and that's something that you're identifying as going after and providing incentives for them to grow and expand in Collier County, and we obviously are consistent with that policy.

I wanted to talk a little bit more about height, because height seems to have been the lightning rod issue here when we were proposing the 205-foot-tall building. Hopefully some of that has been tempered by the reduction to the 104-foot zoned height building because, you know, we have a lot of examples around the community of areas that have building heights exceeding 100 feet.

But if you look around the community that's near us, what we're asking for is not inconsistent with what is surrounding us. Collier's Reserve commercial tracts, for instance, allow 80 feet zoned height for buildings. Their own multifamily component allows for 70-foot-tall buildings. The Granada Shoppes allows 60-foot-tall buildings; Naples Daily News, 75 feet. The Collier Health center allows 100-foot zoned height. It's for offices. And then the North Collier Hospital building allows for 80-foot zoned height buildings.

And in Pelican Marsh to our south, the commercial component of Pelican Marsh allows buildings to be 100 feet.

Pelican Marsh, I think -- or Pelican Bay, we're all familiar with the Ritz-Carlton and the Naples Grande hotels both located within that PUD. Those buildings are allowed to be 200-feet plus.

So I think when you look at what's around us and the land use pattern, the 104-foot zoned height is very comparable to what has been approved in the other communities that surround us.

I know that there was a comment made that, you know, no other building east of U.S. 41 exceeded 100 feet, but I would remind you that your own redevelopment area, the Bayshore redevelopment triangle area allows, by code, 112-foot zoned height buildings. So that is something that can occur by right, and that's certainly east of U.S. 41.

Recently, too, I saw that the Board approved moving forward on an 160-foot-tall building also within that same area of the triangle. So I think that to say that a 104-foot-tall building is somehow inconsistent or incompatible with surrounding land uses wouldn't meet my planning test. I think the 104-foot-tall building is absolutely consistent with the surrounding community.

One of the other things that you're going to hear from Mr. Trebilcock is talking about the transportation aspects of this project, but the Transportation Element does include provisions for what we're proposing. We are within a traffic congestion management area that's been designated in your Comprehensive Plan, and that's an area to acknowledge that's where we're going to have issues with regard to traffic because that is also where we've acknowledged that we're going to have expanded growth in our communities.

Probably one of the things I want to acknowledge is that the staff did, I think, a very thorough job analyzing the project and addressing all the findings, but the issue seems to have been addressing tall buildings and traffic. And with regard to your rezone findings, they're in your staff report, and staff has concluded that we've met the findings for rezoning the property, and we've also identified the staff recommendation of approval for the project. And Mr. Yovanovich mentioned the two staff recommendations that we don't concur with.

But just to go through your findings very briefly, the first one is Comprehensive Plan consistency.

Your staff has acknowledged that this project is consistent with the Comprehensive Plan. In my professional planning opinion, we are consistent with your Comprehensive Plan. I think the established land use pattern is one that supports what we're proposing to do and the expanded square footage and building that we're asking for.

We're not creating an isolated district. We're amending an existing PUD that was established to be a business park, and that's exactly what we're proposing to continue.

Now, there are changing conditions that warrant this. You heard Mr. Bumpous talk about Arthrex's expansion plans. You've also heard that they receive state and local grant monies to further their expansion here and retain them in Collier County. It is infill development. We're retaining a targeted industry. Those are all things that are consistent with your Comprehensive Plan and the Board's actions.

Is this going to adversely affect living conditions? Staff spent some time talking about this. The height was the issue at the 205 feet. It's been reduced to the 104-foot zone height building, and we're going to, obviously, be addressing traffic, but it's my opinion that we don't adversely affect living conditions because if it's simply about height, we have PUDs like Pelican Bay where there are residential and commercial and other multifamily residential that are over 200 feet tall in much, much closer proximity to golf courses and residences than we're proposing to do here.

The excessive traffic is one of the comments that's in your criteria. Mr. Trebilcock will be addressing that, but we've obviously had no level-of-service issues related to the traffic aspects of the project.

Drainage; there are no drainage issues. We're in for environmental resource permitting through the Water Management District, and we're confident that those issues will be addressed and we'll receive that permit.

Reduction of light and air; I don't think so. I think we're about a quarter mile away from our nearest residence in Bay Colony and over 700 feet from the nearest residences that are part of Collier's Reserve. And, again, the parcel that we're talking about expanding is located on the interior of the PUD.

Is this going to be a deterrent to development of adjacent property? In my opinion, no. It probably will be probably an incentive for others to upgrade their facilities, because when Arthrex builds their world headquarters facility here, it will be something that other people want to probably emulate with regard to improving their properties.

There is no special privilege granted to this property owner. We think that everything we're proposing is very consistent with -- we know it's consistent with your comprehensive plan. We think it's compatible development, and we believe it makes sense from a land use perspective.

Obviously, we can't use the existing zoning as-is because Arthrex needs a certain amount of square footage to house the 560 employees that they've pledged to grow here in Collier County. The only way they can do that is to grow vertically. You can't grow that horizontally because we have streets that are incumbering us to the south and to the east, so the only way to do this is to go up, and that's what we're proposing to do.

Public facility impacts; we have adequate water, sewer, drainage. Roadway will be addressed by Mr. Trebilcock, but we don't have level-of-service issues.

There are other factors that you and the Board of County Commissioners can consider when you make your findings, and that, here, I think, is critically important in that you can retain an existing industry, you can help an existing industry grow, we can grow jobs that we all know we need, and we have positive economic impacts that will accrue from the project.

So we agree with staff's recommendations. Again, we disagree with the deviation denial and also the IQ line recommendations but otherwise agree with staff that we're consistent with the Comprehensive Plan and a compatible project.

Thank you.

CHAIRMAN STRAIN: Okay. With that, we'll entertain questions from the Planning Commission. Anybody here have any questions at this point? We have had three presentations, mostly the characteristics of Arthrex and the planning for the site-planning related issues before we get into transportation. Does anybody?

Joe?

COMMISSIONER SCHMITT: Wayne, your list of permitted heights, what's the height of the building you're currently in in the adjacent courthouse; do you know? I mean, do you have that information?

MR. ARNOLD: I don't know the exact height of that building, Mr. Schmitt. I can certainly try to find out.

CHAIRMAN STRAIN: Okay. Wayne -- or, Stan, go right ahead.

COMMISSIONER CHRZANOWSKI: Just curious, the North Collier Hospital, that building's taller than 80 feet, isn't it?

MR. ARNOLD: Mr. Chrzanowski, the information we pulled off the county's website shows that the tallest point of that building is about 103 feet.

COMMISSIONER CHRZANOWSKI: Okay. Because I was -- on Goggle Earth, and you can touch a point and it will tell you how high that point is, and that was a lot higher than that, but okay. Thank you.

MR. ARNOLD: Yep.

CHAIRMAN STRAIN: Okay. Wayne, I have a series of questions. Can we go back to the presentation made by Mr. Bumpous, the -- just out of -- I have a curiosity question, then a site planning related question.

MR. ARNOLD: Which slide would you like to see?

CHAIRMAN STRAIN: The one that showed the dots worldwide of where your locations were. By the way, you're going to leave that presentation as record with staff, please.

I thought it was interesting you've got all these locations, and you don't have a world headquarters in any of those and yet where you're proposing to do it and the manufacturing you're doing in Fort Myers, Ave Maria, and Collier County isn't a dot on this map. Is there a reason for that?

MR. ARNOLD: Well, I'll let Mr. Bumpous --

CHAIRMAN STRAIN: I mean --

MR. ARNOLD: -- address that.

CHAIRMAN STRAIN: -- if we're the potential main location, it's odd that we don't even have a bright star there, but --

MR. BUMPOUS: Yes, sir. This map simply depicts those that are international locations. We have multiple locations in the U.S., but this is clearly just a presence in international locations.

CHAIRMAN STRAIN: Okay. So you have other locations in the U.S. beside those in Florida?

MR. BUMPOUS: That's correct.

CHAIRMAN STRAIN: As example?

MR. BUMPOUS: Santa Barbara, California; City of Industry, California.

CHAIRMAN STRAIN: Okay. It would have been good to know that. I didn't know you had expanded to that point. Okay. Thank you.

Wayne, this will be the best location for me to talk about the site plan that shows the building. It's kind of a light greenish color. It was towards the end.

MR. ARNOLD: That's why I don't prefer PowerPoint.

CHAIRMAN STRAIN: There you go. The building that you showed the architectural features on, plus this plan, which one of the elements of the main area there where the reddish building is your parking garage?

MR. ARNOLD: The red area that's highlighted on that exhibit represents the office building component, and the parking deck is the white and gray area that's shown protruding from the east side of the building.

CHAIRMAN STRAIN: How many -- how much square footage are you going to be putting in that building total, not including the parking, just occupiable -- I'm concerned about the amount of parking you're looking at versus the amount of square footage you're providing, and have you looked at that and --

MR. ARNOLD: I know that the Leo Daly architectural firm that's working with Arthrex has looked at this issue, and I'll let Mr. Bumpous tell you a little bit more detail about that.

CHAIRMAN STRAIN: Okay.

MR. BUMPOUS: Yes, sir. This building's design is approximately 300,000 square feet, and they're designing the parking to accommodate that, per regulation.

CHAIRMAN STRAIN: Okay. So you don't need any specialized increase in parking? You -- basically, whatever the 300,000 square feet equates to under our code is all you really would need to function, and that's in those buildings?

MR. BUMPOUS: That is planned in this design, yes, sir.

CHAIRMAN STRAIN: Okay. And the parking lots to the south, I'm assuming, are for the buildings to the south.

MR. BUMPOUS: That is correct.

CHAIRMAN STRAIN: Then why do you need to take out Creekside Boulevard?

MR. BUMPOUS: That's for the transportation and traveling of people back and forth. We have that issue now. We have hundreds of people traveling back and forth across that site. We've had people hit in the past. We've had people nearly hit as recently as last week. And with our objective of continuing to grow this campus long term, having those people circulate between these buildings and creating that campus environment, we feel like it's most prudent to do it in this manner.

We've looked at other concepts; flyovers; we've even had recommendations for things such as tunnels and so forth, and we feel like this is the best for our future growth, the best for our employees and the environment, and most prudent from a cost standpoint as well.

CHAIRMAN STRAIN: The buildings to the south, what's their primary function? Because they're outside of the quarter-mile area required for medical, so what do they do?

MR. BUMPOUS: That is our world headquarters. It will continue to serve as our world headquarters. There's medical education there, there's product design, development, research and development, all of those things that currently drive the economic engine that is Arthrex; this future building is to expand those processes to expand those operations to continue to grow. We're bursting at the seams, to put it a better way.

CHAIRMAN STRAIN: So your R&D type operations, I understand, are going to be in that new building?

MR. BUMPOUS: We would have some of both, yes.

CHAIRMAN STRAIN: Now, during the months like we have now, I can't imagine many employees wanting to walk from that building to the south. Isn't there any other substitute for your transportation of them that wouldn't interact so badly with the road system that's there?

MR. BUMPOUS: You would be very surprised. If you spent some time on Creekside today, you'll see hundreds of people walking, bicycling, you'll see golf carts, you'll see a number of different things, and these are all Arthrex employees traveling in and around the campus that we have today.

So, again, our intention is to create a larger environment and a larger campus but at the same time focus heavily on that environment and the safety of our employees.

CHAIRMAN STRAIN: Sir, you'll have to sit down.

MR. HAGEN: I object.

CHAIRMAN STRAIN: No. Sir, please sit down, or you'll be taken out of the room. So please sit down.

MR. HAGEN: A lot of the employees that you deem as employees walking around Arthrex are people like me, homeless people.

CHAIRMAN STRAIN: Sir, I'm asking you again to please sit down.

MR. HAGEN: Sit down here?

CHAIRMAN STRAIN: No. You sit down in a seat in the audience.

MR. HAGEN: All right.

CHAIRMAN STRAIN: Please sit down, sir.

MR. HAGEN: Do you have a pen I can borrow? I'm trying to fill out a form to speak to the meeting Arthrex --

CHAIRMAN STRAIN: Go sit down on a seat or go out in the hallway and use your pen there.

MR. HAGEN: I don't have a pen. Now I have a pen -- Mr. Schmieding, is that his name -- gave me one. Because a lot of these guys that are walking around are homeless.

CHAIRMAN STRAIN: Sir, I'm going to ask you again. You're out of line. Please, stop it.

MR. HAGEN: I'm sitting down. Now I'll stop it.

CHAIRMAN STRAIN: Mr. Bumpous, I'm sorry for the interruption.

Back to the site plan you have here. The area that Creekside Boulevard is in right now on this plan isn't utilized. It looks like you've left it blank. Is it anticipating putting it in if the need arises?

MR. BUMPOUS: Anticipating what?

CHAIRMAN STRAIN: Well, right now you're asking to have Creekside Boulevard removed, but where Creekside Boulevard is on this plan shows that you're not occupying that area of anything but grass, so what's -- what is your biggest concern? Just that you can't get employees to cross the road without your concern about their endangerment, which means a flyover or a tunnel like there is on Goodlette Road North just south of your project that goes over Pelican Marsh? One of those wouldn't work for you?

MR. BUMPOUS: Well, I would remind you this is a conceptual plan, and part of our discussion has been to create gathering spaces in that area for communication and collaboration among buildings and between buildings. Part of that area will have to stay open and grass because of the utility easements that are currently residing there.

CHAIRMAN STRAIN: Okay. We'll have to get into that more with your transportation fellow, too, because I understand you've done some transportation counts, and we'll need to talk about those. That is one of the -- I mean, there's a couple -- several issues with this project, but that is one of the more concerning issues I've seen in the emails that were sent by the many residents in the area, so I definitely want to understand it better.

And since you mentioned utilities -- and, Wayne, maybe you can respond to this. This utility line that you're objecting to in regards to the staff recommendation, can you explain where it is, what it is, and what the problem is with it? I've read it, but it doesn't locate it for me; it doesn't show me where the problem lies.

MR. ARNOLD: This issue has been discussed with Collier County and Arthrex going back several months, and the county wants to get irrigation-quality water from Goodlette-Frank Road to Immokalee Road, and they would like to go through Creekside to do that. And they want the most direct route they can get, it's my understanding, which would take it across a portion of what is known as Tract 5 in the PUD. We believe that there are alternative locations where that could be accommodated without potentially impacting the location of facilities that Arthrex needs to construct on their won property, and I can let Mr. Bumpous again tell you a little bit more detail about his conversations with staff. But as Mr. Yovanovich mentioned in our initial presentation, we believe that between now and the Board we can have an opportunity to better understand their needs and see if we can't find alternatives such as the FP&L easement to locate that line.

CHAIRMAN STRAIN: Okay. And didn't you say the objective was to get this treatment -- this water line from Goodlette to Immokalee Road?

MR. ARNOLD: That's my understanding.

CHAIRMAN STRAIN: Why don't they just go up Goodlette straight up to Immokalee?

THE COURT REPORTER: Excuse me. I can't hear. There's a conversation, so I can't hear anything.

CHAIRMAN STRAIN: Again, I have to ask members of the audience to please refrain from talking. This isn't an open meeting where you can talk as you feel. I'll call upon the public speakers after we get done with the other speakers and not beforehand. And if anybody wants to insist on that, there's a deputy in the back of the room who can escort you out of the room.

MR. HAGEN: What's his name?

CHAIRMAN STRAIN: Sir, would you ask this gentleman -- help this gentleman out?

MR. HAGEN: That is not a deputy.

MR. HARRINGTON: I'm former law enforcement, sir. Now, please --

MR. HAGEN: Former law enforcement.

CHAIRMAN STRAIN: Sir, please leave the room.

MR. HAGEN: I don't have to listen to former law enforcement.

MR. HARRINGTON: Sir, please.

MR. HAGEN: Where's the deputy?

MR. HARRINGTON: Sir, please.

MR. HAGEN: What is your name?

MR. HARRINGTON: My name is Joseph Harrington.

MR. HAGEN: What is your middle name?

CHAIRMAN STRAIN: We'll take a 10-minute break while we resolve this.

(A brief recess was had.)

MR. BOSI: Chair, you have a live mike.

CHAIRMAN STRAIN: Okay, everybody. If you'll please take your seats, we'll resume the meeting. I apologize for the disruption, but hopefully we can move forward with a more congenial atmosphere.

And we left off discussions with Mr. Arnold. I know we were talking about Creekside. And your traffic planner, when he comes up, we'll probably have a few more questions for him.

Also I asked -- David Wilkison asked me if it would be helpful if we had Public Utilities come and help discuss this issue with the water line. They are -- I think they're going to be coming over. David's acknowledging yes.

MR. ARNOLD: Mr. Strain, just for your information, Mr. Bumpous informed me on the break that he has a meeting with your utilities department tomorrow morning.

CHAIRMAN STRAIN: Well, that won't help us here today.

COMMISSIONER EBERT: That won't help us here.

CHAIRMAN STRAIN: I'm glad he does. I think that's good, but we need to get -- at least find what this Planning Commission needs to know about it today.

On your PUD, a couple of -- I just have a couple quick questions. You have a Page 3-5 that has restricted principal uses in the IC district. And since the SIC codes that you operate by are not listed there, and since they need to be to qualify for that quarter-mile radius, wouldn't you want to list them there as well?

MR. ARNOLD: No, sir, that's not necessary to do that.

CHAIRMAN STRAIN: How do you figure?

MR. ARNOLD: Because I believe it's well established that a medical device manufacturing, which is what Arthrex files its IRS returns under, is a medical-related use. It's obvious. The medical-related uses that are listed and the restricted uses go more toward some medical research but primary medical office-related type uses.

So your Comprehensive Plan, which is the policy question you have to address, doesn't list SIC codes. It simply references the term "medical related."

CHAIRMAN STRAIN: Well, I mean, I understand that part of it. I'm just wondering, then, why you went to the effort in this PUD originally to have these quarter-mile radius properties even listed to begin with if what you just said is the applicable operational language.

MR. ARNOLD: Well, I think -- and I can't speak -- I wasn't the applicant. I worked for Collier County staff at the time this was originally approved, but I think the idea was if you look in the list of permitted IC uses today, those SIC codes that Arthrex operates under are permitted by right in the IC district.

CHAIRMAN STRAIN: Right, they are. I just wanted to make sure that -- I couldn't understand what this quarter-mile radius was so important for -- if what you just said is valid, then why did we have it in the first place?

MR. ARNOLD: Well, it's important because we want you to find this consistent with the policy that says that we are a medical-related use because we are within a quarter mile on Tract 5, which is the place where we're putting the new square footage for Arthrex facilities.

CHAIRMAN STRAIN: On Page 3-9, under development deviations, 3.5, you're asking for a deviation from the architectural standards, and you reference 5.05.08 G. G is no longer existing in the code, so if you'd just drop that letter, it will probably make it a little bit more relevant to our code today.

MR. ARNOLD: Makes sense.

CHAIRMAN STRAIN: I'm just checking real quick to see if there's something I have that needs to be discussed now, or we'll wait till we get to staff report and/or your traffic engineer.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes.

COMMISSIONER CHRZANOWSKI: Could I say something?

CHAIRMAN STRAIN: Absolutely, sir.

COMMISSIONER CHRZANOWSKI: It used to be standard practice in utilities if they were -- if a developer were installing a pipe and utilities wanted the pipe upsized, utilities would pay the additional costs. If a developer were putting in a line somewhere and utilities wanted it somewhere else, they would just pay the additional cost, or if utilities wanted to put a pipe in and the developer wanted it re-routed, they would pay the additional cost. It seems like that's the logical solution.

I got a feeling that's probably what they'll come up with. I don't think this is anything to worry about.

MR. ARNOLD: Well, this is going back to the IQ line. And it really happens to the location. It's not the fact that they need an easement. It's the fact that the easement that they would like is a diagonal that cuts across an undeveloped portion of the Creekside PUD that's owned by Arthrex, and we believe that there's a better location that wouldn't restrict Arthrex's future expansion operation.

COMMISSIONER CHRZANOWSKI: And their objection is that it's going to cost more money to take that alternate route.

MR. ARNOLD: I haven't had conversations.

COMMISSIONER CHRZANOWSKI: So it seems like if you guys are willing to pay the additional money to take the alternate route. I know that's where they're going to head.

MR. YOVANOVICH: I understand that. For the record, Rich Yovanovich. The problem is this: This IQ line is in no way related to the project. We're not building - we're not building our IQ line. The IQ line is a master plan line to provide service to other parts of Collier County.

COMMISSIONER CHRZANOWSKI: Right.

MR. YOVANOVICH: They're now trying to impose a condition upon this project for a non-project-related utility line. And we're willing to work with them if it can go in a location that's appropriate and doesn't take property rights from our client. They've initially tried to put it on a piece of property that is not conducive to the overall project development. If this were an IQ line to serve the project, we might talk about how we can expand and make it bigger, whatever.

But we've said to them from the get-go, let's talk about a location that works for everybody, but we're not going to have a condition that says we're going to agree to agree some day in the future, and it may hold up our ultimate plans when we can't agree as to where they may want to have it.

COMMISSIONER CHRZANOWSKI: That's exactly where I was heading, though. From the comment I heard before, utilities' problem was that your revised location might cost them a little extra money to put it in.

MR. YOVANOVICH: No --

COMMISSIONER CHRZANOWSKI: Right.

MR. YOVANOVICH: Well, correct, but it's --

COMMISSIONER CHRZANOWSKI: And their problem is spending the little bit extra money.

MR. YOVANOVICH: Correct.

COMMISSIONER CHRZANOWSKI: Okay.

MR. YOVANOVICH: And it's not our obligation to spend the extra money is our point.

COMMISSIONER CHRZANOWSKI: No, I know it's not yours, but usually utilities will agree that it's theirs, but I don't know all the --

MR. YOVANOVICH: We're trying.

CHAIRMAN STRAIN: Can you show us on this map where that line -- where they're asking to put the line so we can understand the hardship that you're saying.

MR. BUMPOUS: So I had a meeting back in the spring with the utilities department.

CHAIRMAN STRAIN: I don't know if that mike's working for you. There you go. A little bit closer. Thank you.

MR. BUMPOUS: I had a meeting back in the spring here on the campus with the utilities department to talk about this project as well as another line that's a force main that actually ties in at the very entrance to the Arthrex campus. We all agreed in that meeting that that force main was acceptable, and that project, I believe, is underway.

This IQ line, the county's goal is to tie it in from north of Immokalee Road here into where it resides currently on the east side of Goodlette-Frank. Their plan was to come across and then take 25 feet of this property, bring it over, and take it just along the edge of the waterway up to the north.

During our discussion back in the spring, the discussion was, could we not run it south of the road or just slightly north closer to the road, closer to the treeline, and then once it crossed over, to keep it further over, again, by the treeline rather than right along the waterway, mainly because our goal in the future was to do something with that waterway, and we would hate for two, three, four, five years down the road to come back and say, well, that IQ line is now in the way.

Subsequent to that meeting back in the spring, we simply asked -- we being Arthrex asked that they look at revising this and coming back to us, and tomorrow will be the second meeting or the next meeting since that meeting in the spring.

CHAIRMAN STRAIN: Well, that certainly helps understand it better. Thank you.

Wayne -- and maybe Mr. Bumpous is the best person to answer this. In your presentation you talked -- you showed a picture of an old building that was being converted. What, again, was the use of that older building being converted for? I think it was a former warehouse building that moved out to Ave Maria, and you were making it into something else. And where's the location of that on this map?

MR. BUMPOUS: So the building that I referenced in discussion is actually where we're planning to build our new project. This is the manufacturing -- this is the manufacturing building that currently exists on Creekside Boulevard.

CHAIRMAN STRAIN: Okay.

MR. BUMPOUS: This is the building that, should we get approval for this project, we would relocate that equipment and those people out to Ave Maria.

CHAIRMAN STRAIN: Okay. So in your presentation, you weren't talking about renovating one of the buildings to the south or anywhere else; you were just -- you were talking about what's already been done in the building that's in the center?

MR. BUMPOUS: In my presentation I referenced this warehouse right here.

CHAIRMAN STRAIN: Okay.

MR. BUMPOUS: That was recently renovated and just completed within the last two months.

CHAIRMAN STRAIN: That's what I was trying to get at. How many jobs were created in that location because of that renovation since it went from warehouse to, presumably, office or administration?

MR. BUMPOUS: Jobs, I'm not sure. I can tell you that it created about an additional 200 spaces for employees. So over time it will be about 200 additional heads.

CHAIRMAN STRAIN: Okay. Thank you.

That's all I've got right now until we get to staff report, traffic, and the others, so thank you.

MR. ARNOLD: Mr. Strain, if I might. I have some information related to Mr. Schmitt's question on building height. And if I understood it, it was how tall the courthouse building is next door --

COMMISSIONER SCHMITT: And this building.

MR. ARNOLD: -- and this building. I'm understanding that the courthouse building next door is approximately 82 feet, and this building's approximately 95 feet.

COMMISSIONER SCHMITT: Okay. Just for a comparison.

CHAIRMAN STRAIN: So you'd be within 10 feet of the zoned height of this building. Okay. So your next professional?

MR. YOVANOVICH: Our next expert is Norm Trebilcock, who will be talking about transportation-related issues.

MR. TREBILCOCK: Thank you. Good morning. My name is Norm Trebilcock. I'm a professional engineer and certified planner. I have an undergraduate degree from the University of Miami in civil engineering, a graduate degree from the University of Florida in public works, and also a graduate of the U.S. Army Engineer School, Fort Belvoir.

I have 26 years of local experience here in Collier County, and so I kind of cover everything.

There we go. I prepared the traffic impact statement, my firm did, Trebilcock Consulting Solutions. In the traffic impact statement, we used -- the trip generation was based on the Institute of

Transportation Engineer land use codes. We did have what we call a pass-by trip reduction, and that was only applied to the shopping center portion/component of the project. It's 50,000 square feet of it, and that's consistent with the Collier County TIS guidelines.

So pass-by is really -- if in your intention is to, say, go from work to home or from home to work and you may stop by a gas station to get gas but your real intention is the other, that's considered what's called a pass-by trip. You're already on the road, and you're just going to stop off and then continue on.

We also had internal capture, and that was consistent with Collier County TIS guidelines and approved prior TIS documents as well. Our distribution is consistent also with prior TIS documents for the project.

No additional access points for the PUD are proposed. There's about eight access points to external road network out there.

We also did look at what we call the displacement of cut-through traffic on re-routed Creekside Boulevard, and that's accounted for based on the Collier County 2014 determination of 64 vehicles per hour in the peak hour, p.m. peak hour.

Rerouting of Creekside Boulevard is improved with roundabouts, and a divided Arthrex Boulevard road section, as David had mentioned as well. We're also proposing improvements to Goodlette-Frank Road and Arthrex Boulevard as mitigation measures for the rerouting. As an additional mitigation measure, developer impact fees will be used by Collier County to improve surrounding roadways.

Just kind of as a summary of the trips as we look at things and study -- you know, traffic's all about numbers -- our proposed PUD conditions what we call external traffic is 2,045, the approved PUD trip cap is 1,745, with a net new of 300 trips. We also looked at, when we exclude the pass-by trips, where we're at, and that really comes out to a higher number, 384 external. Again, because we're reducing the amount of shopping center.

So what we did then in our study is we looked at the affect of the 384 trips plus the 64 displaced trips. We were just saying all those trips would go to external roadways, and that's what we evaluated in the study.

And looking at things, looking at a map here, in green are the various roads within the PUD. To the north, running east/west, is Immokalee Road, we've got Creekside Boulevard coming across, and then this is Creekside Boulevard through the development. Arthrex Boulevard running north/south, and then there's some other Creekside streets as well.

And with the proposal, really what we're looking at is that segment of Creekside, the east/west segment would be really re-routed, we'd have roundabouts on each end, as David had mentioned, to efficiently move the traffic around the development. Really, what this effect is, it would add an additional 40 seconds of travel time for a vehicle to reroute around it. So we're not closing the roadway. It's re-routed around.

In terms of looking at roadway lengths to be improved, this is an example. This is Immokalee Road to the north here, and this is a section of Goodlette-Frank Road. Currently, there's a transition of Goodlette-Frank Road that occurs right in the intersection with Creekside Boulevard, and it really is operationally problematic.

And so what we're planning to do is have a complete four-lane section of Goodlette-Frank Road to extend through the intersection with Creekside Boulevard and run 500 feet south of the intersection, and then at that point we would transition from four to two lanes. And what that effectually does is it improves the efficiency of that road, it improves the capacity of that roadway link as well.

We're proposing double northbound rights on Goodlette. We took a look at the traffic and, conceptually, these are the improvements that would be made. And this, again, would be a mitigation measure of the project to improve conditions out there. We're also looking at accommodating on-street bike lanes, pedestrians on the side as well, and also would propose to build a signal as warranted.

On Arthrex Boulevard, what we're looking at there at the intersection with Immokalee Road -- right now there's a single left, and then there's a shared through and right, and we're proposing to add an additional left turn lane that will help with the efficiency of the signal operations right there at that intersection and accommodate our traffic as well.

In addition, we're proposing to improve the section of Arthrex Boulevard to make it a two-lane divided roadway and then tie into our roundabout that we're proposing to help with efficiency of traffic.

So speaking of the roundabout, the roundabout would be designed to accommodate truck traffic. Staff -- the one I'm depicting here, this is actually designed for what we call a WB-50 truck. Staff is specifying that we go to WB-62, which is a slightly longer truck. But you can see in the graphic of auto turn that the trucks can accommodate and do a U-turn in a roundabout. They use a speed table. And here's just a depiction of just a truck using a roundabout as well.

And that's a pretty big truck. It goes up on what we call a truck apron that is allowed for a truck to utilize, go through. As I said, the auto turn exhibits show U-turns, right-angle turns, et cetera.

A key in this proposal is really pedestrian safety is the goal of the integrated Arthrex campus with an understanding of the effect of speed and what it can have. Speed kills. If you have an auto that's going 20 miles per hour through a roadway, the pedestrian has a nine out of 10 chance of surviving. The odds don't get much better, though, when the speeds increase. So when you go to 30 miles per hour, it's a 50/50, and then when the vehicles are going 90 miles -- I mean 40 miles per hour, it's a 90 percent chance that you can have a pedestrian fatality.

And that's really what they're looking to do is to be proactive on this condition and to understand that in the future, because of this integrated campus and the way they're looking to design things, that it would make a whole lot of sense to -- let's eliminate that conflict altogether and reroute folks around, you know, and to mitigate for the negative impacts of the traffic. They've come up with a proposal to really increase internal capacity of roadways in the county that really helps out. And that's really what's depicted here in terms of their master plan to eliminate that conflict between their facilities.

So looking at the project impacts, the project impacts from a transportation standpoint are significant, but they're not adverse on Immokalee Road west and east of Goodlette-Frank Road, and on Goodlette-Frank Road south of Immokalee to Vanderbilt.

Immokalee Road, between Airport and Livingston, is shown to operate below the adopted level of service with or without the project when we look at the planning horizon in 2021. The project impact on this section is less than 1 percent on that roadway. None of the other analyzed links are projected to be operating below the adopted levels-of-service in the 2021 planning horizon.

The project is located in what we call the northwest transportation concurrency management area, or we call it a TCMA for short.

Alternative improvement operations are really considered so that you achieve an 85 percent successful level of service in your roads in the area. This proposed mitigation is consistent with the desired TCMA LOS goals.

Currently, 100 percent of the roads are within the level-of-service standards. But looking in the future, this proposal would help to mitigate for any issues.

And that's really it. I'm available for any questions you may have.

CHAIRMAN STRAIN: Okay. Who had the first transportation questions? Joe?

COMMISSIONER SCHMITT: Yeah. I have a couple of questions.

Did you say you measured the traffic from the people who take the bypass from the shopping center to the west and proceed east? You said you measured that at how many vehicles per --

MR. TREBILCOCK: There was -- in 2014 there was an analysis that was done, and -- when we were looking at the fair share for the signal at Creekside and 41, and there it was evaluated the amount of cut-through traffic, and it was determined to be 64 vehicles per hour, and so that's the number we've used.

In addition, though, we did do what I call a license plate study just completed, and that's consistent with those numbers as well. Actually, the westbound is less than what the county determination had been in 2014, but, you know, we would just live with that because that was as of record of 2014 by the Board.

COMMISSIONER SCHMITT: Yeah. My question, though, is traveling from west to east on Creekside; is that what --

MR. TREBILCOCK: Yes, sir.

COMMISSIONER SCHMITT: What about the impact on the Naples Daily News? That was a significant issue when that PUD was approved. There was concerns about truck traffic and the entryway,

delivery of paper and other products as -- and, of course, the newspapers in the morning hours. Does the Naples Daily News concur with the proposal to actually eliminate that section of Creekside?

MR. TREBILCOCK: Yes, yes. And what we did is -- that's the whole reasoning behind the roundabouts that we're proposing, to make sure that we accommodate the truck traffic as well. And staff looked at it and said we need to accommodate the larger vehicles as well. And so they are accommodated there in terms of the way they can connect and can circulate as well.

COMMISSIONER SCHMITT: And so now if somebody wants to move from the shopping center to the west, with Creekside now gone, and they're going to go over to Goodlette-Frank, you're saying that they have to go to a certain point, then travel north, then travel east, then south, and then back onto Creekside to enter into Goodlette-Frank. So you're saying that added 40 seconds?

MR. TREBILCOCK: Forty seconds of additional travel time, yeah. I did it empirically, you know, so...

COMMISSIONER SCHMITT: Has there been -- did you do an analysis on driver behavior from a standpoint of, okay, now I'm not going to go that way anymore, so I'm going to leave the shopping center, go out to 41, and now add more additional traffic onto Immokalee Road in order to get to Goodlette-Frank?

MR. TREBILCOCK: Well, that's, again, why we made the assumption that that traffic -- that public traffic would leave; that, conservatively, we said all that traffic would leave the roadway. Realistically, it would be my opinion that it would not. You'd still have folks that would prefer to use a lesser traveled road like that.

And with the traffic-calming devices, they'll tend to run the road at the proper speed limit as opposed to higher operating speeds. Because really what you find is the cut-through, they're coming off of a 50-mile-per-hour road or a 45-mile-per-hour road, and we're putting them on a 30-mile-per-hour road. Quite frankly, I think there's compatibility issues there with folks cutting through. And then especially when you have this -- the business park looking to do a lot more intensive pedestrian, I think there's a real conflict there, and I think it makes a lot of sense to do what we're proposing.

It's consistent with, when you look at Granada Shoppes that was approved back in 2001 where 107th Avenue was cut off because they looked at the potential issues of traffic cutting through and things like that. So there is a consistency there, too, so...

COMMISSIONER SCHMITT: Well, then we get back to the issue here, inconveniencing the driver today for the convenience of Arthrex that create a campus environment rather than create some kind of crossing area or pedestrian crosswalk controlled by lights or some other option. It's basically for the convenience of Arthrex to create the campus environment.

MR. TREBILCOCK: Yes.

COMMISSIONER SCHMITT: That seems to be the sole purpose of eliminating Creekside.

MR. TREBILCOCK: That is. It's the focus. And they understand that, and that's why through mitigation what they've done is they've looked out here, and they've done a significant improvement to Goodlette-Frank Road to really increase the capacity of that roadway link. It's going to have some potential issues down the road. And with these measures, it really covers things and gives and allows the staff to evaluate that increased capacity.

It's very consistent with other roads where we have what we call a four-lane/two-lane section, such as Vanderbilt Beach Road between Gulf Shore and 41. It has a determined capacity of 1,400 vehicles per hour versus this road currently has a capacity of a thousand vehicles per hour. And by doing this improvement, we're going to build up that capacity. I would -- it would be my opinion even greater than the 1,400 because, really, the sections south of Creekside to Vanderbilt Beach Road has very few connections. So there's very few friction there. So we're really improving and taking care of the section that has the most friction.

So, again, they recognize that, and that's really why they're willing to mitigate for that with this significant improvement.

CHAIRMAN STRAIN: Okay. Anybody else? Diane?

COMMISSIONER EBERT: Yes. With Trader Joe's there --

MR. TREBILCOCK: Yes.

COMMISSIONER EBERT: -- that has created a lot of traffic on Creekside. You can't even get in to

park at Trader Joe's.

I understand that Creekside was a requirement for Granada Shoppes. It was a requirement for the newspaper. And now you want to take a county road and just cut it off.

I will save my opinions till later. I want to hear what the people say, but a lot of people, all of Naples pretty much now uses this road, more so than they did before. And with the restaurants now in there on the east side, I've just really seen a lot more traffic in the area, Norm.

MR. TREBILCOCK: Yes.

COMMISSIONER EBERT: And did you get a letter from the post office saying that they are willing to give this area up and not come that road?

MR. TREBILCOCK: David, did you want to address that?

MR. BUMPOUS: We've had some difficulties in communicating with the post office. We were working directly with the regional manager out of Tampa. He is no longer in that position, and they have an interim person. We had a meeting set up last Friday with the local representation from the postal service, but they canceled that about 30 minutes prior to the meeting. Tentatively, we have another meeting set up for tomorrow. So to answer your question, not as of today.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Norm --

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: -- to follow up on the post office theme, don't they have an access for their trucks right on Creek -- going right to Creekside now?

MR. TREBILCOCK: Yes, they currently do, and there's some alternative plans that are available to them once we can coordinate with them and take a look at it with them.

CHAIRMAN STRAIN: But until you coordinate with them, you don't know if they're going to be in agreement with it.

MR. TREBILCOCK: That's correct.

CHAIRMAN STRAIN: Is that a fair statement?

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay. The monitoring that you did by license plates.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: Did you just do that recently?

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: You know it's the height of the non-season right now?

MR. TREBILCOCK: Yes; yes, it is.

CHAIRMAN STRAIN: Don't you think you'd have a different outcome if you did it during season?

MR. TREBILCOCK: Absolutely. What we have in transportation are the DOT Department of Statistics has peak season adjustment factors that they use to adjust average daily traffic to a peak season. You know, of course it would be ideal to do it during season, but there are peak season adjustment factors, and right now the current one -- the one I used was a 1.3, 30 percent, adjustment factor bringing things up.

CHAIRMAN STRAIN: That's probably applicable under a generic basis, so that can be applied anytime you want to use it. This road might be more of a specialty nature in regards to where it accesses, and the congestion that is on 41 and Immokalee Road may make this road more important than the factors that you're using have weighted it.

MR. TREBILCOCK: I see.

CHAIRMAN STRAIN: I'm not sure -- I would rather have -- did you have any study done during a height of our season that would tell us what the traffic counts were?

MR. TREBILCOCK: Not for Creekside Boulevard, no. Again, this project has come up fairly recently, and so there -- that was the issue there. But, again, the DOT, it's a weekly factor that gets adjusted, and there's factors for various roads such as 41, and then there's a countywide one. And I actually used the highest factor that was available. So I looked to bump things up to be conservative.

CHAIRMAN STRAIN: You know, to vacate a road, and I know the vacation's not a part of this meeting, but it is scheduled to go concurrently with the Board when they hear this, I understand, or

somewhere around that time frame, there's a requirement to what is the public benefit. What is the public benefit of closing Creekside?

MR. TREBILCOCK: Well, the public benefit, there's -- is really to help another -- with the integration of this project. We've got a significant business partner in the community that we want to promote their business and then, more importantly, from a transportation standpoint, that person is willing to do a significant improvement to Goodlette-Frank Road that will benefit a lot more travelers.

Goodlette-Frank Road receives a lot more traffic than Creekside Boulevard, and Creekside Boulevard they're not closing. They're rerouting. And, granted, it's going to slow folks down and going to add delay, but the idea is we want to make a message here that, you know, speeders, you're not welcome here, and we'd rather have folks travel at the proper speed limit, and that's what this really helps to promote.

And so, again, they're willing to do the mitigation that is important, so that's a significant public benefit. Both from a transportation standpoint, I see a balance that we're getting a lot more good here than what we're giving up in terms of rerouting this roadway.

CHAIRMAN STRAIN: And your Goodlette Road south of Creekside intersection with it, how far are your improvements going to go down south?

MR. TREBILCOCK: What we would do is the full intersection improvements would go down 500 feet, so we'd have a full improved intersection, and then we'll do a roadway transition. Basically, the transition is going to end right about the foot of, you know, where the bridge starts. We'll tie into the shoulders, existing shoulders and everything right there at the current overpass. It's about -- we haven't final designed that, but there's a long transition. It's a standard transition that you use.

CHAIRMAN STRAIN: Has your client asked you to do any studies on traffic-calming measures on Creekside Boulevard?

MR. TREBILCOCK: Well, that's why we're doing the roundabouts is --

CHAIRMAN STRAIN: No, Creekside Boulevard as it exists today.

MR. TREBILCOCK: As it exists? We did look at that. Again, they have a vision for their integration of the campus and what they see, and that's why they're willing to do these other alternative ideas.

CHAIRMAN STRAIN: Right. But you didn't answer my question.

MR. TREBILCOCK: Okay.

CHAIRMAN STRAIN: Creekside Boulevard, as it exists today, has your client asked you to do any traffic-calming studies to determine if there's another way to handle Creekside Boulevard so it's safer? For example, have you been down to Marco Island; you know the Marco Marriott?

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: You go in front of their facility, between the City of Marco and the Marriott, they've got a pretty effective means to make cars aware of people crossing that very business busy -- that very busy roadway, which is an extension of 951, and the parking lot is all across the street.

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: So have they asked you to consider something like that for Creekside?

MR. TREBILCOCK: I would not propose that. I was the public works director for Marco Island, and there's issues with that section there in terms of that works, and there are safety concerns, and there continue to be with that.

Really, the most desirable thing when you get to pedestrian-type issues is you look at like a HAWK-type signal or to affirmatively stop folks, and then that adds to delay. So when you balance the delay issues here, I think this is a sensible approach when you balance everything and you look for the safety.

They know their business, they know their vision that they want to promote the folks -- pedestrian uses empirically. I've seen their folks where they're kind of walking around the campus and stuff. So it's going to increase, and it's going to become a significant issue. And, again, this is consistent with other things we've done in the county where we want to -- you know, in particular we do it in the residential areas without question. Again, Granada Shoppes would be a great example of 107th, how it got closed off there.

And this is really just the same type of concept to say, hey, listen, we want to protect the pedestrians. We know it's a heavy intended use that you're looking to do here. You're going to accommodate this traffic. We're not closing the road off completely. And then you're also going to mitigate for this out here and create

a lot of additional capacity for our road network. It's a winner.

And your staff transportation staff concurs with that as well, and that's what we feel as well, too.

CHAIRMAN STRAIN: So you haven't been asked to do any traffic-calming studies for the existing Creekside?

MR. TREBILCOCK: Not specifically studies. We've looked at them. That's what I'm kind of covering with you, but, yes, sir.

CHAIRMAN STRAIN: Okay. That's what I needed to know. Thank you.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: Anybody else? Stan?

COMMISSIONER CHRZANOWSKI: Yeah. I travel this area all the time. The last two years I've spent a lot of time on Creekside and that intersection. And I kind of agree with Norm's assessment of what's going on there. I see a lot of people walking. I assume they're Arthrex people.

And I don't see a lot of traffic on Creekside when I'm there ever, but sometimes the traffic is moving pretty quick. So listening to Norm's comments, I agree with what he said.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER HOMIAK: Maybe what they're applying --

CHAIRMAN STRAIN: Karen.

COMMISSIONER HOMIAK: -- now is traffic calming.

CHAIRMAN STRAIN: Pardon me?

COMMISSIONER HOMIAK: What they're applying now with the looping around of the road is traffic calming.

CHAIRMAN STRAIN: Right, but it's not on the same road. That's what I was getting at. I was wondering if they've --

COMMISSIONER HOMIAK: They still can get through.

CHAIRMAN STRAIN: That's not what I was asking. Their statement was said, they looked at other means in which to avoid closing or taking out that section of Creekside. I'm trying to find out if there are other means that they looked at that for traffic-calming purposes, what are they? The traffic engineer that they've hired hasn't been asked to do that. That's what I was trying to understand, so...

MR. TREBILCOCK: No, I'm -- again, we've looked at the ideas of doing -- you know, you look at another roundabout on there or raised pathways, traffic -- you know, speed tables or, again, signals. And all those add delay elements to the roadway as well.

And, again, in the scheme of things for them, it made the most sense to do the rerouting of the roadway.

CHAIRMAN STRAIN: I understand.

COMMISSIONER SCHMITT: And a follow-up, Norm.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER SCHMITT: The alternative route versus if Creekside was left in place, and there was some kind of a delay or traffic calming or crosswalk or other delay, had you done any type of an evaluation on driver behavior; would they choose to take the alternative route versus be stalled and waiting if Creekside were to stay in place? Had you done any kind of analysis there?

MR. TREBILCOCK: No, just more as a general sense that any additional measures we'd see would add additional elements to delay, probably to the magnitude of, say, 20 seconds additional type delay. And you'd tend to find folks would start to get displaced.

You know, speeders, they want to speed, you know, and so you're going to find those folks going away. And, again, the difference here is, is there's willing to pay the impact for that from a -- saying, hey, we're going to displace all that traffic away, and they're willing to pay that impact which I think is commendable.

COMMISSIONER SCHMITT: So in your professional opinion, what's being offered for the other improvements is far more acceptable than what exists today and in leaving Creekside in place?

MR. TREBILCOCK: Yes, sir. It's a balance, and I think it's a good balance for the community.

COMMISSIONER SCHMITT: I would -- I'm waiting to hear from our county transportation.

They're part of the staff presentation, which I would expect they would be, because I'd like to, frankly, get the county opinion from the staff as well.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER EBERT: Norm?

MR. TREBILCOCK: Yes, ma'am.

COMMISSIONER EBERT: You could put a crosswalk light there so people would have to stop; is that true?

MR. TREBILCOCK: Right. You could do what we call hawk-type signal similar to what you have on Bayshore or I believe also on Radio Road, you know, and that would stop -- affirmatively stop traffic and, again, it would create delay, yeah.

COMMISSIONER EBERT: But it would leave the county road open?

MR. TREBILCOCK: Yes.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: And one other thing, Norm, I noticed in your presentation which, by the way, make sure a copy's left with staff.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: You showed a cross-section of how the road would be constructed and the roundabouts. They're not in the PUD. Normally we don't put those in a PUD, but this particular PUD has three cross-sections for its roads. If those conflict with what you're proposing, you may want to take a look at that.

MR. TREBILCOCK: Thank you. Appreciate that. Yes, sir.

CHAIRMAN STRAIN: And, "Mark, utilities is here; Eric and Tom." Okay. We'll get to utilities. Thank you.

MR. TREBILCOCK: Okay, thank you.

CHAIRMAN STRAIN: By the way, I read that out loud so nobody would think I was getting notes from another Planning Commissioner on how to do anything, so...

COMMISSIONER HOMIAK: Are they coming up now?

CHAIRMAN STRAIN: No, I didn't mean for you guys to come up. You must be Eric and Tom. Okay. I was just reading -- I didn't want anybody to think any other Planning Commissioner was communicating with me off record, so I just read the note. I'm sorry. It will be a few minutes yet.

MR. YOVANOVICH: I'll do whatever. I just wasn't sure when you wanted to hear from them.

CHAIRMAN STRAIN: And what's your next -- who would be your next presenter?

MR. YOVANOVICH: Mr. Hall would be our next presenter.

CHAIRMAN STRAIN: Is that the last presenter?

MR. YOVANOVICH: That's the last one on our team. Mr. Strain, are you going to take the break now or --

CHAIRMAN STRAIN: No. We took a break already.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Okay. I saved your life with that other fellow. We took the break already.

MR. YOVANOVICH: Mine? I think I was okay.

CHAIRMAN STRAIN: Anyway, yeah, let's let Tim finish up, then we'll go to staff, which will include the Public Utilities.

MR. YOVANOVICH: All right. Thank you.

MR. HALL: Yeah. Good morning. For the record, Tim Hall with Turrell, Hall & Associates. I'm a wildlife ecologist with -- my degrees are from the University of Florida. I've been practicing here in Collier County since '97, and I grew up here. I lived here my whole life.

I'm here mostly to talk to you about the changes to the preserve areas on the site.

So this exhibit shows the existing preserves that are currently located on the site and then the two preserves that are being impacted by what's being proposed, is the one here on the east side and this one on the west side.

In terms of the preserve being impacted on the east side, the county has a hierarchy for preserves that

they look at, and there's six different criteria. If you go through those criteria, wetlands and uplands utilized by listed species or that serve as corridors for the movement of wildlife, this preserve is completely surrounded by development. It's isolated now within the -- within the development. It's got barriers on two sides of major roadways with Goodlette-Frank and Immokalee; the county park, water treatment plant, a storage facility, office buildings, and the rest of this campus itself.

You go through the rest of the hierarchy, dune and shrub habitats or rare habitats within the county. On-site wetlands have a functional score of .65 or .7. The upland habitat that serves as a habitat to wetlands, dry prairie, pine flatwoods and, finally, all other native habitats. So the upland and wetlands associated with this preserve fall into those bottom two categories.

The Water Management District has counted this entire area as impacted, so in the latest permit modification that one of the previous speakers talked about undergoing review right now, the area's already been impacted. So from a functional score standpoint, as it currently exists with the state of Florida, it's zero.

The Corps of Engineers is also reviewing it, and their functional score related to this was .48. So it's well below the higher criteria that the county has in place.

Also it's important to consider that under today's current standards, that preserve area wouldn't even be allowed to be a preserve because it serves as a drainage easement. It takes water from the south and routes it through an old -- there was a little creek bed that went through there. That area has expanded because of the drainage use that's occurred over time, and then the water is routed through the preserve across into the ditch here and then goes up, out, and across Immokalee Road.

So under, you know, today's current standards, it wouldn't even be allowed to be counted as a preserve.

The final -- the proposal that's in front of you guys today is to impact some of the north and eastern side of that preserve, still leave a little bit of it there, increase the preserve area on the west side of the road through some recontouring of the lake, and then to go offsite for the remaining deficit. Through all of the iterations with this, staff had determined that the project needed a minimum of seven acres of native habitat. Under the current proposal, they're going to be short 1.35, and that 1.35 acres will be made up in an offsite area.

The benefit of moving the preserve offsite is it will have a lot more impact on wildlife and utilization than the current preserve does right now. Where it's located, transient mammalian wildlife is very cut off. It still has some wading bird utilization mostly along the shorelines of the lakes, and all of that use will still remain in place with the proposal.

And so that's the -- really that's the gist of what they're proposing.

CHAIRMAN STRAIN: Okay. Questions of the Planning Commission on this aspect?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: Go ahead, Joe.

COMMISSIONER SCHMITT: Tim, several questions. One, the lake configurations, are they going to be changing? I really couldn't tell between the master plan -- it appeared there were some changes to the lake configurations between what exists now and what is proposed.

MR. HALL: On the east side of the road, this little northern lobe with the lake here will be filled in, and the lake will be expanded in this area, and then on the east side of the lake, there's a -- the bank and shoreline along there. There will be some fill put in, and so this lake will be recontoured a little bit as well.

COMMISSIONER SCHMITT: Is there an existing Army Corps of Engineers permit for this site?

MR. HALL: The original permitting for the west side, I couldn't find a Corps of Engineers on the east side. It was all ag lands, and I don't believe they assert a jurisdiction. When they did the west side, there was a nationwide permit that was issued for the east side that included some drainage stuff, and that left it in play.

So there is an existing Corps permit under review for these modifications, but it hasn't been issued yet. It's still under review.

COMMISSIONER SCHMITT: So you have submitted. You've had a jurisdictional determination, and you've submitted for 404 permit.

MR. HALL: Correct, yeah. And because of the -- because of the drainage easement, it's -- you

know, the direct connection to waters of the U.S. through that drainage capacity goes all the way to Cocohatchee Canal, so they could follow -- they could follow the water course up through there even though there's a structure, couple structures.

COMMISSIONER SCHMITT: I mean, clearly you're doing a dredge and fill now, so you're going to require a modification. What about Section 7, consultation? Any -- there's been no listed species, or is there a listed species determination?

MR. HALL: The Fish and Wildlife asked for a bonneted bat survey. There were some cavity trees associated with some cabbage palms that had died out there. These trees were peeped to make sure that there weren't any bats in the cavities, and they'll have to be reviewed and re-peeped prior to the clearing as well. But Fish and Wildlife Service had no other issues.

COMMISSIONER SCHMITT: Okay. Let me go back to the other drawing then. If I recall, in one of your -- and I was looking for it -- you labeled those Preserves 1, 2, and 3. So I guess going from west to east, the upper was No. 1, the middle is No. 2, and the other is 3; is that correct?

MR. HALL: Yeah, it is.

COMMISSIONER SCHMITT: So I'll use that terminology.

MR. HALL: I think that might have been the county's --

COMMISSIONER SCHMITT: Okay.

MR. HALL: -- the county that did that, but yes.

COMMISSIONER SCHMITT: Okay. The preserve in the middle, then we'll label it No. 2, when Creekside was originally approved, wasn't there a requirement to re-establish that preserve and enhance that preserve? Is that your understanding?

MR. HALL: Yeah, it's my understanding, yes, that that -- and the exotic vegetation has established within that preserve; it's going to have to be cleaned out.

COMMISSIONER SCHMITT: And it appears that that was never done. There's never really been an enhancement on site as required.

MR. HALL: I think the enhancement was actually done. I think the issue has been with the maintenance.

COMMISSIONER SCHMITT: Okay. Because it -- and I'm waiting for the staff presentations, because I have questions as well. But it appears that what they're recommending if there's any accommodation, is that Preserve 2 be the preserve where they would agree with offsite preservation versus Preserve 3?

MR. HALL: That was what they put in their staff report, yes.

COMMISSIONER SCHMITT: And I have questions for the staff, but I'll ask you. From a standpoint of projects you've worked on in the past, how often has there been an approval for an offsite mitigation? Have you had any projects where there's been an approval for offsite mitigation?

MR. HALL: For offsite mitigation of the county preserve requirement --

COMMISSIONER SCHMITT: Preserve requirement, yes.

MR. HALL: I've worked on two of them.

COMMISSIONER SCHMITT: Okay. Is it -- because, again, I had some conflicting -- and I'll ask the same question of staff. I thought in one element the LDC says a two-to-one compensation, but you're offering a one-to-one because of the -- it's less than two acres; is that correct? Meaning compensate at a one-to-one ratio versus what I believe was required, in some instances, a two-to-one compensation for offsite.

MR. HALL: Yeah. I wouldn't know that. The county code just requires that whatever acreage you don't have on site you have to make up offsite.

COMMISSIONER SCHMITT: And you have not yet -- or the applicant has not yet decided where the preserve will be offsite?

MR. HALL: It will be out in -- adjacent to Pepper Ranch, so it will be adjacent to other conservation lands.

COMMISSIONER SCHMITT: Okay. All right. I'll defer -- I want to hear from staff as well.

MR. YOVANOVICH: Mr Schmitt, can I just say one thing for the record?

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: We originally proposed a two-to-one and were told to come in with the one-to-one, so -- for the mitigation. Just wanted that on the record.

COMMISSIONER SCHMITT: Well, thank you. That's interesting. I appreciate that, Rich, thanks.

CHAIRMAN STRAIN: Okay. Anybody else at this time?

COMMISSIONER EBERT: Yeah. Tim, on the Tract 5, is it possible to move that lake or that -- put it in another spot on that property because this is just -- no. On Tract 5 where they want to -- on Tract 5 where they want to do the new building.

MR. HALL: I'm sorry. I don't know where the tract numbers are.

COMMISSIONER EBERT: That one.

MR. HALL: This one right here.

COMMISSIONER EBERT: Can that pond be moved on that property to another place so they could bring their building closer to the road where they -- where it might be more handy for them?

MR. HALL: Well, this is -- it's a lake, but I believe it's also a passthrough. It takes water from all the way to the west and brings it -- brings it all the way through to where it goes into this canal and then goes down into the Cocohatchee. So if they -- if they did try to move that somewhere else, then they lose that connectivity, so it would be a lot more routing of the stormwater. There still would have to be some way to get this water over to here.

COMMISSIONER EBERT: Okay.

MR. HALL: This is a lake here.

COMMISSIONER EBERT: So we have to go -- so we have to go from the west towards the east on that west side property? That has to be connected there?

MR. HALL: Yeah. On this one, all of the water -- all of this water goes to --

COMMISSIONER EBERT: I know, into that canal, the --

MR. HALL: This lake comes this way.

COMMISSIONER EBERT: Yep.

MR. HALL: And then these on here go over to this canal --

COMMISSIONER EBERT: Yep.

MR. HALL: -- and then down.

COMMISSIONER EBERT: To the Cocohatchee, okay. I was just wondering. And then I noticed -- I believe it's -- yep, that's fine. I'll just wait for the other question.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHMITT: Mark, just one more question, and I think this is either for Wayne or Rich.

What is being proposed on the west side with the elimination? Is that the proposed location for the hotel or --

MR. YOVANOVICH: East side.

COMMISSIONER SCHMITT: I'm sorry, on the east side.

MR. YOVANOVICH: Hotel and office building would be on Tract 9.

COMMISSIONER SCHMITT: On Tract 9. And that's --

MR. YOVANOVICH: Which is on the east side.

COMMISSIONER SCHMITT: East side, thank you. Yeah, I'm directionally challenged.

MR. YOVANOVICH: That's usually my job.

COMMISSIONER SCHMITT: All right. Okay. So now I see it on this, yeah, with Tract B, correct?

MR. YOVANOVICH: Correct. Those business uses on Tract 9.

COMMISSIONER SCHMITT: Okay. Tract 9. Thank you.

CHAIRMAN STRAIN: And I don't have any questions of Tim, but I do of probably Wayne.

This map's just as good as any to look at. Tract 6 and Tract 3 and Tract 2 and Tract 1, who owns those; do you know? Are they owned by Arthrex or an entity of Arthrex?

MR. ARNOLD: Say those again. Tract 6?

CHAIRMAN STRAIN: Well, let's start with 1, 2, 3, and 6, yeah.

MR. ARNOLD: Tract 1 is not owned by Arthrex, Tract 1 being on Immokalee Road. There's a medical office building that was just completed.

CHAIRMAN STRAIN: Well, I don't care what's there. I just was wondering if they own it.

MR. ARNOLD: Arthrex does not own that.

CHAIRMAN STRAIN: Do they own Tract 2?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Tract 3?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Tract 6?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Okay. So the new relocating of Creekside Boulevard is going to put a more intense road circulation separating the other tracts that Arthrex owns. How come they're not concerned about those from a campus perspective? I mean, they've still got to cross the street, right?

MR. ARNOLD: I'll let Mr. Bumpos address that, but this goes to the overall campus.

CHAIRMAN STRAIN: Okay. I'm just wondering why that isn't considered part of the overall campus and only the south is critical to be part of the overall campus.

MR. BUMPOUS: I don't think it would be fair to ask to close them all. But due to our density and the expansion across the street, that's why the focus on Creekside. You know, we're focusing this project on meeting ideally the next 10 years or 10 years plus. So standing here today and knowing what we would do on those other parcels is certainly challenging, as you can imagine.

CHAIRMAN STRAIN: But you're going to -- since you do own them, I imagine they'd be used for some relationships to the business that you've got there, and they're within a quarter mile of the hospital, so you'd be able to do medically related.

I just thought if you're so concerned about a campus being all consistent, why would you want the road to separate them there any differently than the separation to the south?

MR. BUMPOUS: I wouldn't.

CHAIRMAN STRAIN: Okay. Because you've got more road separating more possibilities there than you do the strip that exists to the south, and it's less contentious, to say the least.

MR. BUMPOUS: But with smaller -- less square footage and less density.

CHAIRMAN STRAIN: Okay. Then the next question's for Wayne.

Your proposed square footages are all capped. You can't go above what you've got. Why are we dealing with an FAR?

MR. ARNOLD: Well, the PUD was originally approved with an overall FAR.

CHAIRMAN STRAIN: Right, but it doesn't -- it's meaningless if you've got a cap on the square footage, I would think, unless you -- tell me what significance it is.

MR. ARNOLD: Well, I agree with you. I don't know that there's any great significance to having an FAR where you have established square footages.

CHAIRMAN STRAIN: Well, wouldn't someone be better off striking that kind of language? I mean, it's just going to add confusion to everything.

MR. ARNOLD: I don't think we would have an objection to it. We are asking to modify that FAR to bump it up.

CHAIRMAN STRAIN: Well, I saw that, and it just doesn't make any sense if you've got a cap on square footage. Because it doesn't matter what the FAR is, you're not going to get more than what the cap is. So why mess with it? Okay. Just something else that seemed kind of odd.

That's the last question I have of your team at this point. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. We were going to take a break at 10:30, but since we had that rather lively break a little earlier, we're just going to keep going for another half hour or so, and we'll take a break at 11 o'clock for a short period of time.

And with that, I'd like to get staff presentation, and that's Mike and Ray, the team.

MR. BOSI: Thank you, Chair. Mike Bosi, director of Planning and Zoning.

I'm going to try to provide an overview of the staff recommendation, and then I will turn it over to the subsequent specialized team members.

From review, the first review that starts at a staff level is always the comprehensive planning review. This individual project, the Creekside project, is outside of our activity center but in existing projects it's been deemed consistent by policy.

What that means is our Growth Management Plan tries to concentrate the intense commercial institutional, industrial type uses in our activity centers. This is a site that's just adjacent to an activity center but outside of it.

So, traditionally, the square footage that are associated with those projects are normally capped at what they were as they existed. This project, because it's in a quarter mile of the existing North Collier Regional Hospital, has added square footage based upon a provision that's within our Growth Management Plan that says when you have a location of a hospital, within a quarter mile of that hospital, we want to promote and allow for the development of medical-related uses. We understand that there's an interrelationship between land uses inherently.

And the necessary support functionality of medical-related uses in proximity to a hospital is critical for the success of those individual institutions. It's even supported within the actual PUD document within the sections that deal with the IC. The industrial and the commercial and the business park both have allocations that have use that are restricted to the one quarter-mile location to the North Collier Hospital.

So we've added square footage to this -- to this project in the past with that restriction that these uses can only be placed within a quarter mile of the project boundary to the individual hospital. With that, this has gained consistency with our Growth Management Plan from our Future Land Use Element, the additional square footage that they're proposing.

In addition, the Growth Management Plan has another element. It's the Economic Element. And the Economic Element has two individual policies and object -- policy and objective that would support the provision.

The first is Policy 1.2 which established that Collier County will support the opportunity for development establishment of hospitals, nursing homes, and additional medical-related research and manufacturing facilities in order to promote a continuum of care and enhanced quality of life throughout the county. That's an individual policy that this proposal would further.

And, also, Objective 3 of the Economic Element indicates that Collier County will support programs which are designed to promote, encourage the recruitment of new industry as well as the expansion and retention of existing industries in order to diversify the economic base. This would also further that individual policy.

So from the comprehensive planning review, the Growth Management Plan, the Future Land Use Element, and the Economic Element are both in support of the proposal.

From that review, from that higher level review that is contained within our Growth Management Plan, we then go to our zoning level review, our compatibility review, and the review of the individual components, such as transportation, environmental, water management.

From a consistency standpoint, with the additional lowering of height, the one -- the Parcel 5, Tract 5 where the research and development building is being proposed, there is going to be at least a three-to-one setback between the height of the building to the boundary of the project.

So there's 400 feet from the boundary of Tract 5 to the external roadway systems, the building at 100 -- at 104 feet or 122 feet being the ultimate height would be set back at more than three-to-one. From a planning perspective, we believe that that ensures a compatibility and provides the scale of that building would impose upon this surrounding area that is appropriate.

We do have a review from our environmental staff that we aren't supporting the reduction within the preserve area on the east side, and I will defer to our environmental staff after my conclusion to my comments to be able -- to elaborate upon that. And also, as the chair has indicated, with the assistance of Ms. Ebert, that -- utilities is here to explain their position. Those were the two areas of disagreement between

where staff was not supporting the application.

The other specifics of staff's review is contained within the staff report, and we can provide more specifics of that. But I just wanted to provide the overview from Growth Management Plan level down to the compatibility level at the zoning stage and the specifics of the two areas of disagreement that are provided for within the staff reports.

CHAIRMAN STRAIN: Any questions at this time of staff before we get the other staff members up?

(No response.)

CHAIRMAN STRAIN: Mike, I've got a few. On your comprehensive planning memo --

MR. BOSI: Sure.

CHAIRMAN STRAIN: -- you talk about the expanded acres 41.6 to 49.9. I know they stated earlier, the applicant did, it's a truing up of the property. This property's had numerous changes, PUDAs, all kinds of actions on it, and it's been over years. So do you have -- have you seen where this additional eight acres is coming from?

MR. BOSI: Not -- I mean, with the vacation of the roadway, obviously, there is a number of acreages that are provided for within that, but I think the applicant has not provided that site specific identification of all of the acreages that are being added to the currently existing 41 acres.

CHAIRMAN STRAIN: Well, do we know that the acreage being added was the intended acreage to start with so that the truing up is a real truing up and there's not pieces and parts being brought in now that really haven't been considered from the original application?

MR. BOSI: Well, the PUD allocates --

CHAIRMAN STRAIN: Forty-one acres.

MR. BOSI: -- 41 acres for the industrial commercial tract. The specifics of those and the total accumulation of those would be provided for with each individual SDP or plat that would be provided for. One of the things that I did and the components that we did require from a comprehensive planning standpoint, for consistency with that quarter mile -- the quarter-mile restriction was we said that any square footage above the, currently, 810,000 square feet that's allocated to this PUD would have to be allocated in the statement of compliance that it's going to be dedicated to medical-related uses.

To ensure how we could enforce that, I checked the monitoring report. To date, there's 619,000 acre -- or square footage of developed properties, but the PUD allows for 810,000 square foot currently, so there's about 193,000 square footage that still is yet to be developed within -- within the individual PUD.

Those -- the specifics of the allocation of what is designated industrial commercial would be, I guess, trued up with each individual -- as I said, each individual SDP, but I have not seen the specifics of where the additional sum eight acres are being provided for other than what we know as the vacated road system.

CHAIRMAN STRAIN: Have you been communicating with Norm before you answered that question? Because he kind of went off on a tangent, too. I simply want to know, did you know how the additional eight -- where the eight acres came from, and I think the answer is no.

MR. BOSI: No.

CHAIRMAN STRAIN: Okay. We're getting there, Mike. I just -- it was a lot more than I needed.

COMMISSIONER EBERT: I asked Wayne, too, to send me information on that. He tried to, but no one can explain the other acreage. I said, is it closing off? Is it the 64 feet you want to close off? Where are you getting -- and they can't.

CHAIRMAN STRAIN: Okay. And it was in the report, and I thought maybe staff had located it, and the answer is, they haven't. We've just taken the applicant's information. We'll go back to the applicant on that one when we get a chance. That's all I was trying to find out, Mike. And I appreciate your comments.

In the comprehensive planning memo, there was a line added that says, "as to coordinator of the county's Capital Improvements Plans," I think that was added in error. That's got to come out?

MR. BOSI: Correct.

CHAIRMAN STRAIN: Okay. Further on down, No. 6 says, revise the master plan to redesignate property along Immokalee Road from the business district to the industrial commercial district. I believe that's no longer applicable?

MR. BOSI: That was part of the first submittal.

CHAIRMAN STRAIN: Right, so --

MR. BOSI: It's been modified as such, and the consistency memo needs to be updated as such.

CHAIRMAN STRAIN: Okay. In the -- on the second page of the memo, it says, the statement of compliance Section 2, which restricts all square footage beyond 810,000 square feet to be restricted to support medical fatalities, and then it goes in to list examples. I tried to locate that in the document, and I couldn't, and I think -- and I briefed you on this before the meeting so you could check and see maybe if there's some clarification to that.

MR. BOSI: Yes. The statement of compliance -- and it's not Section 2. It's No. 1. They've added the specific -- that the Creekside Commerce Park PUD is located within a quarter mile of North Collier Hospital and restricts the additional square footage to that quarter-mile location.

CHAIRMAN STRAIN: Okay. That's why I couldn't find it, so --

MR. BOSI: And that's Page ii of the proposed PUD document.

CHAIRMAN STRAIN: I'm checking any other questions I might have of you at this time, Mike, so hang on just a second.

When you reviewed this both as a comprehensive planning memo and as a staff report for the PUDA, did you have adequate time to review it? This was an expedited permitting process. It was shorter times than we normally do for regular permitting. But did you feel you had adequate time to respond to all the needs and research for the staff report and the comprehensive planning memo?

MR. BOSI: We felt that there was adequate time, and appreciate the additional two weeks that was provided by the Planning Commission in delaying the hearing to make sure that we were squared away with all of these individual issues. But, yes, we felt that there was adequate time to review the substance of the material.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of Mike?

(No response.)

CHAIRMAN STRAIN: Okay. Next staff member that you were going to have address -- well, let's get the Public Utilities up here and see if we can resolve whatever issue they have or they have not resolved yet.

MR. CHMELIK: Tom Chmelik, Public Utilities, for the record.

CHAIRMAN STRAIN: That's Eric behind you, then, right?

MR. CHMELIK: It is.

CHAIRMAN STRAIN: Okay. Sorry to have dragged you out of your office today, but there's been a question as to exactly what's going on with the request by the Utility Department in regards to their rerouting of an IQ line for this particular project and how it needs to be routed, what you're looking to gain, and see if we can get some language that's more concrete than what's been talked about so far.

MR. CHMELIK: Thank you. Yes, we have a request to route a new IQ line from the north wastewater treatment plant to Immokalee Road, and it would be through this area.

Our request is to find a mutually agreeable location for that, and we have a coordination meeting set up with Arthrex and Mr. Bumpous tomorrow morning.

CHAIRMAN STRAIN: I understand that you're proposing to go across Goodlette, down Creekside Boulevard to a certain point, then turn north and probably tie in under the road on Immokalee Road to the north side of Immokalee Road; is that correct?

MR. CHMELIK: That's correct.

CHAIRMAN STRAIN: So you're going to go -- why couldn't you, instead of going through that project, go up alongside Goodlette and down Immokalee that way and stay within the public right-of-ways?

MR. CHMELIK: There isn't sufficient room for the main.

CHAIRMAN STRAIN: Well, that's a good answer. Why would we put a road in and not have sufficient room for the utilities? That's kind of odd.

MR. CHMELIK: Well, other utilities are in there already, and this is an IQ main.

CHAIRMAN STRAIN: Okay. Now, you can't -- there's no side available? There's no -- you can't -- and in the IQ, does it have a specific location within the road network?

MR. CHMELIK: No, it doesn't.

CHAIRMAN STRAIN: So there's -- within that 100 --

MR. CHMELIK: We've evaluated that. That would be certainly our first choice.

CHAIRMAN STRAIN: Okay. I understand Arthrex's concern over their locations in regards to where Creekside's going to be re-routed and potentially, I understand, as of today's discussion, they're even talking about possibly filling in that drainage easement or that canal or whatever it is going between Creekside, the rerouting of Creekside Boulevard in Tract 5. Is that currently where you were going to run your line?

MR. CHMELIK: Well, I think that was the previous discussion, but this is really what the meeting is about tomorrow. If there's a better location, we certainly want to work with Arthrex.

CHAIRMAN STRAIN: Okay. Well -- so you don't have any definitive answers until tomorrow, neither does Arthrex, so I guess we'll have to defer some kind of stipulation until that meeting occurs.

MR. CHMELIK: I believe that's the case, yes.

CHAIRMAN STRAIN: Thank you. That's all I've got.

Anybody else? Joe?

COMMISSIONER SCHMITT: A question in regards to this issue. This was a fast track as was mentioned. When did you start working with the applicant in regards to this IQ line?

MR. CHMELIK: May or previous, in the spring.

COMMISSIONER SCHMITT: Since May?

MR. CHMELIK: Yes.

COMMISSIONER SCHMITT: And we still don't have a resolution?

MR. CHMELIK: Not yet.

COMMISSIONER SCHMITT: And this is scheduled to go to the Board when; two weeks?

MR. BOSI: October 25th.

COMMISSIONER SCHMITT: And is it -- where is the sticking point in resolving this issue? It seems to me that this is not that difficult of an issue in regards to the line. You want it one way, they want it another way, but there seems to be -- how big of a line is this?

MR. CHMELIK: It's a 24-inch IQ main. And I don't want to answer for Arthrex, but I think their plans needed to be firmed up before we could really determine where this was going to go.

COMMISSIONER SCHMITT: Let me then ask this: Do you think you're going to reach a solution tomorrow or...

MR. CHMELIK: Yes, we do.

COMMISSIONER SCHMITT: All right. And do you -- have you reviewed what they're proposing from a standpoint they've reviewed what -- you do see an avenue of agreement somewhere between -- between where you are now and where they are?

MR. CHMELIK: Yes.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: Well, Tom, I almost said Eric. Thank you for attending. I don't think there's any other questions. I appreciate you waiting to answer our questions. Thank you.

MR. CHMELIK: Thank you, Commissioner.

CHAIRMAN STRAIN: Mike?

MR. BOSI: Chair, I had mentioned environmental and transportation, I think, are two other real relevant staff components that you may want to hear from.

CHAIRMAN STRAIN: Yeah. Let's hear environmental first. I think transportation's going to get drawn out a bit, and so we may want to wait till after a break on that. In fact, Norm is anxious to come up and talk again, and I do have some questions for him, so...

MS. ARAQUE: Hello. Summer Araque, principal environmental specialist, development review.

CHAIRMAN STRAIN: Hi, Summer. And I think it boils down to this: Tim Hall says you're wrong, and you probably think you're right, so can you tell us why you're right so we know why he's wrong?

MS. ARAQUE: Okay. Well, first of all, I would like to get back to the basics on the Land Development Code itself. This section of the Land Development Code for offsite preservation is for small

preserves. Those are preserves that have a requirement of two acres for a commercial development.

So if this development had a small preserve of two acres or less, then they would qualify; however, since their preserve requirement is seven acres, then this is a deviation. And we have not been in support of these deviations because we don't really have criteria to go by.

So we are leaving that up to the Planning Commission and the Board to determine as the Growth Management Plan states that a deviation can be issued for beneficial land uses. So staff doesn't have criteria to determine if this is a beneficial land use, and that's up to the Planning Commission or Board.

In addition, I would have to discuss further with them on the two-to-one. Maybe that was recommended at the previous petition that was done, finished up earlier this year. I did not review that petition, so we can talk about that. I didn't -- I don't remember seeing that in this one.

Also, in regards to the stormwater in the preserve, we could have expanded a little bit further in the staff report. We just wanted to put on the record that a drainage easement today would not be allowed in the preserve; however, you can divert pretreated stormwater into a preserve that has hydric soils. That is currently allowed by the code.

So the difference here is that this has a drainage easement over it. But this, in my opinion, could be a preserve today, and we're talking about the preserve that's being proposed for impacts.

Do you have any other questions? Have I hit all the points that you're looking for clarification on?

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: Summer, how long have you been doing reviews for the county?

MS. ARAQUE: I've been doing reviews for 11. I've been with the county for 15 years as an environmental specialist.

COMMISSIONER SCHMITT: And in those 15 years, how many times has there been an approval for offsite mitigation?

MS. ARAQUE: So, not to correct you, but it's been a while. So we like to refer to it as offsite preserve just so that people don't get confused between offsite mitigation for other agencies.

So we -- I don't have a spreadsheet in front of me, but it's probably somewhere around 10. This type of deviation really has only been issued for East Gateway; however, the difference between this project and East Gateway is that this -- these are existing preserves that are already platted. And I think it would be up to you to go look to see what the Board discussion was on East Gateway.

Does that answer your question?

The other -- I guess to clarify, the other ones that we were in support of were quite small deviations. So, for example, we had a project where the -- it was a residential project, so in that case you can have a one-acre preserve, for residential, is considered something that can be done without a deviation.

Once you go above one acre for a residential project of a preserve requirement, then it would require a deviation. In that case it was like a 1.35-acre preserve requirement to begin with. So we said, okay, that's a difference of one acre to 1.35. It was isolated, and so we did -- and there were other factors there as well, so we did recommend that that one be approved.

But in this case, your preserve requirement is seven acres, and this portion of the code is for small preserves of two acres or less.

COMMISSIONER SCHMITT: So for clarification, the code allows for the offsite deviation --

MS. ARAQUE: Uh-huh.

COMMISSIONER SCHMITT: -- for preserve requirements if it's a small nonfunctioning or low-value preserve that currently exists. In your opinion, this preserve is -- what is your position as far as the functionality of this preserve? And from what I read, I believe what you're stating in the review is that you're recommending disapproval because this is deemed to be a rather significant preserve, and to allow for the 1.35 acres offsite deviation, would it, in your opinion, adversely impact what remains as a preserve?

MS. ARAQUE: Correct. So this is -- the impacts, actually, just to make sure everyone is aware, are actually of two acres because they're proposing to add, recreate .65 acres on the other side of the road. So the impacts of two are actually to the highest quality vegetation on this site.

And, yes, Tim did go through the criteria in the code, but looking at this as an environmental specialist, a biologist, this type of vegetation is probably one of the nicer preserves that you will see in Collier

County. So it is a -- and very little exotics and a very diverse vegetation from oaks to pines to cypress is a very nice preserve, actually.

COMMISSIONER SCHMITT: Does this appear to set some kind of precedence then?

MS. ARAQUE: Oh, definitely, yes.

COMMISSIONER SCHMITT: If allowed.

MS. ARAQUE: Yes.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: It's the same kind of precedence we stopped at East Gateway. We allowed a little more flexibility in East Gateway because it wasn't already existing, and there were some changes; the project had not been built. But I mean, I think that to give this up would be wrong, and I haven't heard anything yet that's changed my mind on that. So, Diane?

COMMISSIONER EBERT: And that other one that we okayed was Bear Paw which was that -- the family one where it was so tiny anyway, where we allowed them to take that 1.3 acres off.

CHAIRMAN STRAIN: Well, that was -- that meets the code.

MS. ARAQUE: Yes.

COMMISSIONER EBERT: Yeah, I know, but she was talking about a very small area, because we don't do many of these.

MS. ARAQUE: Right. That one did not -- as I recall, did not need a deviation because it met code.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Anybody else have any questions from the environmental perspective?

(No response.)

CHAIRMAN STRAIN: Thank you, Summer.

MS. ARAQUE: Thank you.

CHAIRMAN STRAIN: We're going to take a short break and come back and try to get into the very complicated discussion of transportation.

Take 10 minutes. We'll be back here at 11 o'clock.

(A brief recess was had.)

MR. BOSI: Chair, you have a live mike.

CHAIRMAN STRAIN: Okay. Everybody, if you'd please take your seats, we'd like to get moving. Ladies and gentlemen, if you'd please be seated.

We left off before the break with staff reports. We finished environmental, and we're moving to our transportation professional if he's here.

Good morning, Mike.

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

With me today I also -- I also have Tom Ross, who assisted staff as far as our review. He is from CH2MHill. He's our consultant. I also have Trinity Scott, who's our Transportation Planning manager.

Just real briefly just to get started, we have found the petition to be consistent with the GMP. We do have road capacity for where the project is going based on the added trips that are being added to the PUD. With that, I'm open for questions, and we're available.

CHAIRMAN STRAIN: Well, I mean, we've got a memo produced by somebody in transportation. Maybe it was you. It says, supplemental staff memo. Was that yours, or who wrote that?

MR. SAWYER: That's a combination, but yes.

CHAIRMAN STRAIN: I certainly would like someone from staff to explain the elements in that memo because they start out talking about the -- No. 1 gets into improvements on various (sic) Immokalee Road and some of the intersections, so can you just kind of walk us through these improvements and see -- and explain to us how they're going to increase -- or, in fact, I think we heard testimony that the functioning of the road system is going to be better with Creekside closing. And I'd like you to explain from staff's perspective how that's going to happen if you agree with that. If you don't, I'd like to know that, too.

MR. SAWYER: Okay. That's actually a number of -- number of questions all in one, certainly. And there's a number of things that I can do to try and explain, you know, what we use as far as how we put

together our review of the project.

To go over the talking points that we've got for the proposed developer agreement --

CHAIRMAN STRAIN: And I don't need -- there's a lot of paragraphs here.

MR. SAWYER: Right.

CHAIRMAN STRAIN: I just need a quick summary of each one, what we're expecting. For example, the cycle times on the light at Arthrex Boulevard and Immokalee Road, they're going to put in dual lefts, I understand, and I understand also there's a southbound -- from the opposite side of the roadway, there's a concern over how they cycle in and out, and it's been some -- basically the shopping center puts a lot of traffic onto that light from the north side.

Have we looked at all this as a package, and are the cycle times changing? Are the dual lefts going to help? What's happening with that intersection, for example?

MR. SAWYER: Certainly related to this project, the dual lefts certainly will help for this project. We've not, honestly, looked at what's happening on the south side because that's independent of this particular petition.

CHAIRMAN STRAIN: You mean going south --

MR. SAWYER: Correct.

CHAIRMAN STRAIN: -- because it's on the north side going south.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Okay. Well, by doing dual lefts on Arthrex Boulevard going north onto Immokalee, is that going to be able to shorten the cycle times of that light because you've got two lefts going instead of one?

MR. SAWYER: Correct. You're going to increase the capacity of that signalization being able to cycle the traffic through. So we won't have as much of a conflict on Immokalee at that point.

CHAIRMAN STRAIN: What about -- now, if you're making dual lefts out of there, you're going to go over to 41. Now, the right-hand turn lane on 41 is one I have to sit in periodically, so I know it backs up. The left-hand turn lane is going to take on probably twice the amount of traffic that would be coming north off Arthrex. How are we changing that intersection?

MR. SAWYER: The one at Immokalee and 41?

CHAIRMAN STRAIN: Yes.

MR. SAWYER: That is -- that particular intersection is going to take more time because there are more players involved with that particular intersection. That is a longer-term solution that we're going to have to actually study, similar to other studies that we're currently engaged in as far as other particular intersections.

I believe that intersection was also brought up when we originally looked at Naples Daily News as well. So there's a number of players. There would be a number of people that would have to contribute to that ultimate solution. And currently we are not studying that intersection.

CHAIRMAN STRAIN: Okay. Well, then let's get back to your memo and the points that have to be taken into consideration. I guess in the developer agreement is what's going to be formatted?

MR. SAWYER: Correct. This is just a series of talking points as far as getting a developer agreement put together for the proposed project.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: Okay?

CHAIRMAN STRAIN: Okay.

MR. SAWYER: As you can see, we've already talked a bit about the improvements that are proposed.

CHAIRMAN STRAIN: Number 1.

MR. SAWYER: On No. 1. Number 2, basically, that is talking principally about the improvements that would be going on Goodlette, which, again, the applicant has discussed previously. We have not looked at what is being proposed at this time; however, there would be plans that we would review as we normally would on any particular project such as this.

CHAIRMAN STRAIN: Well, you've got two kinds of mitigation you're talking about -- in No. 2

you're talking about equal mitigation and alternative mitigation. What's the difference?

MR. SAWYER: I've actually got a presentation I can go through real quick to try and explain that.

CHAIRMAN STRAIN: Well, I was hoping you would have something.

MR. SAWYER: If that would help. Okay.

CHAIRMAN STRAIN: That's what I'm trying to get to.

MR. SAWYER: And I've got -- why don't I just start with this, and we'll just go through this briefly, and then we can go through questions.

Are we on? There we go.

Basically, just briefly talking about TCMA's equal mitigation or alternative mitigation. GMP Policy 5.6, basically, is the county shall designate Transportation Concurrency Management Areas, TCMAs, to encourage compact urban development where an integrated and connected network of roads is in place that provide multiple viable alternative transportation paths or modes for common trips.

CHAIRMAN STRAIN: Now, Mike, what that means is that anywhere in the area that you have on the blue -- no, no, the next page where it says northwest TCMA, you take all those road segments and you average them out, and if you have a deficiency in the north end but it averages out, you can kind of absorb excess from another point in that TCMA?

MR. SAWYER: As long as you don't exceed -- and we've got -- you know, a couple of slides that better explains that. As long as overall you don't reach a certain percentage of failure within that area, you can do development, in essence.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: Okay. And we've had two of them. We've got the northwest TCMA, which is -- as you can see Creekside commercial is basically almost right in the middle. We also have the east central TCMA. And I think we've talked about that particular one in relationship to Pine Ridge Road more recently with some of the other petitions that we've looked at.

With Policy 5.7, each TCMA shall maintain 85 percent of its lane miles at or above the LOC (sic) standards, level-of-service standards.

If fewer than 85 percent of the lane miles are achieving the LOS standards, the proposed development shall not be permitted unless modifications of development is made sufficient to maintain the LOS standard for the TCMA, or the facilities required to maintain TCMA LOS standards are committed.

Basically, that's just saying that we still need to make sure that we get commitments to improvements whenever you're in a TCMA area.

CHAIRMAN STRAIN: Okay. But what it means is, you could have a failure at one intersection, like 41 and Immokalee, but because it's averaged with the rest of the road system and in the TCMA, as long as the overall whole TCMA doesn't exceed 85 percent of its threshold, they can still proceed and still meet concurrency by our code.

MR. SAWYER: Correct. Basically --

CHAIRMAN STRAIN: That's how this one's being looked at, basically?

MR. SAWYER: Basically.

Currently, within the northwest TCMA, 100 percent of the lane miles are above 85 percent LOS standards. So that's a key element right there; we are nowhere near the 85 percent in this particular TCMA.

CHAIRMAN STRAIN: But that's one of the primary reasons staff has said this is inconsistent and you've recommended approval is because of that factor, and it doesn't take into consideration the failure or the potential failure of the immediate road system adjacent to this project. It looks at the full package.

MR. SAWYER: We look at the larger bathtub. For a lack of a better answer, yes, we look at a bigger bathtub.

CHAIRMAN STRAIN: Okay. I just want to understand it, because the Creekside Boulevard is one of the bigger issues happening here. And with the removal of that, I'm just trying to understand how it affects the overall program. Obviously, it's going to put more traffic on the other streets. We don't know quite how much yet, but all that still -- staff's looking at it as though it's being absorbed by the overall TCMA goals.

MR. SAWYER: Correct, yes.

Okay. Policy 5.8, if the proposed development impacts either a constrained roadway link and/or a

deficient roadway link within the TCMA by more than de minimis amount, which is more than one percent of the adopted LOS, or an amount on a hurricane evacuation route, which this is, yet continues to maintain the established percentage of lane miles indicated on 5.7 of this element, a proportionate share congestion mitigation payment shall be required. The mitigation is separate from operational impacts and is addressed at time of development order.

Now we get into the actual mitigation. We've got equal and alternative mitigation. This comes from our TIS guidelines, which is Resolution 2006-299.

Number 17, equal mitigation for operational impacts: To mitigate the impact of development traffic, a concept called equal mitigation will be used except as otherwise required by the Board of County Commissioners. Equal mitigation shall mean the implementation of an improvement that, at minimum, results in the reduction of delay per vehicle on each lane group at deficient intersections prior to the addition of the development traffic.

CHAIRMAN STRAIN: Mike, I was hoping you could explain this in simpler terms.

MR. SAWYER: I'm trying. I'm trying.

CHAIRMAN STRAIN: I mean, honestly, I can read the code, and I'm sure we all can.

MR. SAWYER: I'm trying to.

CHAIRMAN STRAIN: I wanted a simple, basic term that -- you transportation people use so many smoke and mirrors, and when we try to get an answer, it's so confusing. I simply wanted to understand it in a little more basics. If we can't get there, that's fine. I'll just keep plugging away and try to understand it.

MR. SAWYER: I'm trying to get there, Chairman.

Eighteen, alternative mitigation for operational impacts -- and you're right, we can all read this. Basically, the difference between equal mitigation and alternative mitigation is where we take whatever the mitigation amount needs to be for any particular development, and we either have the opportunity to do select operation improvements directly related to the project throughout the area where the development is located, or we concentrate those improvements, the mitigation, at a specific, more critically needed location.

CHAIRMAN STRAIN: Well, then that leads to the question I was trying to get to in a way. What select traffic mitigation issues are being applied to the various rerouting of Creekside Boulevard? What's going to happen? What select mitigation measures have they come up with?

MR. SAWYER: Right now what we've got, looking at what we've got as far as the suggested talking points with the developer agreement, that's going to be No. 1 and No. 2. Principally, No. 2, which are the improvements that we're looking at for Goodlette, getting that section of Goodlette improved from the current two-lane configuration to the four-lane configuration where we've got all of the conflict points, you know, the entrances, the exits, and allowing the rest of Goodlette south of where the improvements are going to be -- we really don't have any entrance or exits all the way back to the next intersection.

CHAIRMAN STRAIN: According to the backup to your memo, in 2016, remaining capacity at Goodlette-Frank Road will be 82 trips. How is that going to be affected by the final point when Arthrex is finished with their building?

MR. SAWYER: That's partly why we're looking at wanting to get Goodlette improved where we've got the two-lane section coming from Vanderbilt going north to the bridge, going from the bridge -- in that particular segment, we don't have entrances and exits, so we don't have conflict points.

Basically, once you leave Vanderbilt, start heading north, you don't have conflict points, so traffic is free-flowing from that point all the way across the bridge.

Once we get past the bridge, then we start getting into where we've got entrances and exits. Those are the conflict points, and they get more numerous as we get closer to Immokalee. So improving that section, that road segment from the bridge north Immokalee to a four-lane configuration as opposed to a two-lane, should give us more capacity for Goodlette.

CHAIRMAN STRAIN: We have a series of letters that designate our traffic levels of service A through F; F meaning failure, D meaning close to failure. What does E mean? Most of the road system in this area, with the exception of Goodlette --

MR. SAWYER: I'm going to have Trinity come up and help answer that one.

MS. SCOTT: If I may, I'm sorry, I was not sworn in this morning. If I could be sworn in.

CHAIRMAN STRAIN: We can arrange that.

MS. SCOTT: Thank you.

(The speaker was duly sworn and indicated in the affirmative.)

MS. SCOTT: Thank you. Sorry about that.

For the record, Trinity Scott, Transportation Planning Manager.

E is our acceptable level of service on the majority of our major arterial roadways within Collier County as adopted by our Comprehensive Plan. So it means that a roadway is reaching its capacity but it's not over its capacity.

CHAIRMAN STRAIN: Okay. And most of the roads I noticed in Norm's study show these at E. I think there's one D, and I think it's Goodlette, so the rest of it's all at E.

Okay. That's all I have right now. I mean, anybody else have any traffic of Mike?

(No response.)

CHAIRMAN STRAIN: Norm, as a follow-up -- I know you've been anxiously awaiting to come back up and answer a few questions. While Mike is here, I've had some questions from your TIS that you've submitted.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: In part of the project, they indicated that there's 810,000 square feet of medically-related uses on this property, and I can't find where you've addressed that square footage in your TIS. Can you tell me how you wove that into your TIS?

MR. YOVANOVICH: Where did we say that?

CHAIRMAN STRAIN: In the comprehensive planning memo. I'm sorry. You're right. It wasn't you guys that said it. Our Comprehensive Planning Department said that your statement of compliance has a reflection of 810,000 square feet of medically-related uses. How have you addressed those in your TIS?

MR. BOSI: Chair, that statement of compliances says it's 810,000 square feet allocated to the PUD, not all allocated to medical related.

CHAIRMAN STRAIN: Okay. Then fair enough. I don't have that exact one in front of me right now, but I will shortly.

Okay. It says that the -- to ensure new square footage is restricted to uses, a provision has been added to the PUD within the statement of compliance which restricts all square footage beyond 810,000 square feet to restricted to support -- to be restricted to support medical facilities. So that means we have 810,000 square feet of nonmedical-related facilities, and all the rest above that would be?

MR. BOSI: No, no.

CHAIRMAN STRAIN: Can you explain that to me?

MR. BOSI: In the request it indicates within the commercial. In the industrial there is 550,000 square foot of existing allocated to that individual land use, and then on your business tract, there is currently 260,000 square feet of business uses that are allocated. So that is your total of 810,000 of existing PUD language.

CHAIRMAN STRAIN: That's how I can, then, figure out what Norm did with his. Okay.

Thank you, Mike.

MR. BOSI: Thank you.

CHAIRMAN STRAIN: And, Norm, let me see --

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: Your improvement analysis, I think Mike answered that, and I think that's all. Sorry, I just had that one question on how the 810,000 fit in. I understand now. Thank you.

MR. TREBILCOCK: Thank you.

CHAIRMAN STRAIN: Anybody else have any questions of transportation? Diane?

COMMISSIONER EBERT: I don't know if this is for Norm or not, but when they were here in March, they just kept moving stuff around, and that kind of bothered me, because I cannot get the square footage on anything here.

At one time it was 620-, you took 70,000 square feet off in March, you bring it down to 550-, now you want to up it 166-. And for restaurants and that type, it was 40-. You wanted to up it to 60-. This was

just six months ago --

MR. TREBILCOCK: Yes.

COMMISSIONER EBERT: -- and now you're bringing it down to 50- because the restaurants are in place.

MR. TREBILCOCK: Yes.

COMMISSIONER EBERT: The only problem with that is when you came in March, it was already at 48,000, so you were, like, 8,000 over. It's just like you're just kind of moving things around. And to be honest, I was trying to look at this, and I understand all the importance, but this originally was set up for -- I've got a million, now, square feet, and I'm coming up with one million 300 and something, and I'm going, wait a minute, and now you're telling us that it's -- or Arthrex is telling us it's 300,000 square feet more for this building. So it's just -- I can't get a real figure, and I think that's where I'm --

MR. TREBILCOCK: Sure.

COMMISSIONER EBERT: How many do you really plan for this whole project? Is it going to be, like, two million square feet?

CHAIRMAN STRAIN: I think that's not a question of Norm. That's probably of Wayne.

MR. ARNOLD: Yes, sir. What's the question that you'd like me to answer?

CHAIRMAN STRAIN: She wants to know if you're going to have two million square feet total on that project, or what it will be if it isn't two million.

MR. ARNOLD: I'll have to do my calculation, and I can let you know.

CHAIRMAN STRAIN: Okay. That's what we're looking for. Thank you.

CHAIRMAN STRAIN: Anybody else have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll move on to public speakers. We're going to start our public speakers. We're going to break at noontime and then come back at 1 o'clock. So I think the first speaker up -- I think Mr. Pritt has asked to be the first speaker. He's nodding yes. And I have no objection to that. Ray and Mike, does that work for you guys?

MR. YOVANOVICH: Mr. Strain, did you want Wayne to answer the acreage question for you before you go to public speakers or later?

CHAIRMAN STRAIN: No need to. We'll get it before the day's over. I've made a note of it. Okay.

Now, the way we're going to work public speakers is Mr. Pritt represents some of the homeowners associations and groups in the area. He's asked for extra time. It's been granted. He has two professionals that will have a little extra time as well, then we'll move to regular public speakers. Regular public speakers are restricted to five minutes unless otherwise waived, and we intend to hear everybody that wants to talk today.

So the best way we can accomplish that is to make sure you have a speaker slip with Mike over here, but we intend to miss nobody before the day's over.

Mr. Pritt, it's all yours.

MR. PRITT: Thank you, Mr. Chair, members of the Planning Commission. My name's Robert D. Pritt. I'm here on behalf of Bay Colony Golf Club, Inc., Estates at Bay Colony Neighborhood Association, Inc, Collier's Reserve Association Inc., and the Foundation at Pelican Marsh, Inc.

All of the above are property owners associations owning and/or representing owners of property that is adjacent to or across the street from the Creekside Commercial Park CPUD. I do not represent any of the property owners in their individual capacities; just the associations.

My clients have serious concerns about the proposed intensification of development in the Creekside Commerce Park CPUD. Many of their constituents made their investments in homes and recreational facilities in reliance upon an ambiance that is unique to not only the county but also to their neighborhoods.

While there's been a tolerance by -- for most commercial uses and developments and the associated traffic over the years, it's also useful to note that this is the fifth amendment to the PUD, that's the PUD document itself, most of which have involved development intensity, including an increase in traffic.

Immokalee Road from U.S. 41 to Goodlette-Frank and actually onto Airport-Pulling Road is one of the most constrained roadways in the county. I don't have, personally, the information on that, but I do wait

for the traffic light regularly on U.S. 41 at Immokalee.

In this case, the stated rationale for increasing height and development intensity is for an expansion of the company's headquarters and the creation of jobs. My clients are in support of jobs and progress and applaud the company's commitment to the county. We want to make that very clear.

The original requested height was an increase from 35 feet to 205 feet, and only today is it officially being scaled back to 122 feet. I'm not actually sure if it has officially been scaled back. They've made that representation, but I haven't seen it anywhere else other than the representation here and the news and the local newspaper.

At any rate, this is still well over a threefold increase. It's taller than any commercial building in the area and possibly in the county.

Stunningly, the planning staff had recommended approval at 205 feet, which indicates that their recommendation was and is based more upon political considerations and probably tremendous pressure upon them. I don't know. But it certainly is not based upon professional land use and planning principles.

Similarly, the traffic study presented to you is likely understated as to the effect both by the applicant and by the county transportation staff. We just heard from both of them today. I think this is still a true statement from when I put this together.

The proposed closure of a part of Creekside Boulevard really exacerbates the already stressed traffic patterns. The application proposes to compromise the sanctity of preserve areas as well as on-site mitigation requirements. We do not think there's any strong need for doing so and agree with the county staff on that count.

While we just last Friday saw a possible design of the Arthrex -- I think they call it a signature structure or marquee structure on the headquarters building -- we saw this in the newspaper -- there's no guarantee that it will actually resemble that rendering because the structure will be approved only by the administrative staff. As far as we can tell, that has not changed, so we still don't know, and you do not know, what this is going to wind up looking like.

This is -- this will be brought to -- if the deviation is approved, the staff -- this will be brought to the staff, the same staff as those recommending approval of a 205-foot building rather than the Commissioners at a public hearing or even this Planning Commission.

It proposes a deviation from county architectural standards, meaning it could theoretically wind up looking like anything for all anybody knows. We're at the mercy of the developer and also at any potential caprice of the developer.

My clients have engaged David Depew of Morris-Depew & Associates to testify regarding planning and traffic issues and Brown Collins, an environmentalist, to testify regarding environmental issues today.

From a legal standpoint, I raise the following objections and concerns: One, the actual proposal continues to change with new proposals presented, even today, and with a revised staff report released only last Thursday. The briefing of my clients was Friday afternoon. They're only a small portion of all the neighbors in the area.

As it is, this is irregular and affects the ability to have reasonable consultation with our experts and to react in a logical manner. Zoning is not supposed to be Helter Skelter, and county staff, until now, has always required a complete application before it goes to a hearing, including to a hearing in front of this board.

Secondly, from a legal standpoint, we still think that the special allowance for height and closure of a public road and ignoring environmental standards include -- I'm sorry -- constitute illegal spot zoning. We raised the spot zoning issue at the first hearing, and we don't think that that has been corrected. Zoning standards and decisions are to be based upon what the proposal is, not who is making the proposal.

Contract zoning: We think that the zoning analysis is apparently based upon the contract zoning, which is also illegal. There's a contract between the state and the applicant for job creation that is still secret and a contract between the county and the application for tax relief in exchange for jobs within the county. That could be anywhere in the county.

This rezone is hopelessly entangled with those contracts rather than being respectful of the Growth Management Plan, your Comprehensive Plan, the Land Development Code, and just normal principles of

rational and compatible zoning.

Compatibility is at the very heart of zoning. Zoning cannot be a done-deal, so how can the decision makers be fair when it is their own contract that is the support for the application? This would be a violation of the due process fairness requirements.

We've heard discussion concerning the Comp Plan and environmental, you know, and some of the other things that are being provided; however, remember that already the government, the county, is contributing up to \$5.9 million of taxpayers' money toward economic development. Economic development can be done a lot of ways other than running through -- running amuck over your Land Development Code and your Comprehensive Plan, your Future Land Use Element, et cetera.

Another issue on due process, the neighbors are not permitted by law to see that state contract. It's a secret contract still, yet they should have a right to comment upon the actions of the local government before the action's taken. That contract is being used as the reason why this has to be expedited, and we've seen several problems with regard to that even today. We heard that they're going to talk with the post office pretty soon. They're going to talk with utilities maybe tomorrow. This is not taken care of, that's not firmed up.

The criteria for -- that we look at with regard to environmental issues are criteria for you to consider, that they can't be considered by staff. All of these things are victims of so-called expediting of the process.

Piggybacking: The proposed amendments are represented as being for the benefit of a good cause, Arthrex, and it's effect on the economy of Collier County; however, a large portion of the proposal does not include Arthrex but instead attempts to piggyback other properties and intensities into this application.

And I know we did hear testimony where they kind of tried to cover that by saying, well, you know, the hotel's probably going to be used by Arthrex a lot. Well, a lot of hotels around could be used by Arthrex, so we think that this is a major problem.

So my conclusion and request would be, first of all, as to Arthrex building, Tract 5. A, the Planning Commission should either recommend rejection of any increase in height or at the very least limit the increase to no higher than that of the North Collier Hospital building which we believe -- and we think we had testimony -- we believe that to be 104 feet, but we'd like to have that height to be 100 feet, no more, if you do approve it, and we ask you not to, but if you do approve it, no more than 100 feet overall or an all-in height;

B, any architectural plan should be subject to the public hearing, some public hearing somewhere. Either as part of the current rezone or at a subsequent site plan hearing. Architectural standards of the codes must be followed, or a deviation through the public hearing process should be required. There's nothing that was submitted today that tells us, again, what it is that's going to be looked at.

So far I have not quoted any cases, but I'm going to now. I'll just do it once. There's a case from the U.S. Supreme Court years ago. It's called Cleveland Plain Dealer versus Lakewood, and that says that a standardless delegation of the authority of the -- in this case the Planning Commission or of the County Commission, to the staff is invalid and unconstitutional. There have to be standards. There has to be something to be applied no matter who applies it. And they're asking to be excused from the deviation, to be excused from your standards.

So you have -- best I could figure out, you have a standardless -- a request for a standardless delegation to the staff of -- to determine whatever this still mystery building's going to look like.

Thirdly, any signage on the building should be modest, and if it must be placed or it can be placed near the top, we would ask that it not be illuminated. We haven't talked much about the sign issue, but that is -- that is an issue, and having lighted signs at the top of buildings near neighborhoods can be a problem.

Secondly, Creekside Boulevard, the Planning Commission should recommend that it not be closed or re-routed.

On environmental -- thirdly, environmental preserve areas and on-site mitigation should be maintained and not changed.

And, four, as I indicated concerning piggyback or riders, any increase in square footage, development intensity, or traffic capacity requirements for the CPUD that are not directly attributable to the proposed development on Tract 5 should be rejected.

We've asked that they take that away so that that not be part of this issue. They've indicated they're not going to do that, and we think that that's not fair. That's not anything that needs to be expedited. I said that at the neighborhood informational meeting. That part does not need to be expedited, and we would ask that that not be approved.

Thank you. David Depew will be testifying on our behalf, and then Brown Collins.

CHAIRMAN STRAIN: Thank you, Mr. Pritt.

MR. DEPEW: Good morning. For the record, David Depew, and I have been sworn. I am a land planner. My office is at 2891 Center Pointe Drive, Suite 100 in Fort Myers, and I have been a planner in the state of Florida since 1980. I've been a member the American Institute of Certified Planners since 1983. I'm the former director of Community Development for Lee County.

I have practiced all over Southwest Florida, including in Collier Counties, Monroe County, Lee County, Charlotte County, Hendry County, as well as throughout the state of Florida. I'm here today on behalf of the clients Mr. Pritt mentioned to you.

The request that's been submitted, I believe, from my review of the application materials has some significant deficiencies and difficulties in terms of what you're being asked to approve today. Let me go through those as quickly as I can. I know that it's been a long morning and promises to be a longer afternoon.

The initial element that I'd like to discuss is the additional 198,000 square feet as described in the submitted traffic study. It indicates there's going to be an additional 3,895 average daily trips placed on the overall network in accordance with the traffic analysis that was submitted for the request. That means there's going to be an additional 202 a.m. peak hour trips which accompanies an additional 384 p.m. peak hour trips.

So that talks about an additional 3.37 trips per minute in the a.m. peak, and an additional 6.4 cars per minute in the p.m. peak that are going to be attributable to the additional square footage that is being requested.

In this particular area of the county, which has been discussed here, this is a Transportation Concurrency Management Area. You already have, as of May 2016, traffic counts on Goodlette that were 19,266 average daily trips at the count station just south of Immokalee Road.

On Immokalee Road itself, east of Goodlette, there were 49,296 average daily trips recorded. On the west side of the intersection over by U.S. 41 on Immokalee, you're looking at 22,803 average daily trips.

When you get onto U.S. 41 north of the intersection of Immokalee and 41, you're looking at almost 50,000 average daily trips -- sorry, 61,000 average daily trips and 39,000 average daily trips south of Immokalee.

So the proposed development is going to add a significant number of trips to an area of the county that already has a significant amount of traffic located inside of that particular district. And the reason I say that is this is in addition to a development that's already there. This is an add-on to something that you already have approved for this particular location.

I point out that it also, as part of the traffic study, has a 20 percent rate for internal capture which I think may be overly optimistic, especially given that the project itself is separated by an arterial roadway, a portion of the project that is on the east side and a portion of the project that's on the west side, and yet you're using internal capture, so internal capture is going to have an impact on the arterial roadways.

So the Creekside Boulevard removal is a little bit more of a difficult problem to grapple with, but I would point out to you that this roadway is on the 2025 long-range economically feasible map of your Transportation Element. That roadway's there as a two-lane connector, and it doesn't show a circuitous connection, which is what they're proposing here. It shows a direct connection as a reliever for that stretch of Immokalee between Goodlette and 41.

By putting in the circuitous route, my belief is that this reliever function on that roadway is going to be severely degraded, and it will no longer function as the reliever roadway that the transportation plan actually envisions.

The lack of complete streets and the production of a road system that includes complete streets, I think, is directly counter to the whole argument that we're trying to create some kind of campus at this location, and the applicant has indicated they're not interested or they are unable to actually put the complete streets into the design of the relocated Creekside Boulevard. So I think that's a serious problem.

The project proposes to increase the allowable height, as you've heard just this morning, to 122 feet for the proposed structure. And as Mr. Pritt said, this is a three -- more than a threefold increase of what's already been approved. And the lack of the ability to look at what that building is actually going to appear as is, I think, another serious problem in terms of compatibility and consistency with the plan.

The additional 166,000 square feet of the development floor area is -- got a very good chance of overpowering this neighborhood because there's nothing quite like it in the neighborhood itself.

And with that, I want to go over to -- I'm there. All right. That's what I wanted.

What we did was we took the Google Earth LiDAR material and geo-referenced it to this particular location. And we took a building that was 122 feet above existing grade with a parking garage of three stories at 14 feet per floor.

The perspective views that we then are going to show you here are from this elevation of 122 feet. And we didn't try to do anything more than just put a very -- very generic facade, because we simply didn't know what the final design was.

And you'll see on these various perspectives these are the locations as to where they were taken with the terrain on in Google Earth so that you can get an idea. And we saw in the applicant's presentation what's going to -- what it's going to look like on the horizon, and I would submit to you that's not a very good representation of what you're going to -- what you're going to actually see with this building.

And so we've got the structure at this location with the 122 feet of height. You can see Bay Colony behind it to the south and the surrounding development.

This is a view of what you're going to see from the top of the building. You can see into the neighborhoods around there. You can see the No. 10 fairway. You can see some of these homes that are down in Bay Colony. This is what you will see from the top of the building looking to the south.

This is what you'll see from the building looking towards the southwest. You can see the tall buildings in the distance over here. Those are the condos down on the gulf. Now, you're not going to see any other buildings in this area that are even close to this height. This tower is going to be the only thing in the area that is going to show you that.

Now, this is looking off, then, towards the post office to the west. And, again, you can see the condos over on the beach, and the gulf, but you're not going to see anything in this area that's even close to this size. You can see the post office; you can see the Naples Daily News building.

This is the look to the northwest, and you can see across the area into Collier's Reserve to the right-hand side of the screen. This is looking north towards Bonita Springs and, again, you can see into the developments that are across Immokalee Road to the north.

And, finally, we've got the view that's east towards Airport-Pulling off in the distance and, again, you can see the developments that are in this area. You can see the residential development that is on the right-hand side of the screen and even past onto -- in the center of the screen.

So those are -- and I have these on the desktop so they'll be left here. There's also a thumb drive down here so the staff will have the presentation. But the point was that -- go back over here.

The point was simply that this is going to be a major impact on the skyline. You're going to see this building. You know, we can do all kinds of visual studies that you want, but once you get into this building and you're looking out, you can see what -- you know, this is going to be a major impact on this particular area. You are setting a new standard for development in this area by the height on this particular building.

COMMISSIONER CHRZANOWSKI: Excuse me. Is there a reason you didn't do a view to the northeast, looking at the hospital?

MR. DEPEW: None particular. We just --

COMMISSIONER CHRZANOWSKI: I was just wondering if it was, like, the same elevation.

MR. DEPEW: I can go back and see if you can see it in one of the others.

COMMISSIONER CHRZANOWSKI: No, you couldn't. I looked.

MR. DEPEW: There was no particular reason. I mean, we had to cut it off at some point or another. I can do views at 10 degrees.

COMMISSIONER CHRZANOWSKI: Okay, yeah. Because you seem to go -- you seemed to box the compass, then you skipped over that. Okay.

MR. DEPEW: We did it to the north, the east, and the west, but then we did a couple to the south; we did two or three to the south --

COMMISSIONER CHRZANOWSKI: Right.

MR. DEPEW: -- in order to show you the closest residential development and what was happening with it. That was the particular purpose with it.

COMMISSIONER CHRZANOWSKI: Okay. Thanks.

CHAIRMAN STRAIN: David, I've got one question for you.

MR. DEPEW: Sure.

CHAIRMAN STRAIN: You kept saying, "you can see," "you can see," and you were using 122 feet. That's called the -- it's not the zoned height. The zoned height would be 104, and that's to the top of the -- the way it's defined would be the top of the roof which means someone's -- no one's going to be up at 122 feet. That's on the outside of the roof. And -- let me finish.

MR. DEPEW: Yeah.

CHAIRMAN STRAIN: And at 104 feet, that's the top of the flat deck of the roof. I mean, someone may go up there occasionally to repair something, but it's not like it's going to be occupied.

And they're 12-foot-high rooms, so you'll really be down to about 90 or 92 feet where someone would be standing and looking out if that was what you were trying to portray. I think that -- somehow I want to make sure we understand no one's going to be standing on the roof at 120 feet.

MR. DEPEW: Right. But one thing, first off, we had a problem because we only found out about this on Friday at 122 feet.

CHAIRMAN STRAIN: So did most of us.

MR. DEPEW: So, I mean, you know, the idea that we got it together over the weekend -- I had my graphics guy working pretty hard on the thing to pull it together for that. But setting that aside, the point was to give you a perspective of how tall the building was in comparison to everything around it more than to give you views of everything, but rather to show you the perspective of the building and -- the height of the building as it related to the views around it. So, I mean, that really is the key. You can -- we can go back and drop that down by, you know, 30 feet, and --

CHAIRMAN STRAIN: Your phraseology was, "you can see," "you can see," and I just thought, no, really no one's going to see from 122 feet. But if that -- I understand your objective now. Thank you.

MR. DEPEW: The application is asking for a deviation with regard to the architecture. And part of the point of the views that I showed you there is to show you that this is going to be viewable. It is going to be -- you can -- you will be able to see this building and, yet, what we don't have is any idea of what this building's really going to look like.

And the deviation, I think, and as Mr. Pritt has mentioned, is one that's very important. I think that the views of this building need to be reviewed by the neighbors and by the surrounding stakeholders in this particular area. I think that the massing, the bulk, the facade articulation, and the potential for all of the details associated with this building need to be brought back before the public given the fact that we're talking about such a massive and large structure in this particular area.

The applicant's indicated there's 198,000 square feet being added, all of the medical uses, but that's not really how the traffic study analyzed this. And so I'm with you in terms of the issues related to what all the square footage is, because it's not clear to me that the traffic study has adequately analyzed all of the additional uses as medically-related square footage. They've added additional business park uses as well as additional medical uses it, and it's not clear to me that the traffic study and the representations that have been made here today are correct or at least consistent, one with the other.

The deviation regarding on-site vegetation, Mr. Collins is going to discuss that. I'm not going to get into that in any detail. I would note that, typically, for a 106.8 acre site pursuant to your Land Development Code, the required preservation area should be 26.52 acres. When you start doing the math of what's there, what's open space, and even if you add in lakes, there's a deficit, the way I calculate it.

So I think there's a significant question that's related to what is open space, what is preservation space, and what is the requirement in accordance with the current requirements of the code. They're asking for additional square footage. I think the additional open space and preservation area needs to be met if

they're asking for additional consideration.

Finally, there's nothing in terms of anything that's been done as part of the analysis that talks about what's going to happen during the process of construction of this building. This is going to be a major construction effort in this particular area. It has the potential for significantly disrupting the activities that are taking place, the residential activities that are taking place in close proximity to this building, the placement of cranes, the stockpiling of steel, the traffic of concrete trucks associated with the construction of this building.

No one and nowhere has any of those potential disruptions and compatibility concerns been addressed as part of this application. The Future Land Use Element in its goal states that the management plan is a guide to land use decision making so as to achieve and maintain a high quality of natural and human environment with a well-planned mix of compatible land uses to promote the public's health, safety, and welfare.

The Policy 5.4 actually states that new development shall be compatible with and complementary to. So it's not just compatibility; it's a complementary relationship between the new development and the surrounding land uses.

And I don't think that a three-to-one relationship between the height of the building and the distance around that building is actually articulated anywhere in any of the codes or the plan. So if that's the measurable objective, I think it needs to be articulated a little more clearly, because that's not anything I found in any of my review of the plan.

I'm going to skip over a bunch of stuff so that I can get to my conclusions.

As demonstrated by the material that's been presented today both by the applicant, by the staff, and in terms of this some of the contentions that have been presented both at the last hearing and this hearing and some of my testimony, I would tell you that I believe the proposed change is not consistent with the Growth Management Plan, or at least at this stage it is impossible to determine whether it's consistent with all of the provisions of the Growth Management Plan. It may be consistent with some, and it is certainly, I believe, consistent -- inconsistent with some as it is currently articulated.

The proposed development is not consistent with the existing land use pattern. You can see from the -- you can see either from what's on the visualizer now or from the PowerPoint that I showed you that there's nothing in this area that's quite like this and will not be like this if this is approved at this level.

The lack of the ability to look at the articulated facades and the elevations of these buildings in their final format, I think, is also a significant problem in trying to determine whether or not the development is consistent with the existing land use pattern.

We believe that the proposed development with a building that's significantly higher than any other structure in the vicinity will create an isolated district that is unrelated to the adjacent nearby districts. We believe that the current existing approval is the logical response to existing conditions.

The existing district boundaries are not illogically drawn in relation to the existing conditions on the property, and they don't deny the applicant of any kind of reasonable use of the property. In fact, by the -- again, looking at the traffic study that was presented to you, they still have over 140,000 square feet of medical, dental untouched. They have over 225,000 square feet of business and office park untouched. It's still there to be built. They haven't even begun working on that at this point. So it's simply not -- it's not consistent to proceed forward with this in this kind of a fashion based on this.

There are no changed or changing conditions that require this amendment. The change will certainly adversely influence some of the proposed living conditions in the neighborhood.

The development will add 3,895 trips to a roadway network already in a Transportation Concurrency Management Area. The development is proposing to reroute drainage elements and remove wetland areas that function to manage surface water, and there has been no data provided so far that determines whether this proposed change will create a drainage problem.

Proposed construction of a 122-foot-tall building may, indeed, reduce light and air to adjacent areas. The residents in this area have indicated that permitting the PUD amendment will significantly and adversely affect the values and the quiet enjoyment of their property.

CHAIRMAN STRAIN: Mr. Depew, you need to start to wrap it up. I had worked with Mr. Pritt to

limit you to 15 minutes and the other gentleman. You've gone well beyond that --

MR. DEPEW: Sorry.

CHAIRMAN STRAIN: -- so could you get to your --

MR. DEPEW: I will finish up right now.

CHAIRMAN STRAIN: As far as findings, we do understand those. We have those ourselves, so thank you.

MR. DEPEW: The proposed -- I will finish simply by saying the proposed application, I believe, lacks sufficient information to make an informed decision regarding the impacts of the development and, as proposed, I believe it's inconsistent with the Growth Management Plan and violates specific provisions as well as the overall intent of the LDC.

Thank you.

CHAIRMAN STRAIN: Thank you. Are there any questions of Mr. Depew?

COMMISSIONER SCHMITT: No, but I do have a question for Mr. Pritt and Mr. Depew both from a standpoint.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHMITT: It was suggested that there should be some kind of public hearing or architectural review committee of some sort. Now, I've been gone from the county for almost seven years and, as most know, I was on the county staff for about eight. I don't recall of any public hearings for architectural reviews or nor do I recall any -- the Board approving any type of public hearings or architectural review committee. Am I wrong?

MR. DEPEW: You are not wrong.

COMMISSIONER SCHMITT: Is this something that you're proposing now just for this case?

MR. PRITT: We're proposing now -- remember, this is an expedited review. You've done nothing like this, as far as I know, in the county. You're being asked to approve a whole lot of things, including a pig and a poke, and there should be some kind of review. And if it's not to be done -- if you don't want to have it be done by a separate architectural site plan review, then have them put in, as part of their plan, what this building is going to look like. That could be put right into this, it could be added right to this as an exhibit, part of the site plan that's attached, master concept plan --

COMMISSIONER SCHMITT: Well, wasn't that --

MR. PRITT: -- so that it could be reviewed now.

CHAIRMAN STRAIN: We're going off on a tangent here. Mr. Schmitt isn't aware of the rules that have changed since he was here. You ought to get with staff during the break, and they can fill you in on how we handle these issues, and that way it will make it more relevant to why your --

MR. KLATZKOW: Let's just --

CHAIRMAN STRAIN: -- concern is.

MR. KLATZKOW: Let's just put that on the record, Mr. Bosi.

MR. BOSI: At the time of the zoning, there is no requirement to submit any architectural -- any architectural embellishments or any architectural codes. As part of the zoning process, we do not require that architectural be submitted. It can be and can be useful only to augment an application. It is not part of the requirement.

CHAIRMAN STRAIN: But that's not the issue at hand. Mr. Pritt is suggesting that the deviation being requested to allow the staff to do an administrative review of architectural change to the building -- this building, first of all, exceeds the square footage in which it would normally come under, our architectural review, so I think they're trying to enter in to say, we want -- we may want some changes to the architectural standards. If we do, we want them to be able to have a deviation that says they can do it administratively. Is that what the gist of the deviation is?

MR. BOSI: Correct.

CHAIRMAN STRAIN: Okay. That's what the issue is, Mr. Schmitt. Our architectural code limits the size of a square footage of a building that could apply for a deviation. They're asking to deviate from that. Mr. Pritt, did you have anything you want to --

MR. PRITT: I would say it's both. One, this is expedited, and a lot of people out here want to know

what is it that they're actually proposing. We don't know. That's too vague to be -- to even be able to respond to. So that's one.

And, two, there are no standards left, that we can tell, that the staff will even be able to apply if this is approved as requested.

CHAIRMAN STRAIN: Okay. So noted, Mr. Pritt. Thank you. Mr. Depew, I appreciate -- go ahead.

COMMISSIONER SCHMITT: I have one last question. The opening statement by Mr. Pritt, basically your opening statement, summarize it, basically saying that the staff is submitting its professional standards to basically public, or correction, to political pressure? That's kind of what I thought I heard you say.

MR. PRITT: I said that that could be happening. When you get -- when you have what looks like it's a done deal in something like this, and then the staff is expected to come through and do something, do their analysis, that does enter into it.

COMMISSIONER SCHMITT: I just want clarity for the record.

MR. PRITT: I'm not saying that the staff has done that, but when you take a look at all of the noise that has been generated prior to this coming up, in the contract between the state that we don't know -- we don't even know what it says, and the expedited review, everything's that being done, I would be shocked if there's not a significant amount of pressure that they feel, whether it's rightly or wrongly, and that enters into decisions, because it certainly is not -- this certainly is not sustainable on land use and planning principles.

CHAIRMAN STRAIN: Anything else, Mr. Schmitt?

COMMISSIONER SCHMITT: I wanted that clarified.

MR. DEPEW: I believe Mr. Yovanovich wants to cross-examine me.

CHAIRMAN STRAIN: Then he'll have to wait till 1 o'clock what we resume after lunch.

So with that, we'll adjourn for lunch and come back at 1 o'clock and resume with the cross-examination, then we will entertain the next speaker up. Thank you.

(A luncheon recess was had, and Mr. Eastman is absent for the remainder of the meeting.)

CHAIRMAN STRAIN: Mike?

MR. BOSI: Chair.

CHAIRMAN STRAIN: Good afternoon, everyone. Welcome back from lunch.

If everybody will resume their seats, please. We left off with the presentation by Mr. Depew, and we began -- we're moving into cross-examination by Mr. Yovanovich.

Richard, if you're done talking, you may proceed.

MR. YOVANOVICH: I appreciate it. I was talking with Mr. McIntosh.

CHAIRMAN STRAIN: Well, he's not one of the people standing at the podium over there, so let's focus on what we've got to do.

MR. YOVANOVICH: Mr. Depew, I would like to go over some of your professional credentials, if I may.

MR. DEPEW: Sure.

MR. YOVANOVICH: Are you a civil engineer?

MR. DEPEW: No, sir.

MR. YOVANOVICH: Are you able to testify to drainage and other related issues based upon your educational background?

MR. DEPEW: Not from the standpoint of engineering. Only from the standpoint of planning and site design.

MR. YOVANOVICH: So you don't have any ability to testify to the drainage impact of this project on -- the drainage impact of this project?

MR. DEPEW: No, sir.

MR. YOVANOVICH: You would have to rely upon the appropriate district and county staff to review and approve the project, correct?

MR. DEPEW: I have civil engineers that work with me. I would rely on them, I suspect, probably first.

MR. YOVANOVICH: So have your civil engineers done any analysis on the proposed plans for this project?

MR. DEPEW: No, sir.

MR. YOVANOVICH: Are you a transportation engineer?

MR. DEPEW: Not a transportation engineer; however, I am a certified transportation planner and have had training from both Georgia Tech and University of Florida and have been certified as a transportation planning expert in administrative hearings as well as in Circuit Court.

MR. YOVANOVICH: So let's talk about that for a moment. Did you review Mr. Trebilcock's transportation analysis?

MR. DEPEW: I did, yes, sir.

MR. YOVANOVICH: Do you agree with his conclusions that there are not level-of-service issues related to the increased traffic for this project?

MR. DEPEW: Based on the methodology used by Mr. Trebilcock, I would say, yes, that is absolutely correct from his study. I'm not sure that I completely agree with some of the assumptions of his study. But based on what he did, I did not find any technical errors in his study.

MR. YOVANOVICH: Okay. So you would agree with me that our transportation impacts are consistent with the Collier County Comprehensive Plan?

MR. DEPEW: Insofar as that study concludes that, I would agree with you. Insofar as, like I said, whether or not I agree with the assumptions of that study and some of the details of that study, then I'm not prepared to agree with you.

MR. YOVANOVICH: Have you done any independent analysis as to the traffic impacts of the proposed project?

MR. DEPEW: We have. We took a look at the traffic impacts of the proposed project, and we found that there were some initial concerns with regard to the transportation analysis and the methodology used for the transportation analysis, as I highlighted in my testimony.

MR. YOVANOVICH: Have you provided an analysis for us to review?

MR. DEPEW: No, sir, I have not.

MR. YOVANOVICH: Have you provided any analysis to county staff to review?

MR. DEPEW: No, sir.

MR. YOVANOVICH: Was today the first time you've ever expressed those transportation concerns to county staff?

MR. DEPEW: Yes, sir.

MR. YOVANOVICH: Is there a reason why you haven't talked to county staff about transportation-related issue in the past?

MR. PRITT: Mr. Chair, I'm going to object to this. This is my witness. I think I can object.

CHAIRMAN STRAIN: You're so noted. Your ground for objecting?

MR. KLATZKOW: Hold on. This isn't a court proceeding. Let's just -- this is a very informal process, and we're not going to turn this into Perry Mason. I mean, if the Chair's --

CHAIRMAN STRAIN: I'm fine with that. I'm just trying to accommodate Mr. Pritt.

MR. KLATZKOW: Mr. Chair, it's at your discretion to allow these questions or disallow these questions.

CHAIRMAN STRAIN: No. We've already agreed to cross-examination. And, Mr. Pritt, I notified you, if you had any questions, we would take them through the chair and get your answers, so...

MR. PRITT: Thank you. The reason for that is that everything, including the reports from the county, have come in in the very last few days, and any intimation that he has been delinquent in sending anything to the county --

CHAIRMAN STRAIN: Well, Mr. Depew is capable of defending himself in those answers. Mr. Pritt, he could easily have said the same thing if that was the case.

MR. PRITT: Well, I don't know that he would. I object.

CHAIRMAN STRAIN: Go ahead, Mr. Yovanovich.

MR. YOVANOVICH: Did you review the Collier County Economic -- the Economic Element of

the Collier County Comprehensive Plan?

MR. DEPEW: Yes, sir.

MR. YOVANOVICH: Do you agree with Mr. Arnold's conclusion that economic development is encouraged by the Comprehensive Plan?

MR. DEPEW: Yes, sir.

MR. YOVANOVICH: Do you agree with Mr. Bosi's conclusion that the Economic Element is to encourage the expansion of existing businesses in Collier County?

MR. DEPEW: Yes, sir.

MR. YOVANOVICH: Did you review the Collier County -- the Conservation Element of the Growth Management Plan?

MR. DEPEW: I did.

MR. YOVANOVICH: Are you -- do you agree with the provision that says -- that Ms. Araque referred to that allows for a deviation to the native preservation requirements based upon beneficial uses?

MR. DEPEW: I didn't analyze that issue, so I would have to defer that to Mr. Collins.

MR. YOVANOVICH: You started to go into that area, so I just wanted to know how far --

MR. DEPEW: What I was talking about was open space and not the specifics about preservation and the areas of preservation.

MR. YOVANOVICH: And I think you calculated the native preservation requirement at 26 acres; is that correct?

MR. DEPEW: Something along that range. Let me look at my notes here. According to Section 3.05.07 B1, the required preservation area would be 25 percent for projects greater than 20 acres.

MR. YOVANOVICH: Twenty-five percent of what?

MR. DEPEW: Twenty-five percent of the area of the project.

MR. YOVANOVICH: So it's your testimony that we're required to put 25 percent of the entire project into a preserve area?

MR. DEPEW: No. My testimony was that the data provided was not completely clear and not sufficient to make the determination as to whether the full 25 percent of the preservation area that was required by the code had actually been preserved. That was my testimony.

MR. YOVANOVICH: Did you review the existing PUD?

MR. DEPEW: I did.

MR. YOVANOVICH: Are you questioning whether or not the existing PUD requirements are not consistent with the Comprehensive Plan?

MR. DEPEW: No, sir. What I'm questioning is whether or not the current request provided the adequate information to make that determination and insofar as I believe that it did not. I believe the application was deficient.

MR. YOVANOVICH: Okay. Did you review the height approvals for the PUD applicable to North Collier Hospital?

MR. DEPEW: I did, yes, sir.

MR. YOVANOVICH: What's the zoned height allowed under that PUD?

MR. DEPEW: My recollection for the hospital is that the zoned height was 103 feet.

MR. YOVANOVICH: Okay. What about -- did you review the -- did you review the permitted height within the Pelican Marsh PUD?

MR. DEPEW: I did, but I don't have any notes on that with me here today, so I don't recall it.

MR. YOVANOVICH: From a professional planning standpoint, is it your testimony that a 104-foot-tall zoned height building is inconsistent with a 103-foot-tall zoned height building?

MR. DEPEW: No, sir, not solely based on the absolute height.

MR. YOVANOVICH: What about location of properties?

MR. DEPEW: I'm not sure I understand the question.

MR. YOVANOVICH: Well, do you know where North Collier Hospital is?

MR. DEPEW: To the northwest of the subject property.

MR. YOVANOVICH: Is it adjacent --

MR. DEPEW: Sorry, northeast of the subject property. I'm getting back and forth with west and east again.

MR. YOVANOVICH: That's okay. I do the same thing.

Is it -- North Collier Hospital adjacent to Collier's Reserve?

MR. DEPEW: It is, yes, sir.

MR. YOVANOVICH: Is North Collier Hospital closer to Collier's Reserve than Creekside?

MR. DEPEW: It is, yes, sir.

MR. YOVANOVICH: And I think you just testified that the zoned height in the North Collier Hospital project is 103 feet.

MR. DEPEW: Yes, sir.

MR. YOVANOVICH: And we're asking for a zoned height of 104 feet across a six-lane road.

MR. DEPEW: One hundred four feet with 122 feet maximum, yes, sir.

MR. YOVANOVICH: And what -- if you have a zoned height of 103 feet, as you just testified, what's the maximum height allowed?

MR. DEPEW: On the -- it would -- I don't know off the top of my head. I thought it was something like 115.

MR. YOVANOVICH: So are you telling me that a 115-foot-tall building on the north side of Immokalee Road is compatible with Collier's Reserve yet a 122-foot building across a six-lane highway located probably 300 feet from Immokalee Road is incompatible with Collier's Reserve?

MR. DEPEW: No, sir. I'm not saying anything like that, because I haven't done any studies or analysis of the hospital. I'm only taking a look at the current property, its location, and its juxtaposition with the surrounding properties and what's going to happen with the height at this location for this building.

MR. YOVANOVICH: So you've done no analysis of the permitted zoned heights around your client's properties?

MR. DEPEW: Certainly I have, but remember this started out at 205 feet. The 122 only came on Friday. So our initial analysis and our full analysis started out with a -- with the original request, which is 205 feet. We have scrambled since Friday to try and get some analysis on the 122 feet. Believe me, I did not go into the details on height analysis that I would have had the request still been at 205 feet.

MR. YOVANOVICH: So I'm confused. When did you learn that the height was coming down?

MR. DEPEW: I think we saw an article, or I was contacted by the client on Friday.

MR. YOVANOVICH: Okay. So you had done -- had you done a detailed height analysis of what surrounded the properties when the original proposal was 205 feet?

MR. DEPEW: Yes, sir.

MR. YOVANOVICH: So tell me what the surrounding heights that had been approved in the area are in the surrounding communities.

MR. DEPEW: I didn't bring all that information with me because it's no longer relevant to the case. We know that the Naples Daily News was in the 72- to 75-foot range, and we know that the hospital was within the 103-foot range. But I didn't go into any more of the analyses because this had lowered its height down to 122 feet.

MR. YOVANOVICH: Is there a reason why you did your sightline analysis from the rooftop of our project versus from the ground level as you had originally done?

MR. DEPEW: Yes, sir. We changed our analysis because we wanted to demonstrate what was happening with the height of the building and the perspective of the top of the building and who would be able to see the top of the building.

MR. YOVANOVICH: Or what the top of the building could see is really what your analysis showed, correct?

MR. DEPEW: Right.

MR. YOVANOVICH: Now, from a ground level sightline analysis, what you will see from the Bay Colony Golf course?

MR. DEPEW: We did not do that at 122 feet that I have.

MR. YOVANOVICH: So you have no evidence today to dispute the sightline analysis that we did

for the 122-foot-tall building.

MR. DEPEW: I do not.

MR. YOVANOVICH: Did you do any sightline analysis from the ground level of Collier's Reserve entrance?

MR. DEPEW: Not for 122 feet, no, sir.

MR. YOVANOVICH: Did you do it for 205 feet?

MR. DEPEW: We did.

MR. YOVANOVICH: Do you have any reason to believe our sightline analysis for the 122-foot building is not correct?

MR. DEPEW: From Collier's Reserve?

MR. YOVANOVICH: Yes.

MR. DEPEW: No, sir.

MR. YOVANOVICH: That's all I have.

CHAIRMAN STRAIN: Thank you, Mr. Depew.

MR. DEPEW: Thank you.

CHAIRMAN STRAIN: The next person up would be the environmental --

MR. BOSI: Brown Collins.

CHAIRMAN STRAIN: Okay. Mr. Collins, I've got to ask you to limit your time to 15 minutes, if you don't mind.

MR. COLLINS: If I take that long, I've failed.

CHAIRMAN STRAIN: Okay. Well, Mr. Pritt and I had agreement before the meeting started, so I want to try to adhere to it.

MR. COLLINS: I understand. Thank you. I appreciate the guidance to start.

My name is Brown Collins. I'm a plant ecologist. I have a bachelor's degree in rain science from Texas A&M in 1969, and a master's from A&M in planting ecology in 1972.

I have been certified by the Ecological Society of America as a professional ecologist in 1982, as a certified professional soil scientist by the Soil Science Society of America under the American Society of Agronomy in 1983, and I have been a member and certified by the Florida Association of Environmental Soil Scientists as long as it's been in existence.

My office address is 2159 Morning Sun Lane in Naples. I have project permitting experience in Collier County since 1973, have worked on a variety of things.

And as I look at this, it was interesting because I looked at it initially, and it looked like, hey, we have this mixed-use area here, and there's a few little preserves, and this ought to be pretty straightforward.

What I found looking at the preserves and spending time in them and having my staff spend a little time in them is that most of the area listed as preserves on the figures that have been shown to you is exotic. The only preserve on site that doesn't have a consequential exotic presence is the one proposed for impact.

The largest preserve in this development, the one proposed for expansion, is strongly dominated by exotics. The county staff report documents this in excellent fashion.

And sometimes you see things that are logically -- that logically do not progress. Sometimes you see things that are counterintuitive but still right. This just makes no sense to me.

We're talking about, we want to take out an area that is unique to my experience in Collier County. It is created by development but serendipitously evolved on into a wonderful little preserve community.

What you have at the outer margins of this are veteran slash pines, really good specimens of this species. As you go downslope, you have a beautiful oak hammock, just wonderful, and then it gets into, essentially, a swamp. And if you're a snapping turtle, it's heaven.

We -- you know, in our times out there, the amount of diversity in this little area is remarkable. Every time we've been out we've seen from five to eight species of butterflies which I didn't expect there at all. The wetlands that are there are, in my estimation, unique to my experience, for sure, in Collier County and more especially in this part of Collier County -- and I truly don't understand the logic for impacting this area and adding to the exotic-dominated area. And part of this is we have an applicant in saying we would like a deviation, and we have a track record with this applicant. When they came in for the original

development, this largely dominated exotic area now was proposed to be a native preserve. If it's been planted, there's no evidence of it. There's been -- I mean, there are exotics out there so large I can't get my arms around them.

And if you dealt in any other business with someone that didn't have a positive track record in this manner, it's incongruous because you have Arthrex here, which is a top-shelf company, a gift to the community in many ways. And it reminds me, I travel to Istanbul fairly often, and you will see in that city 60-story multi-use vertical buildings across the street from a shack where someone's cooking on a wood fire that's not in a stove, and this is the same sort of thing. It's incongruous because you have this high-quality company and this low-quality follow-up on commitment to how environmental areas should be treated.

So I think that sort of sums up. I have more if you want to hear it.

CHAIRMAN STRAIN: Well, as much testimony as you feel you need to put on record, now's the time to do it.

MR. COLLINS: Okay. If you go through the environmental decision-making process, it's a -- particularly when you involve lay people, I find it useful, and the basic steps in doing this are you identify the problem, in this case the impact, you evaluate and study the problem. You know, we have, essentially, had a cram course because this has to be done expedited, that has to be treated special and unique, and we don't know why.

We did the best we could with the time we had. You identify potential solutions to the issue. You test solutions, you rank solutions, and you select the optimized option.

I've not heard any discussion of alternatives. I have heard, in large part, "my way or the highway." And to my experience -- oh, I forget something; pardon me.

One of my students, the first Earth Day I gave my students the week off because it was the first Earth Day, and I wanted their feedback. And one of these students came back and wrote this decision-making process, but he had another one. He said, you identify the problem, you evaluate the problem, you identify solutions, you test solutions, you rank solutions, you select the best solution, and you do what's politically expedient.

And I tell you, in 40-plus years of environmental consulting -- and I do not refer to this group. I'm talking the universe here. I didn't come to trash you. That was not my intent. I just -- I hope that doesn't happen here.

The activity to the west of Goodlette is one universe. The activity to the east is another universe, and logically you can compute what goes on west of there. East of there not so much.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

MR. COLLINS: You've got it.

COMMISSIONER CHRZANOWSKI: Could I ask a question?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: Do you know who was responsible -- I assume Creekside PUD has a property owners association. Who is responsible for the maintenance of the preserves and the common elements in Creekside; do you know?

MR. COLLINS: No, I don't. It's one of those -- what I do know is Summer, back when she first started with the county in Code Enforcement, would have rapped my knuckles considerably if I had an area that looked anything like that.

COMMISSIONER CHRZANOWSKI: Well, don't they go out and check for exotics?

MR. COLLINS: That has been my experience. They just didn't here.

COMMISSIONER CHRZANOWSKI: Well, who goes out and checks?

MR. COLLINS: You'd have to ask staff. I'm not --

CHAIRMAN STRAIN: When we get done with this gentleman, we can ask Summer to come up and explain. That will probably be easier.

And, Rich, if you're going to -- do you have any cross-examination? You can just shake your head yes or no. I thought you were going to say sit this one out, but go ahead.

MR. YOVANOVICH: No. I just really have two questions.

Did you do any analysis under the Collier County Growth Management provisions ranking the preserves? Did you do any analysis to determine where this preserve ranges?

MR. COLLINS: Is "analysis" the right word?

MR. YOVANOVICH: Yeah. I'm asking if you did any analysis.

MR. COLLINS: No, I'm asking you -- I looked at it. I'm not sure -- "analysis" to me means one thing.

What I did look at is under the criteria for deviations was things that, essentially, you're not going to find -- for example, the offsite stuff, you won't find this offsite. If you find this again in Collier County, good for you.

MR. YOVANOVICH: So if I were to find this in Collier County, would you allow me to impact it?

MR. COLLINS: It's not my call.

MR. YOVANOVICH: Now, do you know whether or not the Army Corps of Engineers or the South Florida Water Management District will allow -- give you credit for a preserve where there's an underlying drainage easement?

MR. COLLINS: There's two questions. You're asking "allow" or "give you credit." Which one first?

MR. YOVANOVICH: No, let's go -- well, let's do them both. Let's start with "allow" and then "give me credit."

MR. BROWN: I see no reason why they wouldn't allow it.

MR. YOVANOVICH: Okay. And now would they give me credit?

MR. BROWN: As in?

MR. YOVANOVICH: Would I get credit for preserving this land --

MR. BROWN: In what form? What kind of credit?

MR. YOVANOVICH: Well, you brought the credit up. So you tell me what you meant -- you told me -- your question was, there was two questions there. One, would they allow me to do it, put it in a preserve, and then the other was would they give you credit. So why don't you explain what you meant by the word "credit" and then tell me whether or not I will get credit for it.

MR. BROWN: I do not, again, understand the question. If you can read the transcript back to me for the sentence, I'm good, but I don't understand where you're coming from.

MR. YOVANOVICH: Well, that's all right. I'm just trying to understand what you're saying. We'll move on.

MR. COLLINS: Thanks.

CHAIRMAN STRAIN: Well done, sir. Thank you.

MR. BROWN: Thank you.

CHAIRMAN STRAIN: Summer, would you mind coming up and responding to Stan's questions?

MS. ARAQUE: For the record, Summer Araque, principal environmental specialist.

CHAIRMAN STRAIN: Stan had the question.

COMMISSIONER CHRZANOWSKI: How does a preserve get that bad? Does nobody go out and look at it, or was it not done to begin with?

MS. ARAQUE: So just bear with me for a minute. I don't have the exact history typed out in front of me, but as part of this review I did a little research, and what I found, that this was addressed -- in the process of being addressed through PUD monitoring sometime in the last decade, and then the PUD monitoring section staff kind of dissolved due to the downturn in the economy. And, basically, the PUD monitoring case that was going on just kind of was forgotten about. That's the research that I see when I pull up the PUD files in our system.

COMMISSIONER CHRZANOWSKI: Who's responsible for maintaining that preserve?

MS. ARAQUE: It would be whoever owns it or whoever -- and who it's dedicated to on the plat. That might be a better question for petitioner as to who it's dedicated to on the plat and who owns it.

COMMISSIONER CHRZANOWSKI: Does anybody know?

MR. YOVANOVICH: I'd have to look it up. I don't know.

CHAIRMAN STRAIN: Ray, would you mind going to the tax assessor's map site, click on that

preserve, find out who owns it. And when you do, just let us know.

COMMISSIONER CHRZANOWSKI: Yeah, but that doesn't mean that they're responsible for maintaining it. It could be the POA.

CHAIRMAN STRAIN: Well, it will be interesting to see who owns it.

COMMISSIONER CHRZANOWSKI: Because even the lakes, common water management plan, would be -- the POA would maintain even though the person would own the land under the lake.

MS. ARAQUE: I can pull up the files in CTS. They're right -- unless you know.

MR. YOVANOVICH: According to Mr. Gensen, he says he believes it's the POA that has responsibility for maintaining the preserve areas.

CHAIRMAN STRAIN: Okay. And who controls the POA? That Stan's next question.

COMMISSIONER CHRZANOWSKI: How many members are in the POA?

CHAIRMAN STRAIN: Usually it's the developer and whoever the buyers are of the various lots.

COMMISSIONER CHRZANOWSKI: Half a dozen?

MR. YOVANOVICH: There are multiple property owners out there at this point, so I don't know. But there are multiple property owners out there. They're all responsible for the POA.

COMMISSIONER CHRZANOWSKI: I'm curious about something. Can you dissolve a POA unilaterally, everybody just decides we don't want to be a POA anymore? And if you do, what happens?

MR. YOVANOVICH: Well, the one thing I learned when I was a young lawyer was to not --

COMMISSIONER CHRZANOWSKI: It's that long ago.

MR. YOVANOVICH: -- is to not guess because I don't do that type of work, so I cannot answer that type of question. I don't know.

COMMISSIONER CHRZANOWSKI: Does the county know? Can you dissolve a POA? Can you dissolve a POA unilaterally?

CHAIRMAN STRAIN: That might be a Heidi question more than --

MR. KLATZKOW: At the end of the day, there's a code requirement that that area remain free of exotics. So at the end of the day, somebody's going to have to do it. And if there is no POA, it's going to be the property owners in general that are going to have to do it.

CHAIRMAN STRAIN: Right. I don't disagree with you, but I think Stan's question's a little different than now. He's --

MR. KLATZKOW: It doesn't matter. At the end of the day, if you want to dissolve it, somebody else is going to have to step in and do it.

COMMISSIONER CHRZANOWSKI: And who do you go after? You go after the property owner even though there's a POA supposed to do the maintenance according to some legal document?

MR. KLATZKOW: If the property owners dissolve their own property owners association, you would go after the property owners.

COMMISSIONER CHRZANOWSKI: Just the one whose property that's on?

MR. KLATZKOW: No, this is a PUD.

COMMISSIONER CHRZANOWSKI: You'd go after all the property owners as though they were a POA?

MR. KLATZKOW: Yes.

COMMISSIONER CHRZANOWSKI: Okay. I was just curious. Thanks.

COMMISSIONER SCHMITT: Stan, wouldn't it be -- if there was some kind of legal document that was filed as an easement or to the CDD, or some other association would be the legal entity but, yeah, it would end up the being the property owner.

CHAIRMAN STRAIN: Mike has --

COMMISSIONER SCHMITT: I believe --

MR. BOSI: We checked on the property appraiser's office, and it's the Creekside Commerce Park POA/Creekside Commerce Park Property Association is the owner. They also submit the annual monitoring report for the PUD. So I would imagine they probably are the entity that is responsible for --

COMMISSIONER CHRZANOWSKI: So everybody in there has to pull the exotics out of that site? Okay. Thank you.

MS. ARAQUE: For clarification, that area was supposed to be a recreated preserve, and that was never done. That was part of that PUD monitoring case. There was a planting plan, and they were supposed to follow through with that, but that was not done, and then the exotics came in.

CHAIRMAN STRAIN: And I think we've certainly well established all those facts now, so thank you.

Let's move on to the next -- now we'll go to public speakers. For those of you who are going to speak, a couple things. You should have been -- if you were here this morning, you would hopefully have stood up when we swore everybody in. If you weren't sworn in, when you come to the microphone, let us know so we can get that accomplished.

I also ask that you limit your time to five minutes. Redundancy isn't necessary. If you like what the speaker ahead of you had to say, just simply say you support what the speaker's comments prior to you were, and that is as effective as if you repeated it.

So with those things in mind, when you come up to the -- when your name is called, if you'd come up to the microphone, spell your name for the court reporter and tell us your address, and we'll move on from there.

Mike?

MR. BOSI: The next speaker would be George Mutter followed by Andrew Dickman.

MR. MUTTER: Thank you. Good afternoon. My name is George Mutter. M as in Mike, u-t-t-e-r. And I'm speaking for the -- you asked for my address first. I'm sorry, 12627 -- 12627 Collier's Reserve Drive, and I'm speaking for the Collier's Reserve HOA.

Before talking about the specifics of the amendments to the PUD, I'd like to make it clear that the Collier's Reserve HOA specifically supports economic growth, generally and at Creekside, and I mention that because in the last week or so there was some assertion made that we were antigrowth, and that's not the case.

Our objections are to the current form of the application because we think things can be changed and still accomplish the economic growth.

We object to the closing of Creekside Boulevard because we think it's unnecessary and will increase traffic on Immokalee Road and Vanderbilt Beach Road. What I'd like to do is list a couple of these, then I'll come back to some of the specific points. But we think, especially for parcels west of Goodlette-Frank Road, there is not a need to increase the floor area ratio from .35 to .45. We believe that the total height of the proposed building should be limited to 100 feet, and something else that hasn't really been mentioned, but that the signage should be limited, as I believe it was for the Naples Daily News building in the adjoining PUD, or certainly a nearby PUD, and, finally, we support the position of the Conservancy of Southwest Florida that there isn't any need to encroach on the protected area.

Regarding the closing of Creekside Boulevard, much has been said, and I think in some measure I would just say that we agree with all of it, that it was a county -- that is to say that the county some years ago asked for that road or required that road to be put in, and all I have heard is that it's a safety issue with people walking across the street and the pedestrian, if you will.

Just as an outsider, you say we can protect schoolchildren walking across streets on their way to school, but engineers, scientists, and highly paid office people can't cross the street? I mean, it just -- it doesn't make sense.

Furthermore, it seems that if we're closing that road, we're converting a public benefit to a private use which, again, doesn't seem as though that ought to be the right answer.

As to the height of the building and the floor ratio, as Commissioner Strain asked a while ago about who owned all the different parcels or several of the different parcels, it does seem that there's plenty of land that could accommodate the needed space for the additional 560 employees and even for more than that at the existing -- at a height of -- a maximum height of 100 feet or thereabouts, and at the existing floor area ratio.

And I guess I would like to address the -- now I'm speaking a little bit more just for myself, but I think the Board would endorse it if I went to them and asked.

Mr. Sawyer mentioned earlier today that with respect to the traffic, if we have -- I'm paraphrasing here, and not in technical terms. If we have a congested area, his term was, well, we look to a bigger bathtub. I tell you, from those of us who live right near the intersection of Immokalee Road and 41, and Arthrex

Boulevard as it comes out one side or Collier's Reserve Drive as it's on the other side, we feel like we're swirling at the drain.

You know, I don't know where the bigger bathtub is, but at that point it's a problem already. And in an earlier -- I think it was in the public meeting, Mr. Trebilcock commented that he knew we had a problem. The objective was not to exacerbate it. It's hard to imagine how it could not be exacerbated.

And then the other comments that have been made -- I'm trying to think, some of the commissioners, I think, referred to it -- about the -- how we started out with one thing, and we've had all these amendments to the PUD.

I came here three years ago from Ohio, and I have to tell you, I mean, it's been disappointing as a citizen to see that what is 35-foot height one year, then we come back and we say, well, we want this whole parcel to be something more, and we're back a couple years later saying we want this parcel to be something more. It does seem to defy the common sense characteristics of stability of environment.

That concludes my remarks. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Mike.

MR. BOSI: Andy Dickman, followed by Dalas Disney.

MR. DICKMAN: Thank you. Good afternoon. Andrew Dickman, Dickman Law Firm, 809 Walkerbilt Road. And the last name's D-i-c-k-m-a-n. I'm here as a business owner and as a resident.

I wanted to come here simply because I wanted to see if you guys could look at this from a high altitude, and the reason is is that my family's lived in this area probably about a mile and a half west of this area. I moved my law office about a mile northwest of this office -- of this area, and we frequent this area, this area also at the Vanderbilt area. And it's live, work, play for us. We want to be in the area. We don't want to have to drive all over the place.

Our post office is right there. We travel, so I'm going to direct all of my comments to the abandonment of Creekside Boulevard because that's what I'm really concerned about.

We use that all the time. We go to the post office. Frequently, we'll go through Goodlette to get to our office and cut through there.

Just last week there was a huge crash at Vanderbilt Beach Road, and U.S. 41 backed up all the way on 41 to Pine Ridge. Had to go -- so easily we could go back through this way.

I believe the policy's good planning is to have alternate road routes. I feel that what they are proposing is to privatize what is a public road, and I really don't think that we'll continue to use that road if we're driving through their campus.

I was a little chagrined when they changed -- when I saw the sign changed to Arthrex Boulevard, but we bank right across the street, we go to Publix right across the street, we go to Trader Joe's, and we were very, very happy when the light was put on 41, because that was an extremely dangerous left turn for a lot of people, left turn coming out of Creekside Boulevard. So the fact that there's a light there, I think is a huge benefit.

You've got great housing in Naples Park. This is a very, very -- if you look at the Mercato/Pavilion node and this node, it has really grown in the last 10 years. And to take away what is a very important surface road that is an alternate really let's -- whenever there's a backup on one of the major roads, it's really going to be a problem.

Unfortunately, in Collier County, the structures have been set up so that most communities are gated communities, and they empty out on your major roadways. So this is a real good opportunity to maintain a fantastic node where you have mixed use.

Now, I compliment Arthrex, of course. I mean, you need more than a tourist's economy here. I don't appreciate the very polite threat that they had about we'd like to stay, but we may not be able to. I don't know if you heard that.

I want to emphasize that in season -- and I've lived here, at least in that area, for 15 years. In season, it's triple. I think the traffic engineer said it was -- that he jacked it up 40 percent. It's not. It's triple in season. So taking away a very important privatized -- to privatize this road is a problem.

Now, if they're worried about traffic fatalities or traffic problems, there's nothing wrong with

traffic-calming devices. Those can go in there. And I've been through there a lot, and I don't see a lot of drag races, because I go to the post office. We go through there.

I don't recommend traffic circles, because as you saw the truck, they go up on the apron. Those big trucks leave big, dark tire prints up on the apron, and the landscaping doesn't always look as good as it should. But there are plenty of other traffic-calming devices that you could put on Creekside Road without abandoning it and achieving the same result that they want.

I don't think that you're going to find a public benefit for vacating this roadway. I think if you bring it through their campus, I think they are going to take over that roadway, whether it's a public roadway or not. I think you're going to see it set up for their employees and their employees only.

I have seen their bicycles. I have seen their carts. I think what's happening here is probably in large part they don't want to walk or ride their bikes in the heat of the summer, because I don't see a lot of danger there, to be honest with you.

So that is my objection, really. I think Mr. Pritt made some other issues -- some other points that I would echo but, really, for me, as a business owner directly north of that, we use our banking directly across the street, and then go to the post office. A lot of my employees go through that area. I think that you'd be making a mistake traffic-wise if you eliminate that roadway, because it won't be used as a secondary arterial.

And I think your -- the shopping center that's the Granada shopping center, it's just coming back. That shopping center has struggled a little bit. And so it's just coming back, and to have that light there really, really helps. You have Trader Joe's, and then you have all those restaurants in there, and having that light there really, really helps, and that's really what you want to do is really help those nodes. And you've got a lot of live/work/play people that want to be in that area. I drive maybe five miles a day, and I want to keep it that way.

So thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Mike.

COMMISSIONER CHRZANOWSKI: Could I ask a question?

MR. DICKMAN: Yes, sir.

CHAIRMAN STRAIN: Sure.

COMMISSIONER CHRZANOWSKI: What sort of traffic calming do you -- if they lowered the speed limit to 20 and put in speed bumps, speed humps.

MR. DICKMAN: I would go for humps, not bumps, because the bumps are a little annoying.

COMMISSIONER CHRZANOWSKI: Yeah, tables; whatever.

MR. DICKMAN: Tables. I've seen a lot of the blinking-light cross-walking things where someone could press a button, and then you get the blinking lights that tells traffic that they have to stop for pedestrians. There -- your planning staff knows all about it. There are other types of traffic-calming devices.

COMMISSIONER CHRZANOWSKI: I was just wondering what kind of devices you would still use that road and not decide that they're too much and go somewhere else.

MR. DICKMAN: You could do bump-outs with landscaping because you get a lot of shade, because the skinnier the road is, you'd slow down traffic. Right now it's just a straight road. It's a little wide, but I think that you do have to accommodate the cyclists, and that's another thing. I cycle through there. But I don't see -- I mean, forgive me, but I use it quite a bit, and I don't see super high-speed traffic going through there. But I do agree that, you know, humps and maybe some other devices would work in that area.

And if you have to do traffic circles, do traffic circles. But I'm just saying when I looked at that truck, I know what traffic circles look like after four or five years, and they have to be cleaned because they have fire marks on them.

COMMISSIONER CHRZANOWSKI: Thank you.

MR. DICKMAN: You're welcome. Thank you for the question.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Mike.

MR. BOSI: The next speaker is Dalas Disney, who I do not see in the audience anymore. Then David Bupp, B-u-p-p, then after that would be William Pratt.

(No response.)

CHAIRMAN STRAIN: By the way, ladies and gentlemen, some of these names were provided on slips from our last meeting that got moved forward, so there may be an opportunity --

MR. BOSI: There's about 34 of them.

CHAIRMAN STRAIN: Just keep reading them through, yeah.

MR. BOSI: Donna Pratt.

MS. PRATT: I agree with whatever they said.

CHAIRMAN STRAIN: Ma'am, if you have to -- if you are going to agree, you need to do it on microphone so that we can pick you up. It just can't be done by talking out from the audience.

MR. BOSI: Hall --

CHAIRMAN STRAIN: Wait. Ms. Pratt's coming up, I believe.

MS. PRATT: Donna Pratt, and I'd just agree with what everybody else has been saying for Collier's Reserve.

CHAIRMAN STRAIN: We appreciate it. Thank you, ma'am.

MS. PRATT: Okay.

MR. BOSI: Hall Cohen?

MR. THIRION: He's not here.

MR. BOSI: Brian Matting?

(No response.)

MR. BOSI: Jeremy Morgan?

(No response.)

MR. BOSI: Jerry Thirion?

MR. THIRION: Got one.

Good afternoon, Mr. Chairman and Commissioners. My name is Jerry Thirion, T-h-i-r-i-o-n, and I am the general manager of Bay Colony Golf Club; 9740 Bent Grass Bend, Naples, 34108.

The Board of Governors of Bay Colony Golf Club has voted to oppose the petitioner's application to change the Creekside PUD as presently presented. While we are appreciative of some of the changes that have been made from the original plan, we still feel that there are other issues that need to be addressed, some of which have been brought out, signage, et cetera, et cetera. So I won't go into all that, but we still feel there's more that needs to be addressed. Too many more questions than we have answers.

Among reasons already stated and more to follow, we feel strongly that by taking this action we will face severe economic damage to the estates neighborhood relating to the devaluation of residential property and a significant negative impact on the value and sales of Bay Colony Golf Club memberships.

Please do not approve this action today. Present residents and members and returning members and residents deserve the right to learn much more about what is being proposed and a chance to voice their opinion.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

MR. BOSI: Next speaker is Bob Fauls.

UNIDENTIFIED SPEAKER: He's not here.

MR. BOSI: Followed by J.T. Battenberg.

MR. THIRION: He's not here.

MR. BOSI: Nicole Johnson. And Ms. Johnson will be followed by John Miller.

MS. JOHNSON: Good afternoon. For the record, Nicole Johnson, here on behalf of the Conservancy of Southwest Florida and our over 6,000 supporting families.

You've heard a lot of different concerns that the community has raised, but the Conservancy is focused specifically on the proposed Preserve Deviation No. 3 seeking leave from the Land Development Code Preservation Standards to allow development extension into 2.3 acres of currently identified and conservation easement protected preserve areas.

The Conservancy is requesting that the Planning Commission recommend denial of the preserve deviation based on three different facets: The first is the misapplication of the Land Development Code

section which is being requested for deviation; the second is the fact that the preserve in question and, therefore, the deviation has no direct link to the Arthrex campus expansion; and, third, that the deviation cannot be appropriately justified.

The Conservancy sent you a letter in great detail expressing our concerns, but I want to go through those just briefly this afternoon.

First, there's the issue of the Land Development Code provisions, and this LDC section allows under certain very limited, very specific conditions for an applicant to forego the county required retention of native vegetation and to take that off site.

The Conservancy was involved when the county was putting together those provisions, and we were, first of all, concerned that they would be expanded and potentially misapplied in the future, but the county staff really made sure that it was for very, very limited circumstances, and those circumstances were for a residential development where the preserve requirement, in its entirety, at the beginning of the process, was not more than one acre in size. For commercial, that was bumped up to two acres.

We've seen this applied consistent with code, and it was mentioned earlier, the Landings at Bear's Paw, due to their small and unusual shape of their parcel and the fact that they did have less than one acre in total of required preserve, they took that offsite.

We've seen deviations to this code policy. And, let's see, East Gateway, they had come in earlier this year, or I guess last year -- time flies -- where their total vegetation requirement was seven acres; however, they had not yet gone in and done any of their platting, and so they were requesting that they take two acres offsite. Those instances are very, very different than what you have before you today.

In this case, the conservation easement, that legal and contractual mechanism that sets aside those preserves in perpetuity, has already been executed. It was executed as part of the 2013 plat. It was signed by the developer at that time, and it includes the 2.3 acres that are now being requested to be removed from conservation and intensified. That's not the intent of the code. There's simply no nexus there in the Conservancy's perspective.

And I do want to point out that this is definitely important for this 2.3 acres, but it's also a much bigger issue. We're seeing with the urbanized area being built out, when you have infill and redevelopment projects, those want to go into preserves because everyone has an important project, a good idea.

Preserves are now really being looked at as a placeholder for future intensification, and probably the biggest example of that was when the county looked at and rejected the idea of putting ballfields at North Collier Community Park. Tremendous community outcry on that one.

If Creekside Commerce Park is allowed to go in and renegotiate the conservation easement, certainly other applicants are going to want the same. Everyone's going to have a unique situation, a good idea where they want to go in and impact those preserves.

A couple of the things that we heard earlier: The idea of the proposed on-site additional recreation of preserve over on the west side of the road. The Conservancy certainly supports additional restoration, but to go in and fill in a lake to restore that area and then go and impact an existing functional preserve on the east side simply isn't appropriate.

We've also heard about application of the CCME policies and what qualifies as a preserve or not, and, again, really, that's what you do at the beginning of the project. That negotiation for Creekside was done in 2005/2006 before the original PUD was approved. So we don't need to be going back and renegotiating those things today.

And the third issue is the applicant has indicated that their off-site is going to be on a parcel adjacent to Pepper Ranch, and I don't believe that there is any Conservation Collier parcel adjacent to Pepper Ranch, and that's the only thing that the county today allows for offsite mitigation.

And looking at the second issue, touching upon the fact that the Conservancy believes that this deviation has no direct link to the Arthrex campus expansion nor the state grant funding and, because of that, it logically follows that denial of this deviation will not impact Arthrex's ability to expand their campus, and it should not jeopardize their state grant funding.

At the August 30th neighborhood information meeting -- at the August 30th neighborhood information meeting, this was the Arthrex campus expansion that was proposed. Where on there is that

preserve that is seen as absolutely necessary to this project? It isn't there. You have over here -- whoops, sorry. Over here is where that preserve is located. It's not part of campus expansion.

Moreover, encroachment into the preserve isn't a new idea, and it did not originate with the Arthrex grant award or their expedited permit application. The same deviation was included in the Creekside Commerce Park PUD amendment that was originated and submitted back in 2014.

Prior to that amendment coming to you earlier this year, that deviation had been removed, but it demonstrates that Creekside East, Inc., the owner of the preserve, has, for a number of years, targeted that preserve for intensification, which begs the question of whether it's appropriate for Creekside East, Inc., to have their unfinished business coat-tailed on Arthrex's expedited review process. The Conservancy believes it isn't appropriate.

Regardless, the bottom line is Arthrex can expand and redo their campus without impacting the preserve, and we encourage them to do that.

The Conservancy's final point goes to the merit of this request. There's been a lot of discussion about benefit, overall community benefit, and how that is impacted or not by this Deviation No. 3.

And I think that we really need to look at the evolution of this PUD to take a look at that. In 2006, the PUD was approved. In 2013, they came back, and they didn't request any increase in square footage, but they did ask for additional uses, including intermediate care, group housing, and hotel/motel, which will be restricted to the east side of Goodlette Road.

At the time, the applicant indicated that a hotel was really, really important, and it would be an important addition to the Creekside campus.

The applicant informed the Planning Commission at your January 17th, 2013, meeting that the hotel would be located -- that the hotel would be located right there. After that PUD amendment was approved -- I'll get that at some point.

After the PUD amendment was approved, you had the Landmark Hospital go in in the area where the hotel was supposedly going to go. You had the memory care facility go in at Immokalee Road. You had your commercial plaza go in at the corner.

CHAIRMAN STRAIN: Nicole?

MS. JOHNSON: Yes.

CHAIRMAN STRAIN: During the lunch break, you had asked me if you could have one more minute. And I said, well, since you do represent an organization --

MS. JOHNSON: Ish.

CHAIRMAN STRAIN: -- we'll provide some --

MS. JOHNSON: One more minute ish.

CHAIRMAN STRAIN: It's been 10 so far.

MS. JOHNSON: It has not been 10.

CHAIRMAN STRAIN: Yes. I've been watching, so, please, you're going to have to wrap it up, okay?

MS. JOHNSON: Okay, okay. I am wrapping up.

Now you made me lose my train of thought. That gets me another 30 seconds.

CHAIRMAN STRAIN: We should penalize you for the long letters you write.

MS. JOHNSON: They're fascinating; they really are.

COMMISSIONER CHRZANOWSKI: Ish.

MS. JOHNSON: So the bottom line is that, you know, Creekside East, they've been well aware since 2006 of what their maximum square footage is, what their maximum area is for development, and they have gone in, and they have put everything besides a hotel within their development footprint.

Now, they're coming back and they're saying, we really need a hotel/motel. It's critical. Give us more room, and let us put -- essentially, what they're wanting to put in the preserve is a parking lot. It would be a parking lot in the preserve to serve the hotel.

This is from the water management and Corps of Engineers' application. Here's the preserve; this would be the portion of the preserve retained, and here is the parking lot.

From the Conservancy's perspective, it just doesn't make sense to allow that preserve to be impacted.

And I had a great analogy, but that's okay, I'll save it for my next letter.

And I'll suggest that if a hotel is so important, then there is some space left on the east side -- did it again -- on the east side of Goodlette Road. This is the area that hasn't been developed yet, but you also have this expanded area. I know that they're trying to lease that for medical offices, but if a hotel is that important, let's renegotiate, let's put the hotel there, or let's put it offsite. There's absolutely no justification for this deviation.

I'm going to end with -- I promise, I'm ending. I'm going to end with just a couple pictures, because this preserve has really been seen as, I think, rather sterile. If you look at the environmental supplement, it is home to a lot of wildlife, and that's the point of these urban preserves. Not just listed species, but wildlife.

And this was a photo similar to this that Tim showed you, and that's a condo for some sort of wildlife. We had a volunteer, Tim Thompson, who just pulled to the side of the road, stepped out on the sidewalk, and after a couple minutes found some great wildlife. I'm not a birder, but I think that's a warbler. Another bird living in the preserve, or at least utilizing it, and a picture of really how nice that preserve looks.

So we ask that you recommend denial of Deviation No. 3.

Thank you.

CHAIRMAN STRAIN: Thank you.

(Applause.)

CHAIRMAN STRAIN: Next speaker?

Ladies and gentlemen, we'll have to refrain from the clapping.

Next speaker, Mike?

MR. BOSI: Next speaker is John Miller, followed by George Robinson. John Miller?

(No response.)

MR. BOSI: George Robinson?

UNIDENTIFIED SPEAKER: Not here.

MR. BOSI: Jim Fischer?

UNIDENTIFIED SPEAKER: Not here.

MR. BOSI: Jerry Carbone?

UNIDENTIFIED SPEAKER: Not here.

MR. BOSI: Ted Nering?

UNIDENTIFIED SPEAKER: Not here.

MR. BOSI: Denise Maccarini?

MS. MACCARINI: My name is Denise Maccarini, and I'm the property manager for the Estates at Bay Colony. The address -- my last name is M-a-c-c-a-r-i-n-i. The address is 10495 Goodlette Road North, Naples.

Our community borders the Arthrex complex in Creekside. The residents in my community were extremely upset at the thought of having a 205-foot-tall building being built in Creekside, and I received many letters and emails from them concerning their opposition.

They appreciate the fact that Arthrex has now lowered the height of the proposed building to 122 feet.

From the building proposed on Tract 5, the Arthrex employees and visitors will most likely be able to look down into the yards and pool areas of many of the homes in the Estates at Bay Colony.

When they purchased or built their homes in good faith, our residents depended upon the fact that there were building restrictions which had been put into place by Collier County for the Creekside complex.

They felt comfortable that these restrictions would prevent the type of development which took place on the east coast of Florida. They invested in homes here in Naples because they did not want to live in a place like Fort Lauderdale with large commercial buildings on every corner.

Arthrex also proposes closing off Creekside Boulevard so that their employees can enjoy a campus atmosphere. This roadway has been used several times in the past to transfer residents from our community to Naples Community Hospital via ambulance in emergency situations. Eliminating this shortcut could mean the difference between life and death for someone in our community.

While Arthrex is a good company for the community, and we applaud their growth and success, we

feel that it should not come at the expense of the residents who have invested substantially to live here.

Thank you.

CHAIRMAN STRAIN: Thank you. Next speaker?

MR. BOSI: Next speaker is Norm Thompson, followed by Shirley Booth.

UNIDENTIFIED SPEAKER: Not here.

MR. BOSI: Andrea Johanssen?

UNIDENTIFIED SPEAKER: Not here.

MR. BOSI: Diane Pleeler (sic)?

(No response.)

MR. BOSI: Kristi Bartlett?

MS. BARTLETT: Kristi Bartlett, for the record. K-r-i-s-t-i, B-a-r-t-l-e-t-t, Greater Naples Chamber of Commerce, 2390 Tamiami Trail North.

I've had the pleasure of working with Arthrex on this project since its inception through my role at the Greater Naples Chamber of Commerce. And projects such as this do not come along very often, especially to a community like Collier County.

CHAIRMAN STRAIN: You need to slow down a little bit. She's got to type as fast as you talk.

MS. BARTLETT: Oh, I'm sorry, Terri.

This is a highly competitive process, as other states were vying for the Arthrex jobs, and they still do so on a regular basis.

The project brings over 560 jobs at an average wage of \$54,000, which is significantly higher than the Collier County average wage of just over \$43,000.

It includes a capital investment of over \$63 million. And as David Bumpous referenced, their annual economic impact is \$1.67 billion by the year 2020. That's annual, and that's both direct and indirect economic impact.

They're planning for their future, one that includes 15 to 20 percent annual growth, and they need the expansion to house these future employees.

Regarding the issue of the timeline and the speed at which the project is moving, for the fiscal year -- Fiscal 2016 to 2017, the state legislator voted not to fund the Quick Action Closing Fund. This is one of the incentive programs that Arthrex has been awarded.

Because of this, June 30th of 2016 was the deadline to have this project approved at the state level. This, of course, has ramifications on the future of the project, as it speeds everything up. So this is why we are moving at a faster clip than we normally would for a project.

There also is some questions about the state contract and as to why that has not been made public. This is not dictated by Arthrex nor is it dictated by the county. It is actually the State Department of Economic Opportunity that keeps the contract confidential for 180 days after it is signed.

The chairman of the Planning Commission has seen the contract, but it will be confidential until late December of this year. And there is the possibility for it to go an additional year because of the confidentiality clause in the state statute.

I also wanted to clarify some of the information that was shared by Mr. Pritt. The county obligation for the state incentives is not 5.9 million. It is actually 1.76 million which, when you consider the \$63 million of capital investment, is very, very, very small, and especially smaller than some of the other communities that we were competing against for this project.

Finally, a lot has been said about the character of the community. I think the reason why Arthrex has expanded here is because of the character of Collier County, and they love the fact that this is their home, and they're able to provide great opportunities for their employees. They've demonstrated their dedication through partnerships with Collier County Public Schools, Florida SouthWestern State College, FGCU. They have donated millions of dollars to many of the nonprofits in the community. They are also consistently on the list of best places to work. And anyone that you hear that works for Arthrex, they always say it's like family, they love it, they appreciate everything that they receive, and they usually have a lot of retention there, and they don't lose a lot of employees.

Finally, Arthrex needs room to grow to continue to enhance our community and support our

workforce. I ask that you show your commitment to economic diversification and economic sustainability by approving the application. Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, Mike?

MR. BOSI: Next speaker, Michael Dalby. Followed by Andrea Kent.

MR. DALBY: So, Michael Dalby. I am the president and CEO of the Columbus Chamber, address being 2390 Tamiami Trail North.

You've heard much today about this project and its expansion and the idea of making some accommodations to allow it to take place. I can't overstate the public benefit which has been stressed so many times of 560 jobs. These are 560 individuals that you're probably not going to hear up here today because they're not here. They're working. Arthrex employs over 2,000 workers here in the area. Again, that's a lot of public benefit.

As this discussion is going forward, our plea is that everything is done that is possible to keep this project and to allow it to go forward to working on both sides of this equation to be able to make it work. They're an amazing company. As Kristi said before me, there is a lot of competition for these kinds of jobs, tremendous competition. These jobs benefit our entire county. They benefit future citizens. They benefit our youth, families that have desires to have their kids come back here and work.

These are rare jobs to be able to have in a community. And so, consequently, we fight hard to get this kind of a project to work, to find those incentives to make things come together to bring it all here and keep it here.

I think it's important to know as you go forward that those jobs are so, so important in every one of our sectors. They cut across hospitality, real estate, retail, business services. So it's not just those jobs that are created, but all the ancillary impacts that happen from those jobs.

Now, I can feel some people just going, well, that's okay. We get it. We support their jobs, we just don't want it here, or we don't want it there, or we don't want it in that manner.

The challenge is as you try to fit the project within the existing square footage, the areas that are available, they're actually doing a good job of remaining in this spot where they're at and not sprawling out into some other area but instead saying, we can do this project here, but here's the adjustments we need to be able to make it here.

It's a tremendous company, which has done much here in the community in terms of philanthropy, much in terms of overall public benefit. It's the very company that you most want to have these kind of jobs in your community in terms of economic diversification, in terms of trying to add to our economy of tourism and real estate and agriculture to diversify and be able to have these kind of jobs.

So, again, my plea is that you find a way to approve this and to keep this project moving forward so that we can have the benefits of the jobs here in the community, not only those 560 that will be created, but the thousands of other jobs that are associated with Arthrex.

Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, Mike?

MR. BOSI: Andrea Kent, followed by Karen Dillon.

(No response.)

MR. BOSI: Brad Merkel?

MR. MERKEL: You got one.

Good afternoon, I'm Brad Merkel, M-e-r-k-e-l, and I'm a full-time year-round resident of 12519 Collier's Reserve.

I want to thank the commission for the opportunity to speak. I did send you-all an email yesterday. Unfortunately, the new member did not get it. I will do the CliffNotes or the CliffsNotes of the letter and also shorten it up based on what we heard today.

The lightning rod for me as a member of Collier's Reserve and a resident of Collier's Reserve is not the tower height; it's the traffic issue. There was a discussion earlier today about the big bathtub. Unfortunately, I don't live in the big bathtub. I live in the little bathtub in Collier's Reserve. I can tell you

from day-to-day experience, we have a significant issue in traffic in that quadrant today. That's before we have all of the growth that's coming from the west that's already been approved, west of 41 on Immokalee, and it's before we have all the additional traffic coming into this area from the east, which is very significant, and all of those programs have been approved.

This is on top of all of those. So any driver counts that are taking place today are not including traffic that we see -- will be seeing coming in in the future. So those of us that live it are living a crisis today.

So I appreciate rules and regulations that balance the bathtub, but it's not balancing, basically, 41, Immokalee, and Goodlette-Frank.

Appreciate -- sorry. Appreciate the fact that, actually, I've heard by being here today at least three of you really passionately going after questioning the closure and/or rerouting, if we want to talk about that, of the existing east/west thoroughfare of which we have precious few. So thank you for that.

In my heart and soul, what I wonder about the commission and Collier County in general is we have so precious few east/west roads already, how can we be considering closing down an existing public thoroughfare for the benefit of a private company? That just doesn't feel right to me. Traffic; that's the big issue.

Now, the building height is also an issue. I'm thinking that it's less of an issue now because of this new information that we have. But I would still want to take a real hard look at the 103 feet. When I look at -- when I look into Creekside, I don't see the 103 feet of the hospital. I see the highest tent in the pole -- pole in the tent being Naples Daily News. And as the gentleman that was here in the last meeting, Richard Crawford, the chairman and CEO of the Crawford Group Development and Real Estate stated, once you give a free pass to somebody going higher, they're going to line up behind it, and your job's going to become even more difficult because everyone will want to get that high. Not only did he say that, that's basically what Arthrex said, you know, to quote in the -- assuming that the quote is correct that was in the Naples Daily News that says, with the high price of land in Collier County, we need to grow up and not out.

And you heard this morning from Mr. Arnold that that's what's required, and that's -- and the people that follow will -- even in his own words, was saying that you will -- we will end up with a lot of buildings at that height, whatever height we allow.

So please keep in mind that that Miami-fication that we talk about comes if we allow even 103-foot. I personally think we ought to be using the 75-foot Naples Daily News as the bogey, and trying to keep Arthrex to have their growth plan but stay within that height.

The third piece is I just wanted to fully support the Conservancy. I think they do a great job, and I'm 100 percent behind them in what's the third issue in this proposal, and that's the environmental issues. I think we certainly should not be touching any of the preserve.

Having said that, there's a ton of options left to Arthrex; you know, there's at least three. The one is deal within, I'll say, the 75-foot limit, others might say the new 100-foot limit, but shuffle around within the existing footprint.

I also saw today a lot of land that's not being used but owned by Arthrex. They've done some good things, it sounds like, in the past by moving warehousing out. The plan currently says, let's move some manufacturing out. That's the kind of creative things that good companies like Arthrex do.

I think they bought the property knowing what the traffic limitations were, what the tower limitations were, and what the environmental constraints were, so let's come up with plan so they can grow but grow within that footprint. If not, guess what? They've got land elsewhere. They can shuffle things around like they did with warehousing. And they can go to Ave Maria, or they can go to Fort Myers. And if worse comes to worst, they can buy some more land.

But I really want to stress that I don't think that we can't find together a solution for Arthrex in this area.

And, finally, in closing to the Commissioners -- and I'll read this -- I appeal to your personal sensibilities to protect the character, the integrity, and the value of the Creekside area and the surrounding neighborhoods as though you lived there. Please do not allow the degradation of this public roadway and infrastructure and allow spot zoning that could become the Trojan horse or, frankly -- now even from some of the people here today said it will be -- in other words, the Trojan horse that allows our skyline not only at

Creekside but within Naples to change.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Mike?

MR. BOSI: Next speaker is Art Warburton, followed by Blue (sic) Rosoff.

MR. WARBURTON: My name is Arthur Warburton, 850 Barcarmil Way, Collier's Reserve, 34110.

I am an 18-year permanent all-year-round resident in Collier's. I'm also an owner at Remington Reserve next door, which people here may not know. It's just a small 50-unit condominium development between Collier's Reserve and the hospital.

And I think what I was going to say is basically aimed at, please do not close Creekside. It seems to me that back in about 2001 that road was very justified to support the development of the Granada Shoppes, and I think that's just as valid today as when it was agreed to by this commission.

The next time it came up was with the Naples Daily News, and the condition there that had to be met was the large truck requirements, the large deliveries. And that was well thought out at that time and, once again, Creekside proved to be an important factor in that decision.

And I would say that you made two good decisions. The third one, please don't close it this time.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Mike?

MR. BOSI: Blue Rosoff.

MR. ROSOFF: It's Alan.

MR. BOSI: Alan.

MR. ROSOFF: It's Alan Rosoff. R like in rose, S like in Sam, o-f-f, like in Frank.

Thank you, Commissioners, for letting us address you and, moreover, thank you for the two-week time -- extra time you gave us to prepare. Thank you.

I am a member of the Collier's Reserve homeowners board and, moreover, I've been a resident of Collier County for 16 years. Like Mr. Mudder said, we support Arthrex. There's no denial what a great positive impact they have on the county, on the economy, on the quality of life. And if they can use their present campus, great. But the word and the definition of what -- or the interpretation of what a campus -- a corporate campus to me, and their interpretation puzzles me.

This is not an 18th century university with no streets. This is a 21st century corporate campus. And I don't care if you look at pictures of Oracle, Exxon Mobil, Amazon, Microsoft, the Pittsburgh R&T campus, AT&T, all of them have streets through them. People come and go. They might have buses, but they all take into account that cars and traffic are a part of day-to-day business life. This should be no exception.

Safety of employees is a factor why they want to close. Well, of course, that's important, and we've all heard alternatives, whether there's speed bumps, calming influences, speed humps. There are also bridges that can go across. Beyond skywalks, just pedestrian bridges so the street is there, and you don't even have to worry about the speed bumps. They're not very expensive and they do work, and we see them all over, especially in a lot of urban business campuses.

But I am a little surprised where -- the way it's voiced. And not trying to pick a fight, but what Mr. Bumpous said, well, we've had accidents there in the past. Well, why haven't they in the past gone and said, can you put some speed bumps in? Can you put some lights in rather than waiting this long to close the road.

And at the end of your presentation, not to pick another fight, there was what I at least interpreted as a veiled threat to say we want to stay here but, if we don't (sic), we're out of here.

Well, gee, let me get this. I'm an employee for Arthrex, one of the best companies to work for in America, and now I'm given a choice.

CHAIRMAN STRAIN: Sir, could you direct your attention to us, please. Thank you.

MR. ROSOFF: Oh, I'm sorry. My apologies.

You're given a choice. You can either cross the street, or you can pick up your families, grab your kids out of school, sell your house, and move 2,000 miles. That just does not seem like a realistic option, and I'm a little confused by it.

But getting back to the -- there have been enough conversation about how Creekside was founded, after Granada, how it was changed to accommodate, or the needs of the Daily News.

Now, here we are in 2016 where the demand on the road increases, yet there's a desire to close it. And what are those demands? One -- you've heard many of them. Let's look first to the Arthrex employees. Though they're moving out 500 employees, they say there are 560 coming in. The 500 coming out are two shifts. The one's coming in are 560. That's more than a 300 increase. So you're going to have 300 people coming in addition during peak hours.

Those same 300 people, like all of us who've ever gone to work, are going to be given errands -- or have errands after work, whether it's going to the grocery store, they're going to be going to the surrounding shopping centers. They're going to be crossing over, creating more traffic.

There is the Daily News. Part of their PUD agreement was to use Creekside for their trucks. What happens now?

There's the postal trucks. Again, they're going to have a meeting. Yes, I think the fact that you started talking in May, and it's now -- it's now this many months later, they're moving quickly by the postal calendar. But that is going to create incredible problems now that a road is being changed for them.

Granada shoppers, enough people have alluded to that, they're more successful again. You have Trader Joe's, you have more restaurants, and there's the talk of at least two additional retailers going in there, and they're only going to create more traffic.

So what you have is pressure on Goodlette at Immokalee, at Immokalee and 41, and where we are right at -- right at Collier's Reserve.

As Mr. Mutter alluded to and others, we already do have a present traffic problem, certainly Arthrex did not cause that, but if this change does go through and there is a closing, it's only going to make the problem far, far worse.

And, again, one of their representatives said, well, we didn't cause a problem. That might be true, but if you have eight people in a boat that can only take eight and 12 more get in and it sinks, it doesn't matter whose fault it is, it's cause to take a look and say, what is the effect going to be, the total effect, and how can it be rectified.

Last but not least in terms of details, I'm no expert on driving, but I used to drive 35,000 miles a year, and a lot of people who know me would say badly. But what I've learned is people want to take the most direct route and usually the fastest route. And if they're not going to be able to take the most direct route, it better not slow them down considerably.

People are not going to take this circular route. That's just not in the instincts of drivers. They're going to go out to Immokalee, they're going to go to Vanderbilt, and that's just going to create more and more traffic.

It seems to me that both you-all -- please, I don't want to be presumptuous and tell you-all to think or the county commissioners, but this can be a win-win situation. They can truly have the campus that they want, the jobs that they want without impacting traffic. Take a look at the way most business campuses work. They use some of those ways to get pedestrian traffic.

Please, look to that, and everybody can be a winner in this. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Mike?

MR. BOSI: William Ebben, followed Gail Garratt.

MR. EBBEN: My name is Bill Ebben. I live at 12254 Collier's Reserve Drive. I've been living here about 20 years, and this is about the fourth time I've been in this room discussing this particular piece of property.

A little history. All I remember of vignettes like this, Granada Shoppes was going to be just like Waterside Shops. Oh, yeah.

Then the next thing was, well, when we put in the Creekside Commerce Park -- I remember having a meeting and sitting in a meeting with Mr. Martinelli. We said to him, instead of naming this Creekside Commerce Park, what if we just call it Creekside so it wouldn't look like a business park? He said, great idea.

About two weeks ago, I come out of Collier's Reserve, all of a sudden Arthrex signs are all over the

place, and street -- evidently, the county must have approved this -- changed it from Creekside to Arthrex Boulevard.

You would have thought maybe that we might have got a phone call to say, let's talk about this.

Now, as far as traffic is concerned and the post office, I don't know if we're untypical of the 250 people that live in Collier's Reserve, but we don't go to that post office because you can't get in there. We go out, take a right, go to Immokalee, and go up to Wiggins Pass to the other post office because that post office, especially in season, is out of play; is that right?

UNIDENTIFIED SPEAKER: The whole town.

MR. EBBEN: The other thing, Creekside Boulevard, only because I have a peculiar habit, I'm on Creekside Boulevard six times a week going east and west. Yes, Virginia, there are people walking on the sidewalk on the south side of Creekside Boulevard. There are occasionally some people walking on the east side of what is now Arthrex Boulevard up to, I guess, the post office. I've never seen anybody walk across the street, okay, so that's that.

The other thing, I remember I think in this room, maybe one of you or your predecessors said the following, because I remember it like it was yesterday: When we approved the Fifth Third building on the northeast corner of Vanderbilt and 41, we now know that was a mistake because, as you know, that sticks out almost as much as those drawings and pictures that the gentleman earlier said today. So you might think of that. Because there's no question in my mind -- and we suggested this the day we had the informational meeting -- we could take and plan the 560,000 -- or 560 more people and whatever the square footage is, and put it on that campus in low buildings.

Somebody at the information meeting said, just take your 222-foot building and turn it on its side. I just -- I can't believe there's not enough room to do that in that space.

Last point, in the other times we've been here, there's been a lot of things said from these kinds of podiums that we're going to do this, we're going to do that, we're going to do this. Well, not to go back in history, but we're still waiting for the air-condition enclosure on the Tyco building, which is now their manufacturing bui -- that was never put in.

We are still waiting for a couple other things that we were promised. So, please, whatever order you issue, go through the record, please. Anytime anybody has said "we'll take care of that," please make that a condition of what is done; otherwise, we'll be back here three or four years from now talking against the 15-story hotel that somebody wants to put up over next to the long-term care unit.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

And, Mike, before we go to the next -- it's been an hour and a half. The court reporter, definitely with all these variable speeds of speech, could use a break. We'll take a break for nine minutes. Come back at 2:40.

(A luncheon recess was had.)

MR. BOSI: Chair, you have a live mike.

CHAIRMAN STRAIN: Mike, thank you.

Everybody, if you could please take your seats, we'll resume the meeting. Thank you.

We left off with continuation of public speakers. Mike, will you call the next speakers, please.

MR. BOSI: Yes, Chair. I believe -- we have nine speakers left, just for your information.

Gail Garratt.

UNIDENTIFIED SPEAKER: Not here.

MR. BOSI: Doug Fee, followed by Don Smith.

MR. FEE: Good afternoon. This is Doug Fee. I live at 754 Pan Am in the Wiggins Pass area.

I wanted to put on the visualizer a picture here. What I'm showing you is a document from your AUIR and particularly in the right -- I'm sorry, the top left is Old 41 and 41. One is blue highlighted, and one is green highlighted. The language beside those two are failed on Old 41 in 2019 and projected to fail in 2023. This is county information.

The reason why I show you this is, in fact, the intersection of 41 and Immokalee Road has failed. I travel this road on a daily basis. And even in summer, the traffic is quite heavy.

Somebody mentioned 50,000 car trips. What you have in front of you is a health, safety, and welfare issue, and the reason why I say that is I've spoken in the past about response times on EMS. You have a failed intersection.

Mr. Levy, Mike Levy, said that the county needs more time. He also said there's no study on this intersection. Somebody asked the question, Ms. Ebert asked the question, what is the aggregate square footage to Mr. Arnold. I have not heard that answer yet. It's very, very important to your decision making.

You cannot at this point -- you cannot approve any more square footage at this corner. I can tell you that many times as I'm traveling south down 41 there are three lanes, and if you go to the turn lane, those two turn lanes that go onto Immokalee Road, they're backed up into the third lane of 41, and we're not talking 10 feet, 20 feet, 30 feet, 50 feet, 100 feet; it is way back there. And you can't improve that intersection. There's a turn lane that goes to Walmart, and there's a turn lane that goes to Riverchase. You are putting the public in this general area in an emergency situation.

And I'm sorry if this is about a company. It's really not about a company. It's about a failed intersection, and you have to address that. I'm not aware of any expenditure by the county at this point to do anything with that intersection.

Now, add that to the fact that they want to -- they want to close a road in this area. Folks, if you live in this area, you cannot do that. All of these people, they live in our neighborhood. They know.

And, quite frankly, I want to say, I apologize for the EMS not making it to your home. When you have an emergency and you can't get through there, tell that to the family members. And I'm serious about this, because I know some people that have had problems with the response times on EMS in this area. It's a very bad area congestion-wise.

Six or seven years ago there was a project in our neighborhood called the Bay House, and I'm going to put something on the visualizer.

During this hearing -- many of the people in this audience, the whole neighborhood came together -- there were two towers that were being suggested on this property at 180 feet. Fred Reischl, who's a planner for the county, as well as Mr. Bellows. Mr. Schmitt would have been at that meeting. Probably Mr. Strain was there.

And I just want to read what Fred Reischl put on the record in reference to this PUD amendment. The original PUD was for two 180-foot towers. Staff had recommended denial of the height. The petitioner has reduced the height request from 180 to 86 feet above flood, with flood being 11 feet.

Staff feels it is compatible with the surrounding area. The Land Development Code says that the PUD zoning district may depart from the strict application of standards such as building heights.

According to planning principles, height is not always a bad thing. At 11 feet higher than a possible neighbor, staff feels it is compatible with the surrounding properties and recommending approval of the 86-foot height.

Now, I put on the visualizer where the Bay House is. It's on 41. You can see the yellow highlight as well as where the proposed tower is. It is in the general neighborhood.

Now, this is years back, but it's the same plan. It's the same planning people. Why was it not compatible at 180 feet in our area but yet staff, a month ago, said that 205 was compatible for this building?

Now, we know that this applicant has lowered it to 120, and I really think that you need to take out of the equation the hospital. The hospital is there for miles and miles and miles, and it needed to be accommodated.

To me, it did not set the height limit in our area. This is for a private business, one that is respected but one that cannot change the neighborhood from a compatibility standpoint.

If I go five miles south of here to the City of Naples, I believe their height limit is 42 feet. Seems to me that if we give 100 percent, which is 84 feet, we're still granting the right for this homeowner, or this commercial business, the ability to make a profit, do what they needed to do. There's 2,000 square miles.

The Fifth Third building at Vanderbilt, when that got approved, Sally Barker changed the Land Development Code of the C4 zoning, I believe it was 125, down to 75 feet. To me, that is your commercial height limit. Even though this is a PUD, to me, it should not stray much from that zoning district, okay.

How somebody would suggest 205 would be compatible and have staff recommend approval at 205

I don't know how that got done.

Quickly, the third thing I'd like to say is about preserves. And all of us living in the Cocohatchee River area, we value our preserves. If you live in a homeowner association, when those PUDs, when that development got approved, it was granted the ability to have units, but along with that, the lifestyle has the preserve, and each of those homeowner associations have to maintain them.

I don't see where the county should, after the fact, allow a developer to undo the preserves that are set up when the neighborhood approved the project.

We have a project in our neighborhood called Cocohatchee Bay. They got some advantages by going up into the sky. They got approved. But for that, they left property in preserve, golf course.

Now after the fact, they want to change. You guys have heard this three or four times. I'm guessing they'll be back, but it's the same issue, okay.

The last thing that I want to say is -- so please support the Conservancy with the preserves.

I saw a movie over the weekend called Sully, and Sully was the captain of that airplane that was landed in the Hudson. And there was a room full of about 100 NTSB board members, experts, and they were all challenging him as to why didn't you fly that plane back to the airport. And they did simulations and there were experts.

And in the end, Sully justified that you have to add the factor of human, okay. It's not about simulation. It's about human and the timing of it. And the reason why I raise that is because I believe the issue of our transportation in this area -- I don't care how many experts you have who say we've simulated this, we've simulated that. The facts are right now that everyone in this room knows that the corner of Immokalee Road in that general vicinity has failed. And I don't know what the county has planned to deal with that --

CHAIRMAN STRAIN: Mr. Fee, you need to start wrapping it up. You've gone quite lengthy, okay.

MR. FEE: Okay. So please deny this at this point because at 105 feet, I don't feel it's justified, and do not close the road, and I thank you for your time.

CHAIRMAN STRAIN: Mike, next speaker, please?

MR. BOSI: Don Smith, followed by James Day.

MR. SMITH: I'd like to thank the Commissioners for allowing us to speak today. My name is Don Smith. The usual way, S-m-i-t-h, 9848 Brassie Bend. I live in Bay Colony on the golf course.

A couple points. If I may, I'd like to ask Arthrex representatives a question.

CHAIRMAN STRAIN: No, you'll have to ask us, and during the rebuttal period, we'll have some questions after all the speakers are done, and one of those may come up during that period of time.

MR. SMITH: My question was, what is the R&D budget for Arthrex?

CHAIRMAN STRAIN: That isn't an item that involves the Planning Commission, so it's not one that we would be able to ask.

MR. SMITH: Okay. My point being this: I'm really questioning -- I'm not a planning expert or zoning expert, et cetera, et cetera, but I'm really wondering how the Arthrex complex could have possibly been tucked under this quarter-mile radius situation when, in fact, the vast majority of what's being done there is a manufacturing operation, not a -- which is why I was trying to separate the R&D piece.

You know, if you take this to its extent, you could really say that if I wanted to put a Johnson & Johnson bandage plant -- I'm being facetious, naturally -- over there, that's, quote-unquote, medical.

So I think the definition is stretched as to what medical is. Typical hospital, obviously, wants all kinds of satellite operations for doctors, therapy, et cetera, et cetera. This is atypical in that regard. It really is unlike most, quote-unquote, medical operations as we know them.

The second point I'd like to make is we live, as I said, on the golf course and have been residents since 2000. My wife and I are very involved with the Naples Winter Wine Festival, the Immokalee Foundation, et cetera. Combination of those two charity operations produces anywhere from 15- to \$20 million a year of dollars that go to the most needy recipients in this area.

And, to a certain extent, another way to look at that is that we really stretch the budgets in a lot of ways of schools, social programs, et cetera, et cetera, to the extent that the living conditions for those most needy in this area really are benefited from them.

Why do I bring that up? A goodly number of the people that we're talking about being impacted real-estate-wise in Bay Colony and Collier's Reserve, et cetera, et cetera, are participants.

My wife and I have done the dinners for the Naples Winter Wine Festival for six years running now, and I know a number of the other residents have done the same.

And as I said, we'll be impacted; we know that. And I would beg the commissioners to think about the height restrictions so that, basically, that doesn't become an issue as it relates to living in Bay Colony.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Mike?

MR. BOSI: James Day followed by Ross McIntosh.

MR. DAY: Good afternoon, ladies and gentlemen. Thanks for a few minutes here for me to speak with you. My name is James Day, D-a-y, 34 -- 11976 Collier's Reserve Drive.

I've been a Florida resident since 2008. I live in Collier's Reserve, but I'm speaking to you, I feel, as a resident of District 2 of Collier County. So that's the orientation, please, of my remarks.

I would observe that this is a very fluid project. This is a moving target. I went to a neighborhood information meeting just before I left on vacation, and it was a very much different-looking project than what I hear -- read in the newspaper on Sunday.

So this must be a considerable challenge for you to deal with your policy and how you're going to handle this situation.

I have a concern with the way the Collier County Planning Commission and Growth Management offices are going about doing your job. With immense respect I have for Mr. Strain; you are very, very impressive in how you do this job, and I'm impressed with the quality of people, Mr. Bellows, in your organization; individually, great.

But it seems to me that the focus is a bit off. I moved to Naples because of the wonderful character of this area intentionally. I did not go to the east side of Florida. I came here because of the character of this area; not because of its industrial/business infrastructure, but because of the quality of the kind of communities that we have.

It seems to me that is the number-one priority that we should keep in mind. When you talk Naples to anybody around this country, if they know this area, "ah," they think, "great." They think of Bay Colony, Pelican Bay, Collier's Reserve, other places.

All due respects, they're not thinking about Creekside Commercial Park. You need to maintain and grow, preserve, improve these kinds of communities and don't take actions that are going to be detrimental to them.

Now, I'm not antibusiness. Certainly, we all want jobs in Florida. Certainly, we're happy that Arthrex is located here and that they're a great company, and they're growing their business; great. But they have an adequate tract of land in which to be continuing to operate and grow their business and I'd, therefore, like to offer some comments about the way this whole process has proceeded. And the reason why I express some concerns about your operations.

At the neighborhood information meeting that I went to, they were talking about a 205-foot tower. Now we're talking about a different number. But when I examined the memo from the staff that was prepared for the September 15th meeting, which I was not at -- I was on vacation -- I was amazed to read that they were willing to accept the 205-foot building.

Now, I would just observe that there are a number of tracts on this property, and the amendment is talking about increasing the height unilaterally on everything to the west of Goodlette-Frank from 35 feet to 50 feet. I haven't heard much discussion about this here today.

And then on the east side of Goodlette-Frank, Tract 9, to go from 35 to 85 feet. So we all tend to focus on, first, 205 feet, that will get your attention, but the entire area has a unilateral increase in height. And, frankly, I haven't heard of a good explanation of why all those buildings need to be increased, especially when they're talking about the headquarters tower being quite so large.

It would appear to me, just casual observation, that there's plenty of building space there, and there's plenty of ways to accommodate a growth of 560 staff without, first, a 205-foot building, but now -- even a

100-foot building.

Your staff said, incidentally, in that report -- not the September 23rd report, but the one that must have preceded it -- the staff said, quote, because Collier County doesn't have a maximum height limitation, the proposed 205-foot-tall building is not inconsistent with any regulation in the GMP.

Therefore, that said to me, hey, they could have come in with a 400-foot proposal, and your staff would have said, ah, it's not inconsistent with anything, so I guess we could approve it. There's a problem here.

You need a building height limitation. It's odd to me that there isn't a building height requirement in Collier County, so we ought to get on it now.

The change to 122 feet recently made was great to see but, near as I could tell from reading the paper, with all due respect, it didn't have anything to do with either staff, right, or the commission. It was the local communities with the pressure that they put on the applicant that resulted in a change.

You have a role to play in all of this. You should not be passive and say, well, they want 205 feet. I guess it's okay, or now it's 122. You should be proactive. You need to set a limitation now, I submit, on building height.

We all know the three tallest ones around, Fifth Third, Iberia, and the hospital across the street. Pick your number, whatever it is, 85 feet, 100 feet. Pick a number and then stick with it.

As far as, again, coming back to this application, I believe you should press the applicant on why they cannot expand the buildings on that footprint to accommodate the growth rather even -- than the 100-foot-high tower.

One more comment on the environment. That was covered extremely well by the person from the Conservancy.

Everyone's commented on Creekside Boulevard. Mr. McIntosh is going to follow me and do a superb job, I'm sure, so I will defer to all the remarks he's going to make.

I would like to make a final comment, again, about the process. I live in District 2. I'm represented by that chair to the left of Mr. Schmitt. Incidentally, I'm delighted, Mr. Schmitt, that you are now on this commission. Effective September 15th -- and I was greatly concerned before I heard this, that chair was vacant, the one next to him on District 2 is vacant, and District 4 is vacate. Here is a very substantial amendment to a PUD that threatens to change the character greatly of North Naples, and you all are considering it with that kind of vacancy. I feel that I'm not represented. Remember, we had a revolution in this country against taxation without representation. I feel I'm not represented.

I argue you should not act on this application until that chair is filled and that person understands the issues well enough. Even worse, if you advance this on -- final thought -- to the Board of Commissioners on October 25th, that's going to be the last meeting, I think, for three, two meetings?

CHAIRMAN STRAIN: It's second to the last meeting.

MR. DAY: Second. It's the ultimate meeting, then, for three of the Commissioners, including the commissioner for me, District 2.

CHAIRMAN STRAIN: Sir, I've got to ask you to wrap up.

MR. DAY: Okay. I'm just about there. So I'm not represented here on the Planning Commission, I'm not represented on the Board of County Commissioners. I argue no action should be taken on this until that chair is filled and until the Board of Commissioners' posts are filled.

So I respectfully urge you to urge your staffs to take a fresh look at all the good quality input that they heard today and fill the vacancies so that District 2 can be represented.

Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Mike?

MR. BOSI: Ross McIntosh, followed by Jim Carter.

MR. McINTOSH: Good afternoon, Mr. Chairman, members of the board. I'm Ross McIntosh, M-c-I-n-t-o-s-h. I live at 933 Barcamil Way in Collier's Reserve. I'm a 35-year resident of Collier County and a 10-year resident of Collier's Reserve.

I've asked to have posted on the visualizer my version of the chart that Wayne put up a little earlier.

You'll notice that one distinction -- basically, this is a height list of properties that have come up in conversation and been referred to. I thought it would be helpful if we saw them on a single sheet.

You'll notice that what's absent from my list that Wayne mentioned was the 200-foot high-rise buildings at Pelican Bay. They're not on my list. They were on his list.

I would observe that folks who bought million-dollar golf course homes at Pelican Bay were aware before they bought their homes by virtue of the master plan there were to be 200-foot condominiums built in the locations that they were built.

We, on the other hand, when we bought our million-dollar homes on the golf course, expected 35-foot buildings where a 123- or 122- or 125-foot building is now proposed.

I think the -- if we take a look at these heights, what we see is that they're all clustered on the south side of 100 feet; that we've had verbal reference to 103-foot Naples Community Hospital. Although the PUD for Naples Community Hospital indicates that it's a 100-foot building, I'm not sure where that three feet came from.

But the point is that if you look at the allowances for tall buildings in our part of North Naples, it ranges from 75 feet to, basically, 100 feet. My belief is that the residents of Collier County and probably -- I say of Collier County, of Collier's Reserve -- and probably our neighbors to the south would be amenable to a building that had an actual height of between 75 and 100 feet, and this right room would thin out in a hurry if that were the proposal.

So I would recommend, or I would request that this board recommend an actual height of 100 feet, and that should solve the height issue in my estimation.

Something that my chart includes that Wayne's chart did not include is FAR. While I agree with Chairman Strain that there's no need for an FAR -- reference to an FAR in a project if, in fact, there's a building square footage cap -- this PUD, for whatever reason has it. I think it's fairly evident, by the way, that if we don't need an FAR, then this board should recommend against an increase to .45 since we already have -- which has been requested. We should just limit it as it is to .35.

What's interesting is I made a -- just using simple math, how big is the project according to the county's PUD list, and how many square feet of commercial are approved according to the county's PUD list, and how many square feet have been built according to the county's PUD list.

It is possible, then, to determine the FAR of the projects that we've been referring to that have been coming up. And what we discover is that Riverchase, which is the commercial property at the entrance to Collier's Reserve, has an approved FAR of .17 -- half what the existing approval is at Creekside -- and a built FAR of .12.

And as we go down this list, we see that the 103- or 100-foot Naples Community Hospital, that PUD has an FAR of .26 versus the .35 at Creekside and a built FAR of .15. This is by virtue of the -- this is calculations from the county's PUD list.

And as we go down the list, we see that FARs in these commercial areas that we're referring to all seem to be in the low 20's or below with the sole exception of the Naples Daily News building, which has an approved FAR of .38 and has a built FAR of .3. Again, dramatically less than at Creekside.

So the observation -- the simple observation is that Creekside, not only are they asking for more height, but they've also got more girth. It's a much denser project than its surrounding projects already. I'm not arguing against the additional square footage, but I am simply trying to illustrate that we already have a very dense project in that location.

And, again, I didn't hear the answer to where that eight acres came from.

CHAIRMAN STRAIN: That's coming up as soon as the public speakers are done.

MR. McINTOSH: Because my -- again, my calculations show that even with the proposed additional square footage, the FAR in the project is going to be somewhat less than .35. So, although it's out of balance, it doesn't need to be amended. It can be left at .35.

And those are my comments. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Mike?

MR. BOSI: Jim Carter, followed by Dianne Shanley.

MR. CARTER: Good afternoon, Commissioners. It's a long day for you, long day for us. I have been in those chairs; I know what you're going through. And trying to distill everything that I've heard today, as you are trying to do in your minds, is a major issue here is what we're talking about community character. And what should the height be of a commercial building in Naples?

Now, we have a lot of different zones where various heights have been, quote, established but continually varied depending on the situation. And I think it's time that we draw that mark in the sand that says enough is enough. Either we establish a building height for commercial buildings in Collier County and live by it, or we're going to keep going through this same process meeting after meeting after meeting. Because this is not the last one you will hear.

Whatever number is established, whether it's 75, 110, it doesn't make any difference, because next time somebody's going to come up with another one and the next time. And so what you get in Collier County is building-height creep. And all we look at is, gee, I don't know what's happening to our community. Well, I know what's happening to our community. We are losing a big element of community character, an area that we have spent a lot of time, energy, and money on.

Joe, you were in the commission (sic) when I was a commission, as was Mark, as was Stan. We all have been through this. When are we going to learn to establish a standard and live by it? That's the question.

You may not be able to make that decision as a Planning Commission, but you don't have to go forward and accept what is unacceptable.

I think the standard in Creekside was set at 75 feet for logical reasons when the Naples Daily News had to have that to put the new presses in. Up until that point, in North Naples -- and I have lived in North Naples for 25 years. After the Fifth Third Bank went up, we didn't have any more of those problems, because there was an understanding that building height would be limited.

And now we take Creekside, a business park, and suddenly want to change a building height. We also want to change the road. We want to close a road that's open to the public, a public thoroughfare. It was put there on the basis of the Granada Shoppes. All the past history seems to be ignored. We don't seem to learn. We keep making the same mistakes.

So I'm saying, don't close Creekside. There are alternatives for Arthrex. And, by the way, Arthrex is a beautiful company; it's a great company. Surely it meets the economic development concerns of this county; no question about that. But they're also a very smart corporation. They couldn't be as successful as they are without figuring out alternatives for the area that they occupy today.

Do they have to have a building higher than 75 feet? Are their corporate planners and their architects not capable of staying within the limitations of land that they have? Can they not put an overpass, walkovers over a road if they're concerned about employee safety? I don't believe that.

I think they're a great company, and I think they could live within the constraints of a business park that is in the middle of residential communities. Residential communities were there first, ladies and gentlemen. They came after that.

So I implore this Planning Commission, as you send this forward, I would ask you, that when you send it to the commissioners, that you deny anything higher than 75 feet and keep Creekside Boulevard open.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Mike?

MR. BOSI: Dianne Shanley, and then followed by Jeff Davis.

MS. SHANLEY: My name is Dianne Shanley. That's D-i-a-n-n-e, S-h-a-n-l-e-y. I live at 886 Barcamil Way in Collier's Reserve.

I have a set piece that I was going to say, and it would have been really quick and easy for me to read it, but I've heard a number of things here today, and I wanted to kind of address those. So I ask you to bear with me if I do stumble a little bit in trying to figure out my notes.

First of all, I do want to say that I was disappointed that this has come up when seasonal residents are away. Now, there was a gentleman who spoke about the employees of Arthrex who aren't here to bolster their side of the story. Well, I would submit that there are also people from our communities who are not

here.

Now, I understand the reason why this was fast-tracked. We hadn't heard anything about that until today. So, yes, okay, fine, I can understand, but still I think these people should have been able to have their say.

The other thing is, for the height of the building, a lot of people have said a lot of things. I will say that from Collier's Reserve, I can see the entire hospital, what is it, 104 feet high, if that's the ultimate height with the HVAC and all that on it, I don't know. This particular building is going to be 122 feet with the HVAC. Just saying, I'm probably going to be able to see, and I don't know how beautiful it's going to be.

We talked about the roads and closing Creekside Boulevard. Now, it was stated that Arthrex has had 15 to 20 percent annual growth, and they think that their request is going to be good for 10 years. Well, with that kind of annual growth, I don't know, I haven't done the math, but they may be asking for the remainder of the road to be closed, and I think that this is inappropriate for a public road that people use and a company that wants to have that road closed.

But the main thing that I want to address -- and Nicole addressed it for the Conservancy -- but it's a little bit more about preserves. Now, a lot of people get all hot and bothered and think, oh, preserves, animals, birds, big deal; you know, we want business. Well, I've got to tell you, if we're going to get all these, all my baby booming relations that are going to be coming and moving down here, we need to worry about our aquifers. We need to worry about oxygen. And preserves do create water that is filtered for aquifers. It has nothing to do with just wood storks or foxes or whatever, but what we're going to drink. It also has to do with what we're going to breathe. Plants convert CO₂ to oxygen.

Now, if you want to have all that oxygen in the eastern part of Collier's Reserve -- or Collier County, hum, fine and dandy, but what kind of air are we going to have around here?

Arthrex, again, everybody is saying, is a good company, and I believe that they are. I've seen things that they donated with other organizations that I work with, and they've been terrific. But they have to continue to be a good neighbor, and I think they have to address these issues that the people here today have come up with.

Thank you very much.

CHAIRMAN STRAIN: Thank you, ma'am.

Next speak, Mike?

MR. BOSI: Jeff Davis, followed by the final speaker slip of Donna Reed Caron. Jeff Davis?

(No response.)

MR. BOSI: Donna Reed Caron.

MS. CARON: Good afternoon, Commissioners. Donna Reed Caron, for the record, 790 Wiggins Bay Drive.

I actually wasn't going to get up and speak today; however, I will just concur that I concur with Mr. Pritt and Mr. Depew and Ms. Johnson and Mr. Mutter and several other speakers who have gotten up here from Collier's Reserve and Bay Colony.

I did have one question, though, for your discussion afterward, and that has to do with wherever you get to in height. At the original 206 feet, the building would have required, by the FAA, obstruction lighting on top of it. I don't know now that be it's down to 122 if that still applies or not. I think you need to find that out, because that certainly is going to affect every single one of these neighbors, speaking of compatibility. And I just want to make sure that that's up for discussion and you get some real and true answers on that.

For the rest of it, I think everybody's made good points about that road and about the preserve and the serious concerns about height in this area.

Thank you.

CHAIRMAN STRAIN: Thank you. And that was the last speaker, Mike?

MR. BOSI: Yes, sir.

CHAIRMAN STRAIN: Is there anybody in the audience who has not spoken but would like to speak?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll go back to the applicant. There are maybe some

questions from the Planning Commission members that have come up and about as a result of the public input, and before you get into your rebuttal, we like to ask any questions that we may still have.

Stan? Diane? Joe? Karen? Anybody?

COMMISSIONER SCHMITT: I have a follow-up question for transportation when we get --

CHAIRMAN STRAIN: Let's go. Well, right now -- it's open for everybody right at this point.

COMMISSIONER SCHMITT: Transportation, is -- Trinity, are you representing transportation?

Who's representing transportation, county staff?

MS. SCOTT: We have a team here available to answer any questions that you may have.

COMMISSIONER SCHMITT: You are recommending approval of the elimination of Creekside Drive based on the alternatives that have been proposed, specifically the improvements that are being proposed; is that correct?

MS. SCOTT: Yes, we are recommending approval based on it being consistent with the Comprehensive Plan. The applicant has proposed a mitigation strategy, and it is with regard to the potential vacation of Creekside Boulevard, which has become a stipulation within the PUD which we required a specific design vehicle be accommodated.

COMMISSIONER SCHMITT: Now, in your review and then the staff's review, there have been numerous comments today considering impact, most of them, of course, subjective in nature, unless you're a certified professional engineer or transportation engineer.

I'm asking the staff, have you reviewed and considered, prior to this -- I know you haven't since today's meeting, but most of the impacts that have been addressed have been addressed by email or elsewhere. Have they been considered in your evaluation?

MS. SCOTT: Yes, they have.

COMMISSIONER SCHMITT: And you still believe that it's in the best interest of the county to vacate Creekside Drive considering --

MS. SCOTT: What I will say is that the vacation is a separate item that is being addressed through another process that will go concurrently to the Board, and there are still items that we are waiting for as far as the coordination with the post office, et cetera, that may alter what portion of Creekside Boulevard could be vacated.

COMMISSIONER SCHMITT: Okay. I heard that, but that doesn't leave me with an answer from the standpoint of -- I know what the applicant wants; I've heard what the applicant wants. Certainly there's concerns about the impact. They are -- go ahead.

MS. SCOTT: The analysis that they provided to us in their transportation impact analysis accommodated for all of the vehicles that -- through a prior study, the 64 p.m. peak vehicles, in their analysis with regard to the capacity that would be utilized on the adjacent roadways.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER CHRZANOWSKI: Trinity, you're not closing Creekside Drive, right? You're vacating a portion of it and creating a detour?

MS. SCOTT: Yes. It would be an alternative route that --

COMMISSIONER CHRZANOWSKI: Okay.

MS. SCOTT: -- per the PUD, they would reroute it.

COMMISSIONER CHRZANOWSKI: I keep hearing you saying you're closing Creekside Drive, but you're not.

MS. SCOTT: It would be rerouted --

COMMISSIONER CHRZANOWSKI: You're rerouting it.

MS. SCOTT: -- based on the design criterias --

COMMISSIONER CHRZANOWSKI: So people would just have to travel a little farther if they choose to?

MS. SCOTT: Yes.

COMMISSIONER CHRZANOWSKI: Okay.

COMMISSIONER EBERT: Trinity, can I ask a question on this? I did speak with Mike before the meeting started today because of the post office. I did read a quick little email that no one has met with them

yet, but they were not in favor of any of this to this portion.

We, today, as a Planning Commission do not -- will not be familiar with what is going to happen because it's not taking place.

CHAIRMAN STRAIN: You said that staff is not in support of eliminating Creekside?

COMMISSIONER EBERT: No, I said the post office is not in support of --

CHAIRMAN STRAIN: Oh, I thought they testified the post office hasn't responded.

COMMISSIONER EBERT: There is an email.

MS. SCOTT: For the record, Trinity Scott. I reached out to the post office myself to the Postmaster General for the Naples area. Because, as I said, as a separate petition to this, we are reviewing, as staff, the vacation, and so I reached out to the post office to get some input from them. And I did speak to the Postmaster General yesterday morning. And I will tell you that I played phone tag with the gentleman for several weeks of trying to discuss with him, and he indicated to me that he had had some conversations with the applicant and that they had a meeting and that, for some reason on his behalf that he had had to cancel that meeting Friday and they were unable to meet, and that he did copy me on an email that they are meeting, I believe, tomorrow.

CHAIRMAN STRAIN: Okay. But did he say they were against this?

MS. SCOTT: Let me see if I can get the exact email. We can pull it up.

CHAIRMAN STRAIN: Well, I'm just curious. I didn't know this information was available.

MS. SCOTT: He said that he -- he said, I will not entertain any changes that affect my postal operation without on-site involvement, meaning he wanted to have a meeting.

CHAIRMAN STRAIN: Okay. Does that answer your question, Diane?

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I remember dealing with the post office when they built that building, and I'd rather have a root canal.

COMMISSIONER EBERT: So you've been working with government before?

CHAIRMAN STRAIN: Anybody else have any questions of the applicant? I have one, two, three, four, five, six, seven -- about a dozen.

Why don't we start with the excess acreage resolution. Could you put the site plan, Ray, that was back on the overhead, probably underneath that one, or the one that just shows -- was an aerial with the yellow lines on it.

MR. YOVANOVICH: Someone took the exhibit, so we'll get another one.

CHAIRMAN STRAIN: They took the exhibit? That's public record.

COMMISSIONER SCHMITT: It wasn't the guy that was here early this morning, was it?

CHAIRMAN STRAIN: He took it with him when he was hauled out, yeah.

MR. YOVANOVICH: I'm not going to ask him.

CHAIRMAN STRAIN: Well, there was a PowerPoint that had it on it.

MR. YOVANOVICH: But we had a hard copy of it, too, that we were using.

CHAIRMAN STRAIN: The only reason I would like it up there, I'd like whoever did the search and discovery of this eight acres or nine to show me where it is on that map.

MR. YOVANOVICH: I've got it, Wayne. You're up.

CHAIRMAN STRAIN: That's not the one, but --

MR. YOVANOVICH: Well, that's the current master plan.

CHAIRMAN STRAIN: The one I was looking at is the aerial with the yellow dotted lines. That was the outline of the PUD.

MR. YOVANOVICH: Yellow dotted lines?

CHAIRMAN STRAIN: Yeah. The one with the outline of the PUD on it. It's a little easier to see what land you're dragging -- you're bringing into the PUD that way.

MR. ARNOLD: For the record, I'm Wayne Arnold.

First, the PUD boundaries are not increasing, Mr. Strain. The question was --

CHAIRMAN STRAIN: I still don't know where the eight acres is.

MR. ARNOLD: What you're referring to is the difference on rectifying the acreages. And Mr. Yovanovich said this morning that we're trying to true up those numbers.

What happened, the original PUD master plan that was approved in 1997 was a hand-drawn rendered plan that had acreages associated with it. And as this has evolved, Barron Collier Companies, who were the original developers, have sold off tracts of land, and they know exactly how many acres they've sold off to different developers.

So the last effort that we were going through back in 2015 that was approved in early 2016, we were attempting to rectify the acreages because we needed to know the acreages in very much detail to determine the wetland and the other upland preservation area impacts.

So they were truthing that information on their auto CAD system to demonstrate what they had sold. So we had more accurate acreages than we had back in 1997.

We also, in this effort, were vacating a portion of right-of-way, which is about a quarter of a mile long, that's 64 feet wide, which nets you a couple of acres.

So in tightening up those numbers, for instance, when Barron Collier Companies sold a tract of land, they sold it including buffer areas that had to be planted as part of the project.

When you add in buffers to each of the tracts that were sold for development and you add in the area that was to be vacated, you come up with the difference of the eight acres.

CHAIRMAN STRAIN: Okay. But let's back up, 1997, 20 years ago, this plan was done -- you said they were, what, maybe a hand-drawn master plan with the numbers written on it. And so you believe that Collier County at that time approved -- in fact, you might have been the administrator at the time -- approved a master plan for this project without a legal description, tying the acreage of the legal description to the Planned Unit Development --

MR. ARNOLD: No, sir.

CHAIRMAN STRAIN: -- and that the PUD had all these wrong numbers in it by eight acres, which is worth about a million dollars an acre. So we've lost eight million bucks over the last -- now, how does that correspond to the tax assessor's map? I'm just --

MR. ARNOLD: The PUD is 106 acres.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: The PUD that's proposed is 106 acres. There's no new acreage added. We tightened up the internal line work. If you look at the original master plan, it had an area set aside for rights-of-way, and there were assumption based on how wide certain rights-of-way might be.

We now know Creekside East, for instance, has been platted. We know exactly how many acres that right-of-way is. We know exactly how many acres each of the platted tracts are.

So that's the rectifying numbers that we were accommodating as part of this PUD amendment.

CHAIRMAN STRAIN: Okay. And the change that you decided to allocate the eight acres to happens to be the IC tracts; is that --

MR. ARNOLD: Maybe I can have David Gensen from Barron Collier --

CHAIRMAN STRAIN: Then I'd like to know, once we determine -- because you're looking at about eight acres, 41 minus eight -- almost nine acres. You look at an FAR of .45 against those nine acres, that's a considerable impact, and I'm just wondering how that factors into the overall pictures.

MR. GENSEN: Again, for the record --

CHAIRMAN STRAIN: You've picked a really awkward time to decide to rectify the acreage, but go ahead.

MR. GENSEN: I understand -- understood, but we were trying to make sure everything fell into place.

For the record, David Gensen with Barron Collier Companies.

Mr. Strain, when the original PUD map was -- you can see in areas like where my finger is between the right-of-way of Goodlette-Frank Road and the B tract, that was excluded from the B tract areas. That was excluded and was kept as an open space area.

This roadway in between the B and the IC tract, that was included as part of the right-of-way tracts. There is no right-of-way there.

So what we've done is we've gone back and rectified everything so that based on -- the individual tracts do not exclude the buffers. They are included with the tracts that we sold --

CHAIRMAN STRAIN: You didn't separately plat those tracts then?

MR. GENSEN: Right.

CHAIRMAN STRAIN: Ah, okay. That's why today we ask people to separately plat the tracts. Okay. That makes a lot more sense now.

So that's basically the 8.77 acres that's shown on the last line on this page?

MR. GENSEN: Yes.

CHAIRMAN STRAIN: Okay.

MR. GENSEN: And so everything is -- as far where it's come from, it's all fallen back into where it was.

CHAIRMAN STRAIN: No, I understand it now. I just -- now that you've explained that, that makes it crystal clear. Thank you.

MR. GENSEN: You're welcome.

COMMISSIONER EBERT: Yeah, because I had called Wayne last week to -- because I couldn't find the acreage either, and he was going to look that up and get back to me.

CHAIRMAN STRAIN: Well, Wayne did something else for you, too. He's got an answer to your total square footage.

MR. YOVANOVICH: You know what, we're doing really --

CHAIRMAN STRAIN: You've got to use the mike, Rich.

MR. YOVANOVICH: I'm going to let -- Mr. Gensen's one for one. I'm going --

MR. ARNOLD: Again, Wayne Arnold. The question was how many existing square feet do we have that's been --

CHAIRMAN STRAIN: Yes, total square footage for the whole project. I think that's what she was asking for.

MR. ARNOLD: Today Mr. Gensen has looked at all of their records for what's been sold and constructed, and it's approximately 734,000 square feet that's been constructed to date.

CHAIRMAN STRAIN: I don't know if constructed was the question. But, Ms. Ebert, is that --

MR. ARNOLD: Approved for the PUD.

COMMISSIONER EBERT: Well, I was looking at the TIS, and it's -- you know, this is how much you have; this is what's built. Out of the 400 -- out of 400 beds, only two-something were built. I'd have to go back in the TIS and look. And the hotel hasn't been built yet, which I understand, but when you're moving everything around like you were doing -- and I know it was not counted, but you also took -- you're changing the business along Immokalee Road and putting that into the commercial. It's just -- it's very confusing at the way that you were doing things -- and let me just see if I can't find this.

MR. ARNOLD: Well, Ms. Ebert, part of the difficulty you have in comparing just the straight PUD, which has IC designated parcels and B designated parcels with uses, is that when we prepared the traffic impact analysis that Mr. Trebilcock prepared, he has to make assumptions. And we know how much the commercial shopping center square footage is, for instance, because it just got constructed and CO'ed, so we know that square footage.

He can assign the use code for shopping centers to that for traffic impact purposes. The same for the intermediate hospital. We know how many beds are constructed to date. I think you'll look at his assumptions. He looked at the total maximum number of hotel rooms, for instance, that aren't built, but that's part of his analysis, the same as the intermediate-care hospital.

COMMISSIONER EBERT: Okay. And then on this -- then I was looking at the proposed development plan, too, which is on the back. You have the miniwarehouse, which is 151,000 square feet. It shows in the PUD but I -- that's what's so confusing about this. That's why I called you a couple times, because it was not adding up.

You're saying we have how much built already?

MR. ARNOLD: Approximately 734,000 square feet has been built to date.

COMMISSIONER EBERT: And you want 300,000 for this building?

MR. ARNOLD: The proposed Arthrex headquarters building would be approximately 300,000 square feet, but keep in mind they would be demolishing about a 116,000-square-foot building.

CHAIRMAN STRAIN: What's the grand total of the square footage that you're proposing to put on the 106 acres? Can you just give us that number?

MR. ARNOLD: Well, I'm going to have to make an estimate based on -- the hotel, for instance, is expressed in numbers of rooms and numbers of beds for the intermediate care.

CHAIRMAN STRAIN: Fine. Take a stab at it. Let's just see if we're in the ballpark.

MR. ARNOLD: Okay. Full buildout looks like it's going to be 1.3 million square feet.

CHAIRMAN STRAIN: Okay. Do you know .3 FAR gives you 1.616? And then you're going to .45, which will give you 2,000,077. So why the increase in the FAR?

MR. ARNOLD: Well, I think the question is what you use as your basis for calculating the FAR.

CHAIRMAN STRAIN: One hundred six times 43,560 times .45.

MR. ARNOLD: The way the PUD is expressed, Mr. Strain, I believe it says the IC and the B parcels. So if you add those acreages together, it's substantially less than the 106 acres.

CHAIRMAN STRAIN: Explain that again. I know it's less, but what I'm saying, you've got plenty of room in the .3. Where do you -- where are you -- and that's why this FAR is getting kind of messed up.

I'm not sure now, since Ross brought the issue up, why you need the increase from .35 to .45 if .35 will hold all the square footage you possibly could want.

MR. YOVANOVICH: The problem is this PUD is calculated on net developable acreage versus every other PUD that's on gross acreage. So we don't use the 106 to calculate what it is. We're using roughly 50 acres to come up with the allowable square footage. If we did it on a purely -- the 106 acres, we'd be fine with the .35.

CHAIRMAN STRAIN: At one point in the many amendments this project went through in the past, there was a discussion about increasing the square footage, and part of the argument from, I believe -- I don't know if you were on the team, but the PUD application at the time was that, well, you know, our project can go to .35, and if we increase the square footage as we're asking, we're still not exceeding that .35 overall.

That's why I'm trying to correlate the .45 now to the overall, because if that's a backdoor way into increasing beyond the maximum you're already asking for, we'd like to know it now.

MR. YOVANOVICH: It is not. What happened was, when we -- and I was on the team, and when we were doing the math back then, the 810,000 square feet fit within the .35 on the net acreage calculation. So what we're saying, if you're going to continue to go with a net acreage calculation, to add the 198,000 square feet we want to add, we need to bump it up to the .45.

CHAIRMAN STRAIN: Or you need to include a total square footage this project will have to abide by, period, and that will be the cap, and then we'll have something to relate to from now on.

MR. YOVANOVICH: Which would include -- would that include the hotel rooms --

CHAIRMAN STRAIN: Whatever way -- and if the hotel has to be done on an FAR -- and I know the ALF is a .6, I believe.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: I'm not sure, if I remember correctly -- those are some exceptions, but it would be nice to work it in a direction that we're customarily used to rather than the unique way this project has evolved. So that's why -- you don't have that number either today, I would assume.

MR. YOVANOVICH: No, I don't know what that number would need -- the .45 on a net basis works for us, which would include what we expect for the hotel square footage as well as the buildout of the, you know, assisted living and others. So the .45 on that net acreage works.

CHAIRMAN STRAIN: But I'm concerned that if it's greater than the actual square footage that could be computed based on whatever amendments happen, that that's going to be again used for an argument to increase the square footage because, gee, we can do .45. Last time it was, gee, we can do .35. The square footage doesn't come up to that, so let's give us the rest.

MR. YOVANOVICH: Mr. Strain, I'm sure there will be other questions, so let's see --

CHAIRMAN STRAIN: Oh, yeah.

MR. YOVANOVICH: Let's see if we can calculate a number for you that would say overall square

footage within the entire project is X.

CHAIRMAN STRAIN: Mike?

MR. BOSI: And I don't know, maybe I'm oversimplifying this analysis, but there's 810,000 square feet that's currently allocated to this PUD in square footage. And they're requesting 198,000 additional square footage on top of that 810,000. My calculator says that's 1 million square feet -- 1,008,000 square feet. I'm not sure -- it seems it's pretty straightforward.

MR. YOVANOVICH: But it doesn't include -- Mike, it does not include the hotel rooms, and it doesn't include the beds for the ALF.

CHAIRMAN STRAIN: Right, but we can leave those as values as they're currently stated --

MR. YOVANOVICH: Exactly.

CHAIRMAN STRAIN: -- excluding all the other square footage. At least then we've got a handle on it.

MR. YOVANOVICH: That would be it. I would recommend 1,008,000 square feet, because that's the 198- plus the 810-, right? Is my math right? Plus the hotel rooms that we've currently got in there plus the ALF beds. And then you know your numbers. We don't need to deal with FAR anymore because you know your numbers.

CHAIRMAN STRAIN: That's what I'm trying to get to.

COMMISSIONER EBERT: I have another question then -- because Mark asked earlier. Arthrex owns Tract 6. I'm sure they plan on building there.

MR. YOVANOVICH: And we have to keep within the 1,008,000 square feet allocated in the PUD.

CHAIRMAN STRAIN: Right. Anyway, so we'll set this aside for a minute, but you guys look your numbers over.

Staff, if you guys could check this against -- for a discussion after we finish with the rest of the questions, then we'll get back to it.

There was a question about the signage as it relates to the Naples Daily News. Has this project for this building, the taller building -- I don't recall any requested deviations from the sign code. They're just going to be strictly what the sign code allows, right?

MR. YOVANOVICH: To the building?

CHAIRMAN STRAIN: Right.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Someone say yes.

MR. ARNOLD: We have not asked for a deviation from signage for this project.

CHAIRMAN STRAIN: Okay. Then it will be restricted based on the code.

COMMISSIONER SCHMITT: Didn't I read somewhere, though, with the -- with the Arthrex sign itself, a monument sign, there was some kind of a deviation for the monument sign?

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: But that's already a past deviation, isn't it?

MR. ARNOLD: That wasn't a deviation.

CHAIRMAN STRAIN: Yeah, it was a statement.

MR. ARNOLD: There were designations of minor versus major project entry signs. We designated one at the corner of Creekside Boulevard and Goodlette-Frank Road from minor to major.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: One other question on the sign, Wayne. I know it's 200 square feet, but they can put two on the building. Some people's concern was because you -- because of the way it's situated, it could go towards the top, and you can have a lighted sign. So you've got 400 square feet, 200 over here and 200 over there.

Is there something that we can put in there that it is not going to be at the top of the building in the Arthrex --

MR. ARNOLD: Ms. Ebert, all I know is what I've heard Mr. Bumpous tell us, which is that they haven't really even looked at building signage requirements for this building at this time but prepared to work within the limits that the code provides.

COMMISSIONER EBERT: So that's 200 -- 400 square foot lit?

CHAIRMAN STRAIN: I don't know what the code provides offhand, without looking it up.

MR. ARNOLD: I don't know what the code provides either, but if that's the correct number, it is. But whatever the LDC provides for and whatever our PUD may provide for, so...

CHAIRMAN STRAIN: The traffic issues, can you put that yellow dotted aerial back on that shows the outline of the PUD. If you can't do it -- somebody must have a copy of it. It can't be that hard.

MR. YOVANOVICH: Well, apparently it is. I may have done this the old-fashioned way.

CHAIRMAN STRAIN: Terri saved the day. Thank you.

Okay. I've got two questions involving traffic from this sign -- from this page. First of all, the point made by Mr. Depew was interesting, and I want to explore it a little bit. He said that the capture rate may be applicable on the east side of Goodlette Road, but the west side, how do you explain it there? And maybe you didn't do it that way, but I'd like some clarification on that.

MR. TREBILCOCK: As far as the -- you still will capture traffic across. You're not traveling across, you know, miles of roadway to get from Point A to Point B. So, you know, you're just crossing a singular roadway to get back within the site.

So we would still consider that as a capture for the property because you're not having to go down miles of roadway or anything like that internally.

CHAIRMAN STRAIN: Well, then you should get the credit for the capture of any site that you have alongside another site that has shopping center.

MR. TREBILCOCK: No, it's internal to the property and the parcel.

CHAIRMAN STRAIN: Well, it's not internal. It's got a public road going through the middle of it. How does that make it internal? It's like two separate projects. The one on the right is more of a shopping center style, and the one on the left is more of an industrial park style.

And you looked at them both as though they were shopping center capture rates; is that correct? That's what I'm trying to find out.

MR. TREBILCOCK: No. The shopping center was a pass-by, and that would be a car traveling down the roadway would stop into the shopping center on the way, or to the gas station, so that's a pass-by rate. The internal capture would be somebody that, say, at the hotel, they're going to go into -- they're going to go into Arthrex to get training for the day. So they're just going to cross Goodlette-Frank to get in there.

And so we're capturing that trip. They're not going out on the roadway for miles like a -- you know, typically, when we look at a project, there's certain vehicle miles traveled for any individual use, and you're not looking at that in this case. You're bringing it right in and through. I mean, there is a crossing element. I get that.

But the point being is you really are not putting them out on -- you know, three miles of road might be an average thing for a given use of travel.

CHAIRMAN STRAIN: Okay. That makes it clearer.

On this particular map, see the words "Immokalee Road" up on Immokalee Road?

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: They're right at Goodlette. Just below the R on "Road," is that a left turn only into Creekside?

MR. TREBILCOCK: Yes, it's a directional left, uh-huh.

CHAIRMAN STRAIN: Okay. So if you're heading east towards 41 and Immokalee Road, you can -- if you know the community, you could take a left there, pick up Creekside, go down through that development, catch the light at Goodlette and Creekside, go across and head over to Trader Joe's or whatever else is over there, you may -- or even 41 to try to avoid the traffic at 41 and -- at 41 and Immokalee Road.

MR. TREBILCOCK: Yes, sir, uh-huh. Once there's --

COMMISSIONER SCHMITT: However, you'd have to take that brief detour.

CHAIRMAN STRAIN: Well, that's what I'm trying to understand.

MR. TREBILCOCK: Right. It's --

CHAIRMAN STRAIN: So you make a left, go down, make a right, go straight through the intersection, make a right, make a left, make a left, make a right, you eventually get there.

MR. TREBILCOCK: Right. A lot of folks, you'd rather be on a two-lane roadway than being on a six-lane facility even if it may be a little circuitous. The key there, though, is with that -- with this design, you're going to get the folks that are not going at the high speed rate that are just trying to cut through. They're leaving a 50-mile-per-hour roadway to another 45, and they're not about to really want to go 30 miles per hour as we post them to do. I mean, that's a reality, and that's really what we're looking to address here.

CHAIRMAN STRAIN: Okay. I understand.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: That's the -- oh, were you involved in the Naples Daily News or the Granada Shoppes PUD?

MR. TREBILCOCK: Not directly, no.

CHAIRMAN STRAIN: Okay. So you wouldn't know about any of the Creekside commitments in those two PUDs?

MR. TREBILCOCK: I've reviewed the PUDs for both of those, and that's where, like, Granada Shoppes had the obligation to close out 107th Avenue on the side -- on the residential side so that that wouldn't be a pass-through. Now, that was a public roadway. That was a public street that was closed as part of a PUD process.

CHAIRMAN STRAIN: Okay. As far as the Naples Daily News requirement, isn't it for the truck traffic to come in off Creekside, and that's why the turn --

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: -- radius are being amended so that they can continue to do that?

MR. TREBILCOCK: Yes, sir. And there's time frames. It's also to -- also to internally go from Granada Shoppes which wouldn't be affected here as well because you'd still have the access through Granada Shoppes. So there is no effect there or anything, so they could still utilize that.

And to your point, that's the other reason we'd have to do the roundabouts like Trinity said to the higher standards.

CHAIRMAN STRAIN: Okay. That's all I've got of transportation. Thank you.

MR. TREBILCOCK: Thank you.

CHAIRMAN STRAIN: The exhibit that you guys used to show the architectural style of the building, do you have any problem with including that as an exhibit to the PUD?

MR. ARNOLD: Again, this is Wayne Arnold.

While Rich and Mr. Bumpous are discussing that point, just to keep in mind, these records get copied in black and white and recorded, so the translation of those documents doesn't do very well, has been our experience.

CHAIRMAN STRAIN: Well, you know, I thought that, but I went to see some records lately, and they were in color. Do you know if they've changed that or not?

MR. ARNOLD: I don't know that, Mr. Strain.

CHAIRMAN STRAIN: Okay. Because I thought they were coming out in color now. What's your answer, Richard, to the question?

MR. YOVANOVICH: Well, as long as they're conceptual architecture, because we haven't designed the interior of the building yet, so we don't really know the final, but the concept -- we're okay with the concept.

CHAIRMAN STRAIN: I think that would be helpful only because I'd hate to see you turn around and have a heavy stuccoed Spanish Mediterranean tile roof building seven stories high, not that that's ever going to happen, but who knows what in the minds of architects could come up with. So at least this would have some idea of what was at least presented at a public meeting.

MR. YOVANOVICH: If you're talking about the style and design of what we've shown you --

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: -- then that concept we're fine with.

CHAIRMAN STRAIN: FAA lighting. Ms. Caron brought up an issue. Is anybody on your team familiar with that particular issue and how it might or may not apply to this?

MR. YOVANOVICH: I'm looking around for help.

CHAIRMAN STRAIN: I thought Summer was coming up.

MR. YOVANOVICH: I did, too. I was getting excited.

CHAIRMAN STRAIN: I know whatever regulations are required to be met, you'll make them, and I'm not sure there's anything that is involved at a hundred and whatever, 22 feet, if that's the number that comes out of here.

MR. GENSEN: For the record, David Gensen, Barron Collier.

The research that we've done so far has shown that anything that is 200 feet and above it requires marker lighting.

So under the original concept for this, we would have had to have done some lighting of the facility. Now that it's under the 200, obviously, we can forego that.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: I'll be honest with you. I did call the FAA because of the heliport -- I did not realize the hospital had a heliport -- and spoke with a Lana. And you're right, at 200 feet you would need obstruction lighting on it. Bringing it down, they're not sure, but they still need the information on it because of the heliport. I don't know whether the hospital has any lighting on it or not. But it was a concern because it -- that would be the tallest building around so -- and it's like within, like, a 2,000-foot barrier, so those are -- but it's your team that has to answer that.

CHAIRMAN STRAIN: Okay. And I think the last issue was verification that the square footage cap and the -- with the exceptions of the hotel and the ALF, which are set by FAR, is whatever it is. Do we know what that number is? Are we still satisfied it's whatever number Mike had?

MR. YOVANOVICH: It was the --

CHAIRMAN STRAIN: 1,008,000.

MR. YOVANOVICH: 1,008,000 square feet.

CHAIRMAN STRAIN: It doesn't include the hotel or the ALF, which will be consistent to whatever calculations are in the PUD.

MR. YOVANOVICH: You mean as far as beds go and room numbers?

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: And then that would eliminate the need for the references in the PUD for the FARs.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Which is a kind of convoluted reference anyway the way it's managed, so... Okay. Well, that gets us past a bunch of questions I had. Does anybody else have any questions?

COMMISSIONER HOMIAK: I just have one.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER HOMIAK: So the PUD, when it first started development, the owner put Creekside in, the road in, built the road, and turned it over to the county?

MR. YOVANOVICH: Actually, it's a -- it's interesting. The road is privately maintained, but there's public access. So it's owned and operated by the POA, but it's not -- I mean, it's not -- I don't think the county -- the county does not physically own the road, and we maintain it.

COMMISSIONER HOMIAK: Okay. So they could gate it?

MR. YOVANOVICH: No, we couldn't. There's public access.

(Multiple speakers speaking.)

COMMISSIONER HOMIAK: -- or gated, and that's why this is a problem.

MR. YOVANOVICH: It's a public access. It's a road available and open to the public, but it's not maintained by the public. It's maintained by the property owners within Creekside.

COMMISSIONER HOMIAK: So they will slow down if they have to loop around the buildings?

MR. YOVANOVICH: Yeah. I mean, the bottom line is, it's 40 seconds to deal with the -- during the realignment, and that's still up there. You can tell. You're talking 40 seconds to go from Goodlette-Frank Road to U.S. 41 based upon the recirculation plan.

COMMISSIONER HOMIAK: To me it's traffic calming, but...

MR. YOVANOVICH: You know, I'll just kind of go into some of the points I wanted to make, if it's okay.

CHAIRMAN STRAIN: Well, no. It's your rebuttal. I wanted to make sure we're finished with all the questions first. And is everybody done with their questions?

(No response.)

CHAIRMAN STRAIN: Okay. Then it's your -- you have a 10-minute rebuttal, so...

MR. YOVANOVICH: How long?

CHAIRMAN STRAIN: We'll start at 10 minutes --

MR. YOVANOVICH: I don't need that long.

CHAIRMAN STRAIN: -- and when you get to an hour, I'll ask you to slow down.

COMMISSIONER EBERT: Stan's going to sleep.

MR. YOVANOVICH: Regarding traffic calming or closure of what we're a -- public thoroughfares, as the public has called it, which is a scary term when you are going to have a business that's going to have that many employees going back and forth -- is not unusual.

When you look at Collier County, there was the Foxfire community. That used to be how you could -- one of the ways to go from Radio Road to Davis. The community got concerned about all the cut-through traffic that was happening, so you closed Foxfire.

COMMISSIONER CHRZANOWSKI: Pine Ridge.

MR. YOVANOVICH: That's third. Next was Countryside. Another cut-through, and I used to live in that part of town. And, believe me, I used to use both of those ways to go from Radio Road to Davis.

They were closed because they became thoroughfares, and they came safety-related issues. It took a little bit longer to find your way to the -- Publix at the time was on Davis Boulevard. So it took you a little bit longer to get there, but it's not unprecedented to close cut-through streets.

Then you have the Pine Ridge community that I live in, and we closed Carica, which used to connect to Orange Blossom, because people were cutting through, and it was -- became a thoroughfare.

Same thing with Center Street a little bit further south in Pine Ridge. People used to cut through to get to U.S. 41. They closed a portion of Center Street because people were cutting through.

And I think what has evolved is this road has become a lot quicker in speed that are (sic) people are using it, and we're basically saying, it's a condition that is unsafe and inconsistent with how we want to develop our campus. You may not agree with how Arthrex wants to develop its campus, but that's how it wants to develop its campus to expand its operations here in Collier County.

And you're talking about 64 peak-hour trips that we've assumed that every one of them is going to stop using this road, which we don't think will happen, because who's going to go from the south up Goodlette-Frank Road, go to Immokalee Road, wait at the traffic signal, take a left, maybe get stopped at the traffic signal at Arthrex and Collier Reserve Boulevard, continue onto 41, probably get stopped at that traffic signal -- because we've heard testimony that there's backup of traffic there -- take a left south to go to Trader Joe's? Not going to happen. That's way more than 40 seconds.

You're going to -- if you're coming that way, you're either going to Vanderbilt Beach Road, where nobody's complaining about traffic on Vanderbilt Beach, or you're going to continue to come north and cut through on Creekside Boulevard recirculated.

So we think people are still going to continue to use that road or find their way there through Vanderbilt Beach Road, which nobody's complaining about handling any additional trips. But we've assumed that everyone used Immokalee Road.

There's been no competent transportation testimony contrary to what Norm testified to regarding traffic impacts with this project or your staff's testimony as to the traffic impact, and your staff is recommending approval of the recirculation of Creekside Boulevard.

From a height standpoint, the Board of County Commissioners has adopted a height of 112 feet for commercial buildings in the Triangle. The Bayshore Triangle zoned height is 112 feet. So if you want to look at what's been established to date for commercial buildings not on the beach and not east -- not west of 41, that height has been established at 112 feet zoned height. We're at 104 feet zoned height. So if you want to look for what's already allowed, we're consistent with that.

I think that Mr. Depew conceded that what we're proposing is compatible with and consistent with what's already in the area. When he -- I asked him those questions, and you heard him say, I'm not saying that what you're proposing is incompatible with what's already in the area.

Wayne's testified that it is compatible. Your staff has testified that it is compatible. So the competent substantial evidence is all there that the height we're requesting and the traffic calming that we're requesting are all consistent with your Comprehensive Plan.

We've met our burden under the law and under your code, and we request that you approve both the height we're requesting and the traffic calming that we're requesting.

Next comes the preserve. Your Comprehensive Plan says, for beneficial uses, which we submit Arthrex and related uses to support Arthrex's mission, which would be the hotel, are beneficial uses, and the impacting of that preserve area is consistent with the Comprehensive Plan. That's for the Board to decide whether they think this beneficial use is worth impacting 1.35 acres of preserve in this area.

Tim has given you detailed testimony about that preserve. We think that everything we're asking for -- actually, we know that everything we're asking for is consistent with your Comprehensive Plan. It's been supported by the expert testimony that we provided, and we request that you recommend approval to the Board of County Commissioners of the PUD that we've presented to you with the reduction in height that we've taken into consideration, not be by pressure from our neighbors, but in response to their comments, we went back and made modifications to the project in response to those comments; 122 feet actual height, 104 zoned height, and we stand by those changes and request that you recommend approval of those changes.

CHAIRMAN STRAIN: Okay. Thank you.

With that, is there any other questions before we close the public hearing?

COMMISSIONER EBERT: Yes, yes. Rich?

MR. YOVANOVICH: Yes, ma'am.

COMMISSIONER EBERT: Because we had an extra two weeks, I went back and got the PUD for the Granada and for the Naples Daily News, which that road was important. But at the time they were also going to put a hotel by the Granada Shoppes, and they would reduce their thing because hotel was there.

I happened to be on this Planning Commission in 2013 when it was brought here and you added the hotel. And Nicole was right, you were going to put it there, but then you changed your mind. But it was important, and everybody thought it was important to be on the one site that you did put the long-term care on, only because -- for people that were in the hospital or people coming to Arthrex. And I have spoke with different people at Arthrex who -- they do need a hotel in the area. So -- but then it wasn't put there.

So now you're just -- you just kind of want to say, okay, but we're going to put it over here. We changed our mind. And I'm going, that -- I think that -- how should I say? The hotel was very important, and it was very important in 2013. Why you didn't put it where it was supposed to be, I have no idea. But there's two places that it could have gone ahead of time.

MR. YOVANOVICH: Was that a question? I mean, I don't know if I'm supposed to respond to that or --

COMMISSIONER EBERT: Well, no. I'm just telling you it was important then, and you said, yeah, that's what we're going to do, and then you didn't do it.

MR. YOVANOVICH: We haven't done it yet. There are things -- you know, things take time to occur. And the plans are for there to be a hotel. If you ask Arthrex, they'll tell you they used to be able to book rooms three years in advance for people that they know are coming. Now they're down to they can get a one-year commitment from a hotel. That's a problem for them in how they go about doing their business. They need certainty.

COMMISSIONER EBERT: We even mentioned it about putting one on 951 and Immokalee Road. It's because more and more people are coming, and sometimes people don't have rooms in their home. We need more hotels.

MR. YOVANOVICH: Exactly. Thank you.

CHAIRMAN STRAIN: Okay. Are you finished?

COMMISSIONER EBERT: At this point.

CHAIRMAN STRAIN: Well, no. If I close the public hearing, we need to be done with the --

COMMISSIONER EBERT: Close, yes.

CHAIRMAN STRAIN: -- interaction with the members of the public and the applicant. Okay.

With that, we will close the public hearing and go into a discussion. Just for organizational viewpoints, there are some issues that are broadly considered for this project. There are other -- three main elements that I think have come to the surface. One of those is the height, another is the preserves, and another is the Creekside Boulevard.

I might suggest that we discuss each one separately, take a recommendation -- vote for recommendation to the Board on each one separately, but we also look at some of the general issues that can be applied to this PUD to make it better or clean it up.

I've made some notes as we've gone along through the last six hours or seven hours. Well, first of all, whatever we do -- and I'll lay them all out, and you guys can pick them apart or add, do whatever you want to do, but I'm just going to get it off -- get it going for discussion.

Whatever we do will be subject to a DCA for transportation, no matter how things come out. They'll also be subject to an easement for a water line that's got to be worked out with the utility department, they'll be subject to concurrence with the post office because they're a property owner currently having access off of Creekside, and they'll be subject to a -- I said a utility agreement. That's the water line. We're going to add the rendering as an exhibit just for concept purposes, and the PUD's going to be modified to eliminate the FAR and, instead, add a total square footage for all uses of 1,008,000 square feet except the hotel and the ALF; they'll be utilized as currently written in the PUD.

Now, those are the five general statements that pertain to the whole thing, and then we get into the three issues that really are the bulk of the discussion today.

The first one is the preservation. There's a deviation request for a preservation. There's a request by -- recommendation by staff not to support it. We've heard plenty of testimony on it today. Does this Planning Commission have any comments on that? Mr. Schmitt?

COMMISSIONER SCHMITT: I would recommend disapproval of the proposal. I believe it's a misrepresentation of the LDC. I believe it basically is a precedent-setting decision that would have significant adverse impacts throughout the rest of the county in regards to application of the LDC. Based on that, I would recommend disapproval of that deviation.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Seconded by Ms. Ebert.

Discussion?

(No response.)

CHAIRMAN STRAIN: I fully agree with you, Mr. Schmitt, and I'm glad you made the motion.

So any other discussion?

COMMISSIONER SCHMITT: I'll make that into a motion.

CHAIRMAN STRAIN: Oh, I thought that was a motion.

COMMISSIONER SCHMITT: It was discussion, but I'll make that a motion.

CHAIRMAN STRAIN: Motion. Ms. Ebert, do you second that?

COMMISSIONER EBERT: I second that motion.

COMMISSIONER HOMIAK: Are we voting on all of these separately?

CHAIRMAN STRAIN: Yes. We're voting on the three high points separately. That's just to keep it straight, because we may not all be on the same page. Based on the discussion up here, I can tell --

COMMISSIONER SCHMITT: So that would be recommendation of denial of Deviation No. 3.

CHAIRMAN STRAIN: Second by Ms. Ebert.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Okay. So that deviation's denied.

The next item up is the height, and the request has been for a zoned height of 104 feet and an actual height of 122 feet. Discussion on that point?

COMMISSIONER EBERT: I do have one little question on that, Mark. Normally it's like 10 to 15 feet. This seems higher than that. Is there -- see, I like actual between the zone and the other. It's 104, and so if you add the 10 feet, it would be, you know, 114, and they want 122. Why the extra?

COMMISSIONER SCHMITT: I believe it would be -- that's the height over parking, and it's --

COMMISSIONER EBERT: Oh. So it's going to go over parking?

COMMISSIONER SCHMITT: I believe there will be some parking, and typically it's above the base flood elevation.

CHAIRMAN STRAIN: FEMA.

COMMISSIONER EBERT: Okay. Thank you. I did not realize they were going to put parking under there. Thank you.

CHAIRMAN STRAIN: There's two to three floors of parking, I think they said in the beginning.

COMMISSIONER SCHMITT: And I believe that's correct, though. That was what -- typically the difference is the FEMA height, then the height over parking.

CHAIRMAN STRAIN: Any other discussion?

COMMISSIONER SCHMITT: That brings back lots of years of memories on that. That's -- I can't believe all this is just coming back.

CHAIRMAN STRAIN: You're not as old as you thought. Okay.

COMMISSIONER SCHMITT: I am.

CHAIRMAN STRAIN: Okay. So the discussion is on the height. I would support the height as well. I think from the economic advantages to Arthrex it's a -- it's a good thing to make sure they stay here, and if that's what it helps to take them to stay here, then we've got a good product out of it. So I'm in favor of the height as well.

COMMISSIONER SCHMITT: I'm in favor of the height. I trust Arthrex will construct a building that is compatible with the community, with the architectural standards. I support the -- that the rendering be an exhibit, and if they at least comply with the outward appearance of that building, I think it will be very compatible with the design of the buildings in the surrounding area, and I support the height as proposed as adjusted and now proposed of 104 feet, 122 actual.

CHAIRMAN STRAIN: Is there a motion for that?

COMMISSIONER SCHMITT: I make that motion.

CHAIRMAN STRAIN: Seconded by.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: By Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0. The height is supported.

The next one up is the closing of Creekside Boulevard for the piece that is in question. It's not actually, as Stan pointed out, closing. It's a rerouting of it. Is there discussion on the part of the Planning Commission?

COMMISSIONER HOMIAK: Well, I support it.

COMMISSIONER EBERT: And I cannot support that one. This has become -- especially, I think, since Trader Joe's moved in -- which they even need a bigger parking lot. But this is a countywide thing. And to say that just kind of reroute it around, if you're coming north from Goodlette, yeah, then it wouldn't be bad, but when you're coming Immokalee Road, it makes a big difference.

And so that I cannot support. They can put a pedestrian skywalk in. They can put a light -- a pedestrian walk light where it stops when the people cross, and that's what I recommend there. I cannot support closing that.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Go ahead. Stan, then Joe.

COMMISSIONER CHRZANOWSKI: I support -- every one of the 160-something letters I got objecting to this project all said how great a company Arthrex is, how good a neighbor they are, and what an asset they are to the community. And I think I can do that -- I travel that road quite a bit. I think I can do 40 seconds more of travel just to get them this detour.

CHAIRMAN STRAIN: Okay. Joe?

COMMISSIONER SCHMITT: From a design standpoint and from an Arthrex perspective, if I were them, I could make this as difficult as possible to trans -- to have traffic go through there by restricting width, by chicane or other type of calming devices almost to the point where I would force the driver to prevent going that direction because it would take longer.

I believe what they are proposing to create the campus environment is a positive aspect for the work environment and for what they're proposing, and based on the traffic improvements that they're proposing at the other intersection -- I won't go through all those because they're on the record -- and that I trust that staff will hold those commitments and make sure that they comply with those commitments, I support the closure of that road. I leave it up to the Board to determine whether they'll vacate, but I support the proposal.

CHAIRMAN STRAIN: Is that a motion?

COMMISSIONER SCHMITT: That is a motion, yes.

COMMISSIONER HOMIAK: I'll second it.

CHAIRMAN STRAIN: Second it. Motion made by Joe Schmitt, seconded by Karen Homiak.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: All those opposed?

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

And I'd like to state my reasons for my opposition. I don't believe the applicant provided his case adequately. The parking garage was -- acknowledged for the tower's going to be on the north side of that road. There is no plan shown that really effectively used the area where the road was, so I can't understand why the road would be that hard to put a path over it.

The traffic counts were taken at a time of year when it would show the least count instead of a practical count. The traffic engineer could not recall any specific study looking at some alternatives that could have possibly been used to leave the road in place.

The post office has not yet signed in -- signed off on the closing of that road, and there are other PUDs that depend on the road.

So the case has just not been made clear. That could change between now and the Board, but for my purposes today, I didn't see enough evidence to that effect, so for that reason I vote no.

And with that, we've already -- we have the five subject matters: The DCA; the water line easement; the PO -- post office concurrence on the accessway through Creekside if -- and it will be -- because it's a majority vote/recommendation, that would be a recommendation then; the rendering as an exhibit; and the change of the square footage, removal of the FAR. Is there a motion to include all those as recommendations, as general recommendations?

COMMISSIONER CHRZANOWSKI: So moved.

CHAIRMAN STRAIN: Seconded by.

COMMISSIONER SCHMITT: Second.

CHAIRMAN STRAIN: Joe.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you, all.

MR. YOVANOVICH: Mr. Strain?

CHAIRMAN STRAIN: Yes, sir.

MR. YOVANOVICH: I'm a -- this has been a little bit different kind of voting process, which I'm fine with, but we'd also asked for the deviation for the architectural so that it would be staff review for architectural deviations.

CHAIRMAN STRAIN: I don't think anybody objected to that.

MR. YOVANOVICH: I wasn't sure if that was in your general --

CHAIRMAN STRAIN: Anything -- the only things that we subjected out specifically in my mind were the three items were specifically found that are more controversial.

MR. YOVANOVICH: Just wanted to make sure that's the consensus of everybody.

CHAIRMAN STRAIN: Unless somebody on this board has any concern over those other deviations, nothing else changed at this point.

MR. YOVANOVICH: Thank you.

MR. KLATZKOW: Before we break on that, can I get clarity what we're talking about?

CHAIRMAN STRAIN: Okay.

MR. KLATZKOW: So, Richard, the thought process is that -- the thought process is that the architectural review done by staff, right?

MR. YOVANOVICH: Right.

MR. KLATZKOW: That's an administrative decision, correct?

MR. YOVANOVICH: Correct.

MR. KLATZKOW: So that decision could get challenged and go to the Board of County Commissioners.

MR. YOVANOVICH: Correct.

MR. KLATZKOW: Okay.

MR. YOVANOVICH: That's the current process in the LDC.

MR. KLATZKOW: Okay. I'm just -- just for clarity.

CHAIRMAN STRAIN: Well, not really.

MR. KLATZKOW: Because I've known people who have been saying --

MR. YOVANOVICH: Well, it is for other buildings except ours, right. Yes.

COMMISSIONER EBERT: One other thing. Is this going to be heard by the BCC on the 25th? Is this what everyone is planning? Because I'm sure the people here will want to know that.

MR. YOVANOVICH: We've no plans to not have it heard on October 25th.

COMMISSIONER EBERT: So if they object, then it is up to them to come to the BCC meeting; is that correct?

MR. YOVANOVICH: October 25th, yes, ma'am.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Everyone, that takes us to the end of our meeting. Thank you, all, for your attendance and participation.

MR. BELLOWS: Can you repeat the vote for the entire amendment taken in --

CHAIRMAN STRAIN: Five to oh in favor of the entire amendment. We separated out three items to highlight, and then we took separate votes on those three just to be safe.

MR. BELLOWS: Thank you very much.

CHAIRMAN STRAIN: Thank you. With that, the next item up on the agenda is motion to adjourn.

COMMISSIONER HOMIAK: Oh, I thought there was something else.

COMMISSIONER EBERT: I make a motion to adjourn.

COMMISSIONER SCHMITT: Second.

CHAIRMAN STRAIN: We're all out of here. All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:14 p.m.

COLLIER COUNTY PLANNING COMMISSION


MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 11-3-16, as presented or as corrected .

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