

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

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, 3299 East Tamiami Trail, Naples, Florida, with the following members present:

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

ALSO PRESENT:

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

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, November 3rd meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you.

Will the secretary please do the roll call.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

CHAIRWOMAN EBERT: Mrs. Ebert's here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

CHAIRWOMAN EBERT: Mrs. Homiak?

COMMISSIONER HOMIAK: Here.

CHAIRWOMAN EBERT: And, Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

CHAIRWOMAN EBERT: Thank you.

CHAIRMAN STRAIN: Okay. Addenda to the agenda. We have a request to continue Item 9C. 9C is the PUDZ-PL20150002737. It's the Collier County Resource Recovery Business Park IPUD. Is there -- a request has come from the applicant. Is anybody here willing to make a motion to continue to the December 1st meeting?

COMMISSIONER EBERT: I make a motion to continue to December 1st.

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Seconded by Stan.

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 next item up is commission absences. Our next regular meeting is November 17th. Does anybody know if they're not going to make it on that date?

(No response.)

CHAIRMAN STRAIN: Okay. We'll assume we have a quorum then.

Approval of the minutes. We had two sets of the minutes sent to us electronically. One was October 4th, and the other was October 6th. We'll take October 4th first. If there's no changes, is there a recommendation to approve?

COMMISSIONER CHRZANOWSKI: Move to approve.

CHAIRMAN STRAIN: Second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen, made by Stan.

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 October 6th minutes, same situation. Is there a motion?

COMMISSIONER CHRZANOWSKI: I'll move to approve.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen, made by Stan. Discussion?

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.

Ray, that takes us to BCC report and recaps.

MR. BELLOWS: I have no updates for the last meeting.

CHAIRMAN STRAIN: All right. Thank you.

Chairman's report, I don't really have a report, just one comment, and it came about as a result of last week. You may have seen the emails copied to the Planning Commission. The staff had sent out a multi-page document in color for the Planning Commission's -- or they were attempting to for the packet for the Sam's Club. That came in late.

We had established a policy quite a long time ago that if the quantity of material being sent to any Planning Commission members over 10 pages, it should be hard copied, for those that receive the hard copies. And I guess I'm only the one that gets electronic.

So, anyway, it didn't happen that way. I asked staff to include it in the packet. Thankfully, Judy Puig was able to get the packets back and have it incorporated into the packet at the last minute, so we did get it in the packet today. But in the future, for staff, I'd just like to remind you, please make sure it's hard copies over -- we don't -- most of the people here don't have printers and stuff supplied by the county, so it becomes problematic, especially with color, so thank you.

There's no consent agenda items, and that takes us back into our first advertised public hearing.

\*\*\*The first item up today is 9A. It's PUDZ-PL20120001515. It's the Courthouse Shadows Planned Unit Development located on the south side of U.S. 41 opposite Airport-Pulling Road. It's also known as the Sam's Club site.

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

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

CHAIRMAN STRAIN: Thank you.

We'll start with disclosures down with Tom.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I talked to Mr. Yovanovich, and I had correspondence from the public, various members, and I guess the East Naples Civic Association is public or --

CHAIRMAN STRAIN: Well, they emailed us last night that they voted unanimously in favor of the project. Is that the email?

COMMISSIONER CHRZANOWSKI: Yeah, but are they just -- can I just say the public?

CHAIRMAN STRAIN: Sure. Well, I would suggest say you got emails from, yeah, members of the

public, including East Naples, and I think we had a member of the CRA send us --

COMMISSIONER CHRZANOWSKI: Yeah, that, too. Yeah. Okay. Thanks.

COMMISSIONER EBERT: I have spoke with staff, and I have spoke with residents of Bayshore area, and I've had several emails.

CHAIRMAN STRAIN: I, too, have had emails. I spoke with staff a couple different times. I've spoke with the applicant a couple different times. I've had conversations with at least three of our county commissioners. I've also dug into all the referenced documents that were in this project's history, including the original PUD in '85, SDPs between '85 and now, and all of the related OR books and pages and read all that. So I think that's as much as I can think of disclosing at this point.

Diane?

COMMISSIONER HOMIAK: Karen.

CHAIRMAN STRAIN: Karen, I'm sorry. Diane's on that side; you're on that side. I was pretending I was standing out there looking this way, still on the right.

COMMISSIONER HOMIAK: Oh, okay.

I spoke to Mr. Yovanovich, and I have emails. And I have had discussions over the past few years, I think, with Commissioner Fiala. It's been going on for a while, I think. We're waiting.

CHAIRMAN STRAIN: It has.

Joe?

COMMISSIONER SCHMITT: I spoke to Mr. Yovanovich. I received one mail from a nearby resident and the email from East Naples Civic Association.

CHAIRMAN STRAIN: And in case I forgot to mention, I did speak to the applicant's team once or twice, so with that --

MR. EASTMAN: Chairman Strain, I'd like to amend mine. I also received emails that are part of the public record, but I did not speak to anyone.

CHAIRMAN STRAIN: Thank you.

Rich, it's yours for presentation.

MR. YOVANOVICH: Thank you. Good morning. For the record, Rich Yovanovich on behalf of the applicant and petitioner.

With me today I have several people that can answer any questions regarding the petition. I have Doug Kirby with Kite who will be giving a presentation about the history of this center and the proposed plans for the center; Wayne Arnold is the professional planner on this project; Greg Wilfong from Kimley-Horn is also here to address any questions you may have regarding the deviations we're requesting as part of the redevelopment of the existing shopping center; and Jim Banks is our transportation consultant for this project.

On the visualizer is an aerial outlining the property with the proposed master plan for the redevelopment of the site. This property is basically right across the street from the courthouse on the south side of East Tamiami Trail. It is located within Activity Center No. 16 which, under our Comprehensive Plan, allows for the redevelopment or development of property with the full range of commercial development from C1 through C5 development on the property.

As the introduction was made, this is an existing PUD with existing commercial uses, and we are simply here amending an existing PUD to basically add a .35-acre parcel -- I forget, does this work -- to add a small parcel of property in this area right here that was formerly developed as a gas station, and as we will show you, relocating what was the former gas station into the central part of the project in this area right here as the proposed development of the Sam's Club.

We're adding 18,000 square feet to the PUD to increase the overall square footage to 165,000 square feet on roughly 20.35 acres. So the intensity is consistent with other projects you've seen. In fact, I think it's a little less intense than other commercial projects you've seen over the years.

We're clarifying that the membership warehouse club with associated liquor store and gas stations as an allowed use in the PUD. But for the fact that we're adding the land and but for the fact that we're increasing the square footage, we wouldn't be here asking for that clarification because we believe it already is an allowed and permitted use under the existing list of permitted uses. But since we're already here, we

wanted to belt and suspenders, and make sure it clearly is an allowed use.

And we want to modify the existing PUD master plan. This is an older PUD that had a very detailed master plan, so we were required to modify the master plan.

We began this process several years ago initially just to add the corner piece I pointed out and increase square footage. Because it was a former gas station and because the property was owned by DOT -- and, actually, it was originally owned by the county, and the county declared it surplus. It went back to DOT. DOT --

CHAIRMAN STRAIN: I think it was originally owned by DOT. The DOT gave it to the county with a reverter clause.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Then it went back.

MR. YOVANOVICH: Then it went back -- well, when we started the process, it was owned by the county. You're correct if you want to go to the very beginning, Mr. Strain.

CHAIRMAN STRAIN: I like the beginning.

MR. YOVANOVICH: Okay. From the beginning of time, this was FDOT, then the county, back to FDOT, so ultimately acquired by Kite once the site was cleaned up from the -- there were some environmental issues related to the prior gas station.

Your staff -- and Wayne will get into greater detail about the site plan, but your staff is recommending approval of the PUD as modified. I believe we'll put on the visualizer a little later a slight modification to one of the deviations that Heidi and I talked about being added to the PUD. But the only disagreement we have with your staff -- and either Doug or Wayne will get into it in a little bit greater detail -- is there is a small portion of the site, approximately 3,000 square feet, immediately adjacent to an existing drainage easement that has, basically, four trees in it that staff wants us to put into our preserve, and if we don't put it into a preserve, staff wants us to then go offsite to replace the 3,000, roughly, square feet where these trees are located.

We don't believe that that's required under the code. We propose trying to save those trees where they're currently located, because that will be used as partial water management for the proposed project. And if we can't, we will relocate those trees on site, and we believe that's what's required under the code. So that is our only disagreement with staff and their recommendations regarding the project.

I'm going to turn it over to Doug to take you through what Kite Development does, what they are, and specifically this site, and then he'll turn it over to Wayne to go through a little more details regarding consistency with the Comp Plan or zoning criteria in the code. But your staff has found us consistent with your Comprehensive Plan as well as your code and is recommending approval, and at the end we are going to request that the Planning Commission recommend approval to the Board of County Commissioners.

And with that, I'll turn it over to Mr. Kirby.

COMMISSIONER EBERT: One thing I forgot to mention is I was at the original NIM meeting some months ago in this room.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Okay. Well, just a moment. Clarification. You said you were at the original NIM meeting?

COMMISSIONER EBERT: Yeah, in this room in some -- July or whenever.

CHAIRMAN STRAIN: Okay. But -- let me back up. Wait for my question. The question is, there was two NIMs. The original was back in, I think, 2012 or 2013, and there was only one attendee, so you meant the second NIM?

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: Okay. Well, that's what I was wondering. She wasn't on the schedule of people that were there, and I couldn't understand why she said the original, so...

COMMISSIONER SCHMITT: I wasn't there.

MR. KIRBY: Thank you, Rich. Thank you, Planning Commission members. I'm Doug Kirby -- for the record, I'm Doug Kirby with Kite Realty Group.

Just a little about Kite Realty Group; we're a publicly traded REIT on the New York Stock

Exchange. We own approximately 120 properties across the country in 26 states.

We do -- we own seven properties within Collier County, so we're deeply invested in the community. We've owned these centers for a long time. We recently developed the Tamiami Crossing shopping center down at 951 and 41 that just opened this year.

So I just want to reiterate that we are in the community. We've been here for a long time, and we're invested and going to be here -- plan on being here for a long time.

Just a little bit of history of the Courthouse Shadows. It was originally developed as a Walmart back in the mid '80s or late '80s. Shortly after that, in the mid -- early to mid '90s, Walmart moved across the street, and then Albertson's took over that box and operated as a grocery store for a number of years until the late 2000s when -- or mid to late 2000s when they ceased operations in Florida.

At that point Publix assumed that lease that had started in '94, and they operated that store until the lease expiration in 2014. When we -- we were notified by them in late 2013 that they were not going to extend or exercise the options in that lease, so we immediately began looking into replacement options for this anchor tenant because we -- obviously, we know the shopping center business. We understand that without an anchor tenant the shopping center isn't going to survive.

And we ran the gamut from every grocery store that's out there, Winn-Dixie, Sweet Bay, Lucky's, Fresh Market, Wholefoods. We've talked to every grocer out there to try to get them, because it had operated for 20 years as a grocery-anchored shopping center. Unfortunately, everybody turned it down.

The demographics just didn't support another grocery-anchored shopping center. I think that the fact that Publix closed is the fact in there.

So then we started chasing other retail stores; clothing stores, home good stores, home furnishing stores, tile/paint stores, things like that that could act as an anchor and keep the shopping center active and successful. Unfortunately, none of those panned out as well.

Almost two years of searching, and Sam's came to the table, and we worked on a deal with Sam's and were able to negotiate -- come to an agreement on a ground lease on this property for Sam's to take the majority of the shopping center and redevelop it into one of their supercenters.

I think the fact that we have the existing infrastructure here, 41 corridor that ties both the City of Naples to East Naples and the East Collier County area, that that's really what the draw was. They saw the existing -- the existing market that they were servicing in their store on the north end, saw that there was enough business from the south and the east end of Collier County that it justified another store here.

And Sam's isn't doing a whole lot of new stores. I think they're only doing a handful of stores in the U.S. every year now. And this is one of the markets that they identified that they wanted to put a store in.

So that's where we are today. We originally tried to -- as Rich said, we originally submitted an application to amend the PUD to add the additional land that we were looking to buy. During the process of that, we were able to secure a deal with Sam's and revise the application to include Sam's.

Little bit about Sam's. They will employ about 175 employees in this store. A good number of their managers are raised out of the ranks of their hourly employees, so they do have a chain of progression or progress in their stores.

I think some people have asked the question why Sam's and Walmart right next to each other; because it's not common in this market. However, we have probably a handful of centers in our portfolio where we have both within same shopping center. So it's not uncommon to see a Sam's and a Walmart side by side. I think that brings out a -- with that, I don't really have any other thing to add.

CHAIRMAN STRAIN: Anybody -- before we go to Wayne, anybody have any questions? Stan?

COMMISSIONER CHRZANOWSKI: Yeah. You said you had seven other properties in Collier County?

MR. KIRBY: Yes.

COMMISSIONER CHRZANOWSKI: Can you name a few?

MR. KIRBY: Yes. We have the Tamiami Crossing shopping center that just opened down at 951; we own the Shops at Eagle Creek, which is across the street there at 951 and 41; Tarpon Bay Plaza; the Target center up at Immokalee and 75; Riverchase Shopping Center, the Publix center up at 41 and Immokalee; the Target center at Pine Ridge, Pine Ridge Crossing there, Pine Ridge and Airport-Pulling; and

then Courthouse Shadows; as well as Kings Lake, where the Publix is at Kings Lake.

COMMISSIONER CHRZANOWSKI: Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: I've got a couple.

MR. KIRBY: Yep.

CHAIRMAN STRAIN: You introduced the discussion about the Publix leaving in 2014 because they didn't want to exercise the option on their lease. Did that option predetermine the rental rate in 2014?

MR. KIRBY: I believe it did.

CHAIRMAN STRAIN: Okay. So when Publix signed up and they had been – how old was that lease before the option would have been exercised?

MR. KIRBY: It was – the original lease – it was the original lease with Albertson's that they assumed from 1994.

CHAIRMAN STRAIN: Okay. So from 1994, Publix picked up whatever the lease conditions were when Albertson's left. They continued with that lease knowing what the options were when it expired in 2014. Whether they were increases, decreases, any changes at all, they accepted them and then they decided not to go forward because of whatever their business reasons were in exercising those options.

MR. KIRBY: Correct.

CHAIRMAN STRAIN: Because there was a statement that they were -- they vacated because their rent was raised, but it sounds like their rent raise, if that was part of the lease, was something that was there for a long period of time.

MR. KIRBY: Yes, sir.

CHAIRMAN STRAIN: Okay. Second thing, in 1998, did you own this plaza?

MR. KIRBY: No, we did not.

CHAIRMAN STRAIN: Okay. When you bought the plaza, did you buy it from a conglomerate of people that occupied the different parcels there, or was it just one seller?

MR. KIRBY: Just one seller.

CHAIRMAN STRAIN: Okay. Because there was a series of SDPs issued for each building that went in. I was trying to understand how those SDPs connected with the owner at the time, because you would probably have inherited all the owners' obligations, rights, and other conditions at the time you bought the property.

And the reason I'm asking that question, it leads directly into one of the issues staff brought up regarding the preservation of that one corner, and I wanted to know when you had gotten it. So you acquired it but, apparently, you weren't aware of that preservation requirement?

MR. KIRBY: No, we were not. We acquired it in 2006, just for the record.

CHAIRMAN STRAIN: Okay. Great. Thank you.

MR. ARNOLD: Good morning, Mr. Chairman, Planning Commission members. I'm Wayne Arnold with Q. Grady Minor & Associates, professional planner assisting on the case.

Before you is an aerial photograph that has the master concept plan that's proposed superimposed on it so you can sort of see the context and the fact that it is going to be a complete demolition of the existing principal structure except for the building that's occupied by the Buffalo Wild Wings restaurant. And so it is going to be a complete renovation of the shopping center parcel.

Just to be clear, when you were asking about Kite's acquisition of the property, they do not own the outparcels that have been developed on the property. The Dunkin' Donuts, Chevron station, the Burger King, and what was Chrissy's restaurant are not owned by Kite Realty.

CHAIRMAN STRAIN: They do own the former Office Max site, or the building still standing?

MR. ARNOLD: That's correct. They do own the Office Max site and, of course, now they do own the former FDOT parcel at the corner of Peters and U.S. 41.

CHAIRMAN STRAIN: Did they purchase the Office Max site from Office Max?

MR. ARNOLD: No, sir. I believe that was just a land lease.

CHAIRMAN STRAIN: A lease?

MR. ARNOLD: Uh-huh.

CHAIRMAN STRAIN: Okay. Thank you.

MR. ARNOLD: This project goes back several years and, of course, goes back to 1985. There was an insubstantial change to the plan development that occurred in 1995. I think I have that exhibit. Unfortunately, the recordings from that era didn't always include the master plan. But I'm going to put up a 1995 master plan just so it's clear what we have. And you can see, there were some pretty details with regard to the layout of the proposed building which originally was occupied by Walmart and then occupied by Albertson's.

And this, of course, if you look at it, didn't really even contemplate even having the Office Max building where it's currently located. But wanted this to be in the record because it shows you some of those details that we're dealing with. And I wanted to point out, as Rich mentioned, that we're in disagreement with staff's recommendation on this preserve requirement. And I think you'll note from not only 1985 but the 1995 amendments, there are no preservation areas indicated on that plan.

That's our proposed master concept plan that reflects the new what would be Sam's Club --

CHAIRMAN STRAIN: It's upside down.

MR. ARNOLD: -- box, if you will. You're right. Sorry about that.

COMMISSIONER EBERT: You'd think Rich was putting it up there.

MR. ARNOLD: I know. I usually leave those details to Mr. Yovanovich, but...

MR. YOVANOVICH: That's fair.

MR. ARNOLD: The project -- I'll just go through it. There are three access points on U.S. 41 for the project. Those will remain. We have two access points on Peters Avenue. And with the proposed Sam's Club site plan that I'm going to show you in a moment, we can close the southernmost access point on Peters with that plan. We didn't close it on our master concept plan simply because if the Sam's Club doesn't materialize, we do think it's a functional access point that may be necessary for other tenants, but for the Sam's Club it is not.

So it might be appropriate for us to add a condition somewhere along the way, if you're inclined, that would allow us to close that access point if the Sam's Club approval comes through.

I'm going to put up a more detailed plan that Kimley-Horn developed for the property. It's got some color. It's easier to talk through some of what's going on.

There's a deviation in your packet that talks about signage, and the essence of that is simply to add signage, which we're allowed to do, but the tenant panel structures that are there today support multi-tenant panels for shopping center. Those aren't necessarily the same signage that would be required for a large anchor tenant that's not technically a shopping center, so we've asked for those sign structures to remain, in essence, as they are.

And I think Kimley-Horn did a really nice job of putting your deviation packet together. I think you all did receive it. So I'm not going to go through every one of those deviations. But you can see in each of those deviations a detailed explanation of what it is, and then a keyed exhibit shows you a cross-section, for instance, or, in essence, the picture of the facility itself.

On the master plan, just because we're going to have, I'm sure, more discussion on that point, the area that is in question for our preserve requirement that's been brought up by staff is located here. That is located sort of in the southwest area of what would have been the Office Max building, and it is encumbered partially with a drainage easement today that connects to the Haldeman Creek drainage easement. And as Rich mentioned -- I don't know how many of you made a site visit. I'm no tree expert, but I've been back there, and there's not a whole lot of redeeming vegetation that's located in that area.

And I think what staff's referring to are some statements that were made as part of the approval process for the Office Max that call out certain existing vegetation to remain on those plans. That was fine for Office Max. Unfortunately, it doesn't work for the Sam's Club proposal. We have some water management restrictions both through the Water Management District and your own Collier County codes that require certain discharge rates.

And Kimley-Horn, who are your design engineers for this project, have determined that we need that area to satisfy some of our detention requirements for the project. And it may be possible to allow some of



the vegetation to remain. But I was back there again this morning, and I saw three sabal palm trees and one oak tree that's located generally in that area. And I'll stand to be corrected by, you know, Mr. Lenberger, who's your environmental staff person who's looked at this, but I don't believe it complies with your LDC requirements to be retained as a preserve, and it was not part of the original approval for the PUD to be preserve in any way.

Part of the project also discusses the gas component, and that's located on sort of the southern portion of the site near the southernmost access point to the facility. We've asked for a deviation from your separation criteria because, one, we don't have a separate tract line for what would be the gas component here, and we have the Chevron gas station that's located at the signalized entrance on U.S. 41 to the project.

So we don't meet your 500-foot spacing criteria, but part of the justification for this is simply that Sam's Club has committed this to be members-only fuel component for the project. It is not open to the public. It will have restricted hours of operation consistent with their other Sam's Club operations, and so it's not your typical gas convenience store with 24-hour services that have been discussed and, I believe, why many of your regulations were written regarding the separation criteria.

I wanted to give a little visualization, too, of the project. These are in your packet as well, but they show the architectural concept for the new Sam's Club facility. We have a sign deviation that was involved in the building itself, and that was simply in reference to the way the building is oriented, whether or not we had two frontages on U.S. 41 or not. Your staff is supporting that deviation, and we certainly hope you will, too.

The only deviation -- I just wanted to give you a better orientation -- I think, was to the gas/convenience. And we've created a cross-section that applies to the buffers, but it plays into the concept of gas. And this was your Deviation No. 10. And we show two cross-sections on that exhibit that are near the gas component that are highlighted in red, but it shows you a cross-section. And we've split up the buffer requirements that are typical for your gas convenience when they're within 250 feet of residential to show that we've actually -- we have the wall, we have landscaping, but it's separated by another dry detention area that Kimley-Horn has designed. But this gives you an orientation of what that looks like.

Across on that same deviation exhibit, we've also highlighted what that cross-section will be along Peters Avenue. And that was important because we heard from folks that they really wanted the vegetation to remain as much as we could, and there's an existing chain-link fence back there. Those will remain.

One thing I did want to point out that wasn't reflected on our master plan as well but it's highlighted here: In the back of the building there's going to be an emergency fire access, and that's going to be a stabilized green area, it's my understanding, but I think, too, with regard to the condition we had that I mentioned to you about the closing of a second Peters Avenue access, it might be worthy for us to either note the emergency access location on our master plan so that's clear that it's not going to be another access point on Peters but for emergency access to the building. But I wanted to point that out while we are discussing that.

You know, Rich mentioned, too, that we are in an activity center. I know that there was discussion at our neighborhood information meeting. We also reached out to the Bayshore CRA to have a presentation to them back in the month of September. They were on hiatus during the summer. We normally would have had our neighborhood information meeting coinciding with one of their advisory board meetings. It couldn't occur that way because of our summer schedule that they keep for meetings, but we did talk to them again in September, and they took a consensus vote, and that was supported 4-3 by their advisory board. I know that I saw a comment from one of the advisory board members that the vote was 4-4, but the minutes clearly reflect that it was a 4-3 vote supporting Sam's Club.

CHAIRMAN STRAIN: Did you bring those minutes with you?

MR. ARNOLD: I think I did.

CHAIRMAN STRAIN: Could you put that piece of the vote on the overhead so we can take a look at it.

MR. ARNOLD: Let me find it. I don't know how well it will translate. It's black and white with a shadow. But it's in the top paragraph, last sentence, and it reflects that the advisory board took a consensus vote and supported it 4-3.

CHAIRMAN STRAIN: Thank you.

MR. ARNOLD: And that -- I'll just put it on the face page of that memo so you can see. That was from the Bayshore/Gateway September 13th.

CHAIRMAN STRAIN: I went on their website, and I couldn't find some of the recent meetings; that's why I'd asked.

MR. ARNOLD: I couldn't either. I called Shirley Garcia there and asked for a copy of those minutes. So I appreciate her sending those.

One of the other things I wanted to mention, you know, there was commentary at the meeting about making this Mercato South or making this a boutique hotel or making it something other than a Sam's Club. And while all that's well and good, that's not the reality of the marketplace that Mr. Kirby discussed, and you're at the -- you're on a major highway at a major intersection. We're in an activity center. It started out as big-box retailer as Walmart. It's, you know, evolving back into a Walmart property at this point for Sam's Club which, obviously, they've done their demographics. They know they can co-exist with the Walmart across the street. You heard Mr. Kirby indicate that there are other properties that they control that have them sharing the same piece of property, because one's a membership club. The other's open to the public. One sells bulk; one sells non-bulk supply, so they cater to two different markets, and we believe there's room in the marketplace for both.

One of the other things I wanted to mention regarding the gas station, the gas station formerly, as Rich mentioned, was at the intersection of Peters and U.S. 41 on the C3 portion that we're adding to the site. We had Kite do an exercise to take a look at whether or not we could move our gas component back to that same location. This is an exhibit that --

CHAIRMAN STRAIN: It's upside down again.

MR. ARNOLD: There. Thank you, Dan.

You can see we've outlined to the left of your screen an area that puts the gas canopies closer to Peters and U.S. 41, taking it away from the southern portion of the site. Not ideal for Sam's Club nor the community.

Here's an alternate that we think is much more likely to develop. This shows -- in this rendition it's a coffee shop concept with a drive-through component that can also fit on that third-of-an-acre parcel that we're bringing into the PUD, and we believe this functions better for the community, and we think the gas canopy where it's located on the southern portion of the site functions better for Sam's Club and the community because it doesn't bring gas pumps front and center on your street and, clearly, it doesn't have to be since it's a member-only fueling opportunity for members.

So I wanted to highlight that and better explain what it is that we're trying to do and why we think it's better to do that here.

The other thing I wanted to mention -- because some of the information that I saw somehow thinks that we're going to be these boutiques and small shops, but clearly the Land Development Code doesn't support that concept because it exempts PUDs that were in existence prior to 1996 from those new requirements, and it also says that amendments thereto and additional properties can be added to those without being subject to those Bayshore requirements. So I believe that we are consistent with your Land Development Code, and we're clearly consistent with your Comprehensive Plan.

That's all I have. Thank you.

Oh, I did want to address something. Rich had gone through the staff recommendations and indicated the only disagreement we had was with the preserve requirement. There was one other minor change, and that was Recommendation No. 5 in your staff report on Page 20 of 21. That's the one that talks about the obligation to pay \$50,000 for -- toward a sidewalk on Peters Avenue. That says at the time of PUD approval within 30 days. We believe that should be from approval of the Site Development Plan for the Sam's Club. Don't really think it's fair for Kite Realty to pay \$50,000 toward a sidewalk if Sam Club doesn't materialize through their site plan. So I think staff will agree that the payment should really occur within 30 days of approval of the Site Development Plan, not PUD.

And then, Heidi, I don't know if you -- you were going to bring some language, and I don't know if it's an appropriate time to talk about the revision to the recommendation that was regarding the deviation on

the utilities on our buffer. Okay, great.

This related to the -- the PUD was developed at a time when your buffer requirements were not the 20 feet they are now for activity centers, and we asked for a deviation for the parcel we're adding that was formerly owned by FDOT, and staff had recommended that we couldn't have any utility boxes and things of that nature within that buffer requirement.

Going back and forth with staff recommendation, this is language that both Heidi and Rich and staff are in agreement that should be the condition for the buffer. And, Heidi, I don't know if you want to address that in more detail.

MS. ASHTON-CICKO: Yes. Staff also reached out to the City of Naples that has utilities in that location, and most of the yellow language is what they asked to be placed in the PUD.

COMMISSIONER EBERT: So it's city utilities?

MS. ASHTON-CICKO: Correct.

CHAIRMAN STRAIN: First, Diane, would you please use the microphone. Thank you.

COMMISSIONER EBERT: Is that city utilities in this area?

MS. ASHTON-CICKO: That's correct.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Is that the end of your presentation?

MR. ARNOLD: It is.

CHAIRMAN STRAIN: Does anybody have any questions of the applicant at this time?

COMMISSIONER CHRZANOWSKI: Yeah. Just, what -- I don't know who's going to answer this, but what kind of protection do they have on these tanks by code or state of art or whatever? They're near Haldeman Creek. And I know they probably have doubled walls or they put them in vaults or something like that. What do they do?

MR. ARNOLD: Probably better addressed by Greg Wilfong with Kimley-Horn, who's designing the site.

MR. WILFONG: Good afternoon. Greg Wilfong with Kimley-Horn & Associates, the civil engineer on the project.

The fuel station, they have very strict requirements for the containment systems for the tanks. Like you said, they are double-walled tanks. They're very safe for the public. I did see the concern about if the tanks spill, would it go in the creek, and I've never heard of a case where that happens with these types of tanks. I mean, like I said, they've very expensive systems, and they meet all the state and federal requirements for construction.

COMMISSIONER CHRZANOWSKI: And there's a gap between the two walls, and somehow you can tell if the inside tank is leaking into the outside tank?

MR. WILFONG: Yeah. They have monitoring systems. In case there's breaks or ruptures, they have systems in place to notify them if there's issues within. There's also routine maintenance and inspections that they have as part of normal operations for the tanks.

COMMISSIONER CHRZANOWSKI: Thanks.

MR. WILFONG: No problem.

CHAIRMAN STRAIN: Another question since we're talking about tanks. Buoyancy; how are you preventing them from buoyancy problems? Should water rise and cover, say, that land, so they don't pop out of the ground like a swimming pool, what if it wasn't anchored in by piling?

MR. WILFONG: Yeah. I don't design them myself, but in the plans I've seen from the fuel station designers, they have straps and they have concrete to basically hold them down within the trench.

CHAIRMAN STRAIN: It would be my expectation -- I have put some of those tanks in -- that the concrete foundation pad that the anchors come out of then the anchor bolts go into is thick enough and heavy enough so that it offsets the buoyancy issue with that tank.

MR. WILFONG: Yeah. I mean, they're designed for buoyancy, and during the permitting process they have all calculations and details provided.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: They're designed for buoyancy up to the water reaching a

certain level.

CHAIRMAN STRAIN: Right.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Yeah, at least that's the ones that I've had to deal with, that's how they were designed.

COMMISSIONER CHRZANOWSKI: So that would be like basically ground level or a foot above or something like that?

MR. WILFONG: Yeah, that's correct.

COMMISSIONER CHRZANOWSKI: Yeah. In a surge, that might not be enough, but it depends on how high the water gets.

MR. WILFONG: Yeah, that's correct. The water table is generally four to five feet deep right now from existing grade, and the tanks are, you know, eight, 10 feet deep. They're large tanks. So it doesn't do anybody any good if the tanks rise, so they fasten them down and they take all the preventative measures necessary.

COMMISSIONER CHRZANOWSKI: But even if they did rise, they probably wouldn't leak because of the -- well, no. Okay. It's okay. Thanks.

MR. WILFONG: Thank you.

CHAIRMAN STRAIN: Have you put other tanks in the area or areas like this?

MR. WILFONG: I work in a lot of projects for Sam's and Walmart, and they have the same type of tanks and same type of designs all across the country.

CHAIRMAN STRAIN: Well, one of the concerns that I'd seen is that they were worried about tanks being this close to Haldeman Creek, as an example. Now, the tanks I've put in in the past were right on the water. They were in bays, right next to the bay, so I understand how that can get done, but I was just wondering if you have any experience or know any place in Collier County where there are similar locations to this where you are that close to a tributary. But, apparently, if you're just doing Sam's --

MR. WILFONG: I'm not aware of any here. We have put these tanks very, very close to walls that are -- you know, there's walls and creeks behind -- you know, naturally sensitive creeks behind them. I mean, we've done this much closer than what this is showing now.

CHAIRMAN STRAIN: Well, I know it can be done. I was just curious if you had any experience.

MR. WILFONG: Not in this county, but others I do, sir.

CHAIRMAN STRAIN: Thank you.

Anybody -- Joe?

COMMISSIONER SCHMITT: I have a question on Deviation No. 7. You have the details on what the sign will look like -- and I'm asking in regards to the 25-foot remaining. What would you be required to have put -- to replace this with if you were to comply with the code? I can't recall what the -- we have a lot of war wounds over the years with signs and sign ordinances and requirements. This is asking for the large signs to remain. Is that a -- and it seems to be a special consideration then. Okay. Great.

MR. WILFONG: Yeah. This is the detail here. I believe Mr. Kirby could give you maybe a better idea of what's going to be there. Right now they just want to have an empty box for future. We have the Buffalo Wild Wings under the Sam's, then there's an extra panel there.

CHAIRMAN STRAIN: So the old sign would be replaced with the one on the right; is that what you're saying? Okay.

MR. KIRBY: Yeah. The structure of the existing sign will remain. We're going to re-skin it and re-cover the existing panels with what you see on the right-hand side there.

COMMISSIONER SCHMITT: So for clarity then, the justification is simply replace and use the existing structure?

MR. KIRBY: Yes, sir, to re-use the existing structure and re-skin it, make it look more current and modern in time to the architecture of the anchor tenant behind it.

COMMISSIONER SCHMITT: Now, what would -- what would have been required if this were to come down? It would be a low-profile sign, would it not, Dan?

MR. SMITH: Correct. Monument sign.

COMMISSIONER SCHMITT: Monument sign, okay.

MR. KIRBY: Dan, do you know off the top of your head what the height requirement is?

MR. SUMMERS: I don't know that.

MR. KIRBY: I believe it's 20, but I don't know for sure.

CHAIRMAN STRAIN: It varies. If this is considered a shopping center, it's one height. If it's not, it's a different height, so...

COMMISSIONER EBERT: As long as the gentleman is there from Kite, I have a couple questions. Do you monitor the shopping center after it goes in for appearance and cleanliness?

MR. KIRBY: Yes, we do.

COMMISSIONER EBERT: Okay. And did you try and buy out the gas station?

MR. KIRBY: No, we did not.

COMMISSIONER EBERT: You did not try and buy them out.

And I notice there is one little sliver of land behind on Peters Street. Did you talk to those people about buying that portion out so you could have a nice angle to this?

MR. KIRBY: Yes, we did. We couldn't make it make sense economically.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: By the way, I was at the site yesterday. It's another -- I forgot to disclose that earlier. I did notice that piece of property, and I was wondering why you didn't buy it. But it's a mess. Someone's certainly not taking care of it. And talk about problems where things aren't being maintained, that particular parcel is not.

Thank you.

MR. KIRBY: Thank you.

COMMISSIONER SCHMITT: Where is that parcel located?

CHAIRMAN STRAIN: It's to the north end on the left-hand side of the master plan. It's a notch cut out of Peters Street.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: Anybody else have any questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: I've got a few, but let's start with the environmental issue on the preserves. You had -- Wayne, you brought up the preserve issue. You showed the master plan where none were required. What is your concern when you have the option of doing it offsite?

MR. ARNOLD: Well, I think, one, we disagree that there's even a preserve requirement obligation for the property, first and foremost; secondarily, the square footage we're talking about that's outside of the existing drainage easement, literally, is a couple thousand square feet. I don't know how I go buy a couple thousand square feet of property to preserve something that, honestly, I think the other consideration that you have in your code is simply where you don't have native habitat and you have trees on your site that are native.

You have the ability to do tree preservation or tree relocation. And I think you heard Mr. Kirby say that those are our potential options. I think when you look at the trees that are there, like I said, I'm no tree expert, but I saw three sabal palm trees that are overgrown and don't look well manicured, as maybe you wouldn't find in a preserve anyway, and one oak tree.

CHAIRMAN STRAIN: Is there a limitation on buying offsite preservation? I'm not aware of it, so you just haven't -- have you looked?

MR. ARNOLD: I don't believe we have looked.

Rich, I'll let you weigh in on that.

MR. YOVANOVICH: One, Mr. Strain, we don't believe the code requires that we do that.

CHAIRMAN STRAIN: I've got that loud and clear, but we're not to that part of it yet. I just want to understand, did you look offsite to find whatever you need if this were to go offsite?

MR. YOVANOVICH: We have not. But through other experiences I have with going offsite, you not only have to find somebody who will sell you just 3,000 square feet, which I think will be difficult to convince someone to sell you just that small of a sliver, and then you've got to find a state or a governmental

agency that will take the 3,000 square feet for purposes of ongoing maintenance, because we've most recently got an interpretation on a different project that when we had originally proposed that it be maintained by the property owner, the existing property owner, we're having to go back and rediscuss that with staff.

So now I've got to find someone to sell me 3,000 square feet, then I've got to find a state or federal agency who wants the 3,000 square feet, and those all are additional expenses to the property, and they're not required under the code.

CHAIRMAN STRAIN: Well, that piece, I guess, then -- let's tackle that. Ray, would you -- this is for the overhead. I would like you to put the first page on first, and then I'll ask you to put the second page on.

The reason I asked the people from Kite Realty if they were involved in the -- when they got involved in the site and if they inherited the previous conditions of the site is because in 1998, No. 2, petitioner shall retain -- this is when they came in for the Office Max. And then you had the ability to retain it on site or mitigate it. You chose not to mitigate it, so you retained it on site. And, of course, now you're indicating that that retention on site isn't required. It was in 1998.

Ray, could you put the second overhead on, please.

That was in May 15th, 1998, the document I just showed you, and that's -- if you look at the upper left-hand corner, you'll see that that's July 1st of 1998. This is in response, I believe, to that request by environmental staff. And, basically, you'll see some highlighted points on this. Those are the two preserves. And the upper right one, the larger one with the arrow pointing to the area, it says, there's approximately 83,800 square feet of mature existing vegetation comprised of large oak trees, pines, palmettos, cabbage palms, et cetera, per county code, 8380 square feet of vegetation will be preserved on site. This plan reflects 9339 square feet of the preserve along the southwest corner and the east corners of the site.

It is understood that if the required vegetation is unable to be preserved, that additional native plantings will need to occur, including, but not limited to, 14-foot canopy trees and 5-gallon shrubs.

Now, I've heard Mr. Arnold say this is kind of a worthless area in regards to vegetation. It wasn't supposed to be. And I don't mind you moving it offsite to accommodate the plan, that you're talking about if the plan gets approved, but I think fighting that issue on the grounds it wasn't required doesn't seem to be -- coincide with the information I found yesterday in the county records, and this is after going through all the files in the county's records office there after we spoke. I didn't know about this information at the time I met with you; otherwise, I would have told you about it.

So that's why I think that you either need to take it offsite or figure out a way to preserve it on site as requested in 1998.

MR. YOVANOVICH: That was a Site Development Plan you just brought up, correct?

CHAIRMAN STRAIN: That's correct, from the Office Max facility.

MR. YOVANOVICH: And I get that. In that particular Site Development Plan, that was agreed to. You can amend site development plans --

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: -- to make changes. That doesn't mean that that was a code requirement at the time that was required. Staff has taken the position, as I understand it, is that in the old days, if you didn't have -- the Comprehensive Plan didn't have the detail it has now as to the amount of percentage. So they say anything you agree to in a Site Development Plan becomes your preserve requirement.

And we're coming in with a new Site Development Plan, and we believe we have the right to modify those provisions according to the code. And we're saying according to the code, we can either relocate those trees on site or leave them, if we can, or relocate them on site under the current code.

And I think you're allowed to modify the Site Development Plan consistent with the existing code requirements. So that's all we're proposing to do.

CHAIRMAN STRAIN: And I thought I heard Wayne, and I thought you as well, indicate that the code didn't require this preservation.

MR. YOVANOVICH: Today.

CHAIRMAN STRAIN: But if you look at the box -- or look at the yellow highlighting it says, per county code, 8380 square feet of vegetation will be preserved on site. So it does look like the code did

require it. The fact it wasn't on your master plan is kind of like a lot of arguments I hear from different people presenting to us that some of these details they'll take care of the SDP level. Well, this one did.

MR. YOVANOVICH: And your code today does not require that we maintain this area as part of the preserve. So we're coming in and modifying an existing Site Development Plan. We are consistent with today's code. And what always happens, Mr. Strain, is you apply the code in effect at the time the Site Development Plan comes in. We're coming in with a Site Development Plan, and the code in effect today doesn't require the preservation of the preserve.

You can't say you're going to apply some of the current code provisions to us and then apply others of the code provisions to us at the Site Development Plan level.

CHAIRMAN STRAIN: The premise under which you-all started your discussion this morning was that the code doesn't require this preservation --

MR. YOVANOVICH: Correct; it hasn't changed.

CHAIRMAN STRAIN: -- and clearly the code did at the time of that SDP.

So when staff gets up here -- Mr. Lenberger's here today -- I will definitely ask him to comment on the code provisions today in regards to this issue.

In the overall scheme of things, I'm surprised, like I have been in other projects lately, that some of these issues are even being brought to the aggravated issue that they are, because it's a minor tweak to the operation. Basically, you go out and you get a -- if you have to buy an acre and you give up 3,000 of it and you save the rest for another project, however, that happens -- you have other clients that have got a lot of land out east. There's ample ways you might be able to find a small piece of land. I think it's a minor point that you're making the issue about, but we'll proceed.

MR. YOVANOVICH: But, Mr. Strain, when we get to you, we have gone through many, many other issues that pertain to the development of the project, all of which have an impact on the financial viability of the project. For example, the sidewalk issue. That was a long, protracted discussion regarding the sidewalk issue.

So everything that happens as we go through this project adds to the expense of developing the project and, over time, you have to say -- and I think I misused a metaphor the other day, but over time you have to say, enough's enough. We don't think the code requires it today. Let's go to the Planning Commission and ask the Planning Commission if the code today requires us to preserve those four trees.

CHAIRMAN STRAIN: Right. And I'm going to defer to Mr. Lenberger when we get to staff report on that issue, so...

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: So with that, there's a couple of other issues I'd like to clear up and involve the discussion that -- with Mr. Arnold, I would assume, or whoever wants to answer it as we go through it.

The master plan in regards to the -- and you can pull that plan off, if you don't mind. And the one below it's probably the -- that master plan will work. Well, the one that's in the packet will probably work even better.

Nope, that's not it. How about the outline that's in the -- that's labeled Exhibit A, master plan. There it is. Okay.

Just so I understand the details, what were -- what you're proposing is that the double arrows to the furthest one in on Peters Avenue would be eliminated, and an emergency access exit would be shown in the back of Sam's Club for emergency vehicles only and only if this project is approved as a Sam's Club, is that right, or approved subject to the changes today?

MR. ARNOLD: Correct. And I just circled the access point that's in question and showed you the approximate location of the emergency access. And it does translate better on the other plan. I'll put that back up.

So where I have my ink pen, you can see that that access on Peters Avenue no longer exists with the Sam's Club plan.

CHAIRMAN STRAIN: Right. Under your transportation review, the \$50,000 that you're being asked to pay in lieu of the sidewalk installation, that is typically what happens with other projects, so the payment in lieu of isn't an issue that I think is inconsistent with the way we treat other projects. But, again, if

you didn't -- if this PUD doesn't get approved or this PUDA does not get approved, then that wouldn't be applicable, I would assume.

MR. ARNOLD: That's correct.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: Wayne, I have a question about the fire, I mean, because unless there is like a -- is that all dry detention back there?

MR. ARNOLD: Yes.

COMMISSIONER EBERT: So all the green is dry detention.

MR. ARNOLD: That's correct.

COMMISSIONER EBERT: But it's such a short area, I don't -- you can maybe get a fire truck in there. And is there going to be a door going into Sam's there, or is this --

MR. ARNOLD: I'll let Greg try to address that. I know that they've had discussions with the emergency folks as they're working on the Site Development Plan.

MR. WILFONG: I'll go ahead and point. Basically where that green patch is in the middle of the building, basically, is midway between both ends of the building. And we've met with the fire department and, because of the length of the building and the hydrant spacing, and they wanted to add this road in. It's basically just a road that a fire truck can come in, basically, park and fight fires from the back of the building.

There's really no door there. It's emergency doors only, but we'll have a fence at the property line with a Knox Box so they can come in and open it, but it's not going to be used for anything else but for fire trucks.

COMMISSIONER EBERT: No, that part I understand. I just wanted to know if there was a door getting into Sam's, what the idea of it was.

MR. WILFONG: They're just emergency doors.

COMMISSIONER EBERT: Okay. Thank you.

MR. WILFONG: No problem.

CHAIRMAN STRAIN: Wayne, if you could turn to Section 3 and 4 of the amended language to the PUDA. In Section 3 you had referenced a new developer by the name of KRG Courthouse Shadows, LLC, but in Section 4, the old developer's name appeared four times. To be consistent, I think you don't want Collier Development Corporation there. You really want to substitute KRG there, or developer, or something of that nature. I mentioned this to you the other day.

MR. ARNOLD: Yeah, you did. And I think -- in that section it's probably easier to use the term "the developer," because the reference to KRG Development was actually as the owner but, you know, the owner may not always be the developer.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: So there are four references in that one paragraph that say "Collier Development Corporation" that we could certainly modify to say "the developer."

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Wayne, I have a question. How many parking spots are there?

CHAIRMAN STRAIN: We're going to get to that in a minute, if you want.

MR. ARNOLD: I'll let Greg address that as well.

CHAIRMAN STRAIN: I have some questions, too. But as I get through my questions, you may find some of yours answered.

On your principal uses, you're adding the membership warehouse club, and I understand that you're doing that as, I think the phrase was "belts and suspenders," but I did notice that principal uses that are already allowed on the site for were automobile service stations, food markets, department stores, and variety stores, all of which probably fits the use that you're putting there.

And I think you're just adding this for clarification then because you had to come in here today anyway; is that a fair statement?

MR. ARNOLD: That's correct. We want to make it very clear that a membership warehouse club is permitted, because you don't find a separate SIC code for it and it doesn't appear on the list of uses. So, you know, we want to make it abundantly clear who we are, what we are, and what we want it to be.



CHAIRMAN STRAIN: Okay. In Page 7 of the PUD amendments, it's just a coordination issue. We've previously referred to a drawing, 91-223. It was not included in our packets. I found it in county records. It's the original site plan that was amended by 95-3 three years later.

So in A, I'm not sure how you want to clarify that, because 91-223 doesn't have the Burger King or the -- it has the Burger King but not the Dunkin' Donuts on it, which is interesting because you went through a PDI process to get the Burger King added, but there wasn't one for the Dunkin' Donuts, and that still shows up on maps as a parking area, although it's another building. It's old news. It's done and over with.

But you may want to clean A up to reference the two drawings that were part of '91 -- or both the '91 drawing and the '95 drawing.

MR. ARNOLD: Would it be simply easier to strike the reference to the formers and just say simply, "the master plan is preliminary"?

CHAIRMAN STRAIN: Yeah, and reference your -- I'm fine with that.

Okay. Now, I guess the question that Diane was getting to, if look at the plan that's there, Diane, I actually went through and tried to count up the parking spaces, and there's seven hundred and -- approximately 706. What do you guys come up with for your parking spaces?

MR. ARNOLD: I'll let Greg address the parking calculation.

MR. WILFONG: Currently on the parking lot there's in the mid 600s right now. We're still fine-tuning the parking lot, but we will meet Collier County's parking codes for uses for this project.

CHAIRMAN STRAIN: Well, I know you will. I think she was just asking how many do you think you have.

MR. WILFONG: In the mid 600s right now for the shopping center.

CHAIRMAN STRAIN: Right now. The plan that's here --

MR. WILFONG: Oh, no. I'm sorry. The proposed project has about in the mid 600s right now.

CHAIRMAN STRAIN: Between you've got 40 -- between Chrissy's and the Chevron -- former Chrissy's and the Chevron, you've got, I think, 40 spaces right there. So you're going to be more than that's there today by -- based on what I can tell on this plan, if that gets to your question, Diane.

COMMISSIONER EBERT: Uh-huh.

CHAIRMAN STRAIN: And then my -- the next question is going to be mostly concerning your deviations. On your Deviation 1, a question comes up on this one because of the overhead that was provided with it, or the graphic. Can you put that number one graphic back up.

MR. WILFONG: Yes, sir.

CHAIRMAN STRAIN: Over on the left side you have a bulk or, like, an outdoor storage area shown just to the north of the pump house.

MR. WILFONG: Yeah.

CHAIRMAN STRAIN: Dan, just to the north of that. North is -- there you go. That's where you're going to be storing some miscellaneous pallets and stuff like that from what I can tell. Then south of that you've got a pump house which, I believe, is to service the round circle, which is a rather large water tank.

MR. WILFONG: Yes. That's correct, sir.

CHAIRMAN STRAIN: And it's my understanding that the fire flows aren't sufficient enough, so the fire department's making you install these two things, and you're right across from the government center?

MR. WILFONG: Well, currently, we are looking at the possibility of not having a tank or a pump house at this time. The pressures out there right now are lower than Sam's requires for their sprinkler system for the building. They have to meet certain requirements for flows at the base of the fire riser coming in the building. But we're hopeful that we can get the tank eliminated once we finalize the design for the project.

CHAIRMAN STRAIN: Okay. And you said Sam's requires for the flows. Do you mean Sam's or the fire department?

MR. WILFONG: Well, the fire flows at the hydrant, they require 20 PSI, 2,000 GPM for four hours. With the existing water conditions out there now, with the systems in place, we're barely meeting any of the codes right now. The water system is -- the pressure's pretty low.

CHAIRMAN STRAIN: Okay. But you kept -- you just said "they required." "They" being the fire department or Sam's?

MR. WILFONG: Sam's has more stringent requirements than fire -- than the county, but it's basically from an insurance standpoint they have to have those pressures for their sprinkler systems, for the goods, for the racking inside the store.

CHAIRMAN STRAIN: I've got no problem with it. I'm just trying to understand who's demanding --

MR. WILFONG: Sam's insurance.

CHAIRMAN STRAIN: -- these flows, because the flows in this area, we're in a building right now directly across the street. If you haven't got the flows over there, I'm just wondering how we even met our conditions, so that's kind of where I was going. But if it's your own standards, that's fine. You've got better standards than the minimum, that's even better.

MR. WILFONG: We've had numerous meetings with the fire and City of Naples water, and we're doing our best not to have the tank there, believe me. It's very expensive.

CHAIRMAN STRAIN: You have a wall behind that outdoor storage area there. It doesn't show -- I think it shows up on the arrow that's going to the left on another plan. I think it's a 10-foot masonry wall. Do you have any objection to continuing that masonry wall down to the corner that is passed, the -- where the white ends pass the fire tank?

Now, the reason for that is if -- whether the tank's there -- if the tank's not there -- yeah, your 10-foot-high screen wall, that needs to be continued past the tank to where the green starts. And the reason I'm suggesting that is because you would have then a complete wall backside.

The next wall that would pick up will be the backside of the building, which is solid. And the next wall that picks up after that is the screen wall on the opposite side.

And if you fail -- say you don't put in that tank and you don't need it after all, that's going to make it worse for that loading area to have noise to the neighbors across the street. If the tank's there, the tank itself provides some, but you would still need a wall up to where the tank touches that, you know -- doesn't complete the wall segment.

So I think it's necessary to put a wall in there to assure that you've buffered the noise as much as you can from those truck areas.

MR. WILFONG: Yes. Sam's could commit to extending the wall if the tank does not go there, to have a continuous wall there.

CHAIRMAN STRAIN: Well, it would be extend the wall to the tank regardless, and if the tank's not there, you'd take it past the tank to the edge of the drainage area. That's what I'm suggesting.

MR. WILFONG: That would be acceptable.

CHAIRMAN STRAIN: If we go to Deviation No. 2, Deviation No. 2 is seeking relief from a section of the code involving landscape buffers between lots that -- with abutting properties, and it's referring to -- there will -- you're saying you'll do an 8-foot-wide average buffer, internal landscape buffer between separately platted tracts as shown on the conceptual master plan with each property contributing four feet.

There are no separately platted tracts in this PUD, so what is it you're referring to?

MR. WILFONG: As far as the actual detail, let me --

CHAIRMAN STRAIN: Well, why don't you put the other site plan up that gives us all the tracts. I understand what you're trying to do. You're trying to substitute the buffers on both sides of that drive aisle to make up for some of the buffer area that you believe this requires. What I'm trying to figure out, by the language you've got here, where do you believe you have separately platted tracts within this PUD? Because there aren't any.

MR. WILFONG: Could we say separately owned tracts? I think --

CHAIRMAN STRAIN: That will be helpful.

MR. WILFONG: -- maybe the wording -- yeah, that would be great.

CHAIRMAN STRAIN: Okay.

CHAIRWOMAN EBERT: I have a question, as long as that's up there, on Deviation 3. I noticed in looking at home last night, it looks like to the east of Chevron -- and I followed this through -- is that drainage kind of coming around? There's little hatch lines in there that comes around. And as you even see where the existing Dunkin' Donuts is and stuff, and then it goes toward the side there.

CHAIRMAN STRAIN: I think those are sidewalks, Diane. You're talking about --

COMMISSIONER EBERT: This.

CHAIRMAN STRAIN: Those are sidewalks.

COMMISSIONER EBERT: That's a sidewalk?

CHAIRMAN STRAIN: I would think so.

Deviation No. 2, Dan, the crosshatching that goes at the Chevron station in the right lower left corner where you see it going across the roadway with the lines, that looks like the sidewalk that continues from U.S. 41.

CHAIRWOMAN EBERT: That's sidewalk?

CHAIRMAN STRAIN: Yeah.

MR. SMITH: Just the crosshatching.

COMMISSIONER EBERT: Okay. All right. Just checking.

MR. WILFONG: Crosshatching.

CHAIRMAN STRAIN: If we go to Deviation No. 3, if you could put that one on the overhead.

Were you intending these deviation exhibits to be added as exhibits to the PUD, or are we going to rely on the deviation language that's in the PUD? Because if these exhibits are to be added, they've got to be cleaned up. There's more detail than just pertaining to the deviations. Generally we leave the deviation language in, and the exhibits are just for explanations like we're having here today.

MR. KIRBY: That was the original intent of these exhibits is to help explain and add to the discussion.

CHAIRMAN STRAIN: Okay. That's what I was hoping. Thank you.

Because this particular exhibit, or this particular graphic has a lot more information on it than we would need to address the deviation. I didn't want to go sideways with suggesting that all that stuff has been checked out, because we're only looking at it for the deviation.

The proposed six-foot screen wall that's to the right of the Sam's Club diamond in the middle, you have the arrow going to the south piece, but that continues up along the other side as well; does it not?

MR. KIRBY: Yes. As Dan's pointing out, it follows the edge of the parking lot.

CHAIRMAN STRAIN: Well, the blue is the fence. The wall itself is that black line inside closer to the parking lot; is that right?

MR. KIRBY: Yes. The wall continues along that edge on Peters and then wraps around the edge of the parking lot to screen the headlights from the neighbors.

CHAIRMAN STRAIN: Okay. And what I believe that's going to end up doing -- and you're going to be completely walled off up to the edge of Tract E.

MR. KIRBY: Correct.

CHAIRMAN STRAIN: Okay. In your exhibits you keep referring to this as a screen wall. You really need to refer to it as either a masonry or concrete wall.

MR. KIRBY: The intent was concrete.

CHAIRMAN STRAIN: I know -- yeah. I was told that, and I thought, well, I'm not sure if a screen wall is anything we know what it is, so...

MR. KIRBY: Okay.

CHAIRMAN STRAIN: And I'm moving through the exhibits to make sure.

COMMISSIONER EBERT: So it's a concrete wall?

CHAIRMAN STRAIN: Masonry or concrete.

MR. WILFONG: Yeah. Just to clarify, they're panel wall systems, and we paint them to match the building on both sides. So they tie nicely with the architecture.

CHAIRMAN STRAIN: And I notice on Deviation 6, in the justification you talk about the height of the wall, which will be six feet, but it will be approximately 10 feet above the grade of the nearby residential lots. Now, have you done surveys to verify that? Because if we specify 10 feet wall and -- 10 feet above the lots regarding of -- with at least six feet of wall, will that function that way?

MR. KIRBY: Yeah. We've run survey along the entire property line, the edge of the property out into the right-of-ways there, and it will be -- the existing grade there -- or the new grade will be four feet

above those adjacent grades, and then we'll have a six-foot wall on top of that.

CHAIRMAN STRAIN: Okay. You're also -- I notice that your proposed fuel center is 12 pumps maximum. Is that what you're proposing?

MR. KIRBY: Correct.

CHAIRMAN STRAIN: The exhibits that we're on right now, there are 22 pages. On the 15th page, there was a typical wall section shown. Sightline study, conceptual wall section. What was the wall section for? I can't figure out what that has anything to do with this exhibit unless maybe you could tie it in for me.

MR. ARNOLD: Was that noted as Graphic A7 on the bottom of the one you're looking at?

CHAIRMAN STRAIN: Yes.

MR. ARNOLD: Mr. Strain, that graphic was added to simply show clarification of where the existing chain-link fence was and the vegetation that exists along Peters Avenue.

CHAIRMAN STRAIN: Okay. So the wall section doesn't -- and you're not intending anything with that wall section?

MR. ARNOLD: No. The current PUD made allowances for chain-link fence to be along the property line, and some of the neighbors wanted it. We want it for protection of the water management area that's there, and the wall sections that we were talking about that would be the concrete walls are essentially going on the back of the parking curb so that the other vegetation and fencing can remain.

MR. KIRBY: Right. That wall section that's on that sheet refers to the wall section of the building.

CHAIRMAN STRAIN: Okay. I have -- well, I think I've got some other questions of staff. Let me make sure I don't have anything further from you.

By the way, is Sam's purchasing or leasing the property?

MR. KIRBY: It's a lease. It's a ground lease.

CHAIRMAN STRAIN: Okay.

Mr. Arnold, a question for you. Did you -- weren't you on the City of Naples Planning Council, kind of like this commission except it's for the City of Naples?

MR. ARNOLD: Yes. I served on the Naples Planning Advisory Board.

CHAIRMAN STRAIN: How long?

MR. ARNOLD: I think approximately four years.

CHAIRMAN STRAIN: I had a comment from someone that said the City of Naples would never allow this kind of project. Is that a statement that you could support from your position as the former planning member of that city?

MR. ARNOLD: Well, I can say in my tenure there, we didn't have any proposals from Sam's Club. There aren't a whole lot of vacant parcels that would be supportive, but I don't think there would be any prohibition under the Comprehensive Plan or the zoning code that would not allow a Sam's Club to come forward.

I mean, we have -- in the City of Naples we have two -- well, three major commercial properties. You have Coastland Center Mall; you have the Naples Plaza Shopping Center, which is a Publix anchored center that went through a very major renovation a couple years ago; and then you have the Parkshore Plaza up in the Parkshore area that has several large anchor tenants. Burlington is one of the new ones. You have a Big Lots, you have other big-box stores. So I'm pretty confident that there's no prohibition on that if one were to be proposed.

CHAIRMAN STRAIN: Okay, thank you. That's all the questions I have at this time for the applicant. Anybody else have anything else they want to add?

(No response.)

CHAIRMAN STRAIN: If not, we'll go to staff presentation. I think that's you, Dan.

MR. SMITH: Okay. Is that me? Daniel Smith, principal planner.

Zoning Services staff recommends the Collier County Planning Commission forward Petition PUDZ-PL20120001515 to the Board of County Commissioners with a recommendation of an approval with the follow conditions:

A, add Deviation 4 exhibit to the PUD document. This is a limited area of the Buffalo Wild Wings parking lot. This exhibit shall be part of the PUD.

Two, we'll add the language that was submitted by the attorney's office regarding Deviation 9.

Three is going to be revised to include in the environmental section of the PUD document, PUD Section 3.7, the commitment for .21 acres of preserve. Label the preserves as preserves on the PUD master plan LDC Section 3-05-07 H1A, and include the total acreage of preserve required for the PUD on the PUD master plan.

If the required preserve is to be satisfied offsite, indicate so on the environmental commitments section of the PUD document and identify in the commitment the acreage of preserves required to satisfy offsite.

Four, the proposed new revised parking island layout shown on the master plan is conceptual, and it is not part of the zoning petition approval. Review and approval of any proposed site changes, including, but not limited to, access entries, parking islands, and drive aisles shall be done at the time of site development order.

Five, to address the proposed redevelopment project and existing roadway conditions on Peters Avenue, add the following commitment: The owner, its successors, or assigns shall pay for the design and construction of a five-foot sidewalk along Peters Avenue up to the sum of \$50,000 which shall represent its payment in lieu consistent with LDC Section 606.02 for the entire site. Owners shall make payment to county within 30 days of approval of the PUD.

Six, the development is limited to 662 total net new p.m. peak hour trips utilized in the TIS dated March 18th, 2016.

Seven, for purposes of stormwater management, the proposed project shall be treated as a new development project; therefore, comply with the existing offsite allowable discharge rates and retention/detention criteria as the date of the PUD rezone approval.

And eight, revised master plan relocating labels Deviation 3 and 5 outside the drainage easement.

CHAIRMAN STRAIN: Does the applicant have any objection to those? And I know you're going to object to No. 3. But how about the rest of them?

MR. ARNOLD: Number 3 was the reference to the preserve. Yes, we object to that. And then No. 4 regarding the \$50,000 payment, we believe that payment should be made within 30 days of approval of the Site Development Plan rather than the PUD.

CHAIRMAN STRAIN: And that's No. 5.

MR. ARNOLD: Number 5, sorry.

CHAIRMAN STRAIN: And does staff agree with that?

MR. BELLOWS: Yes. And I also would like an opportunity to have Eric Fey come in to address some revised language.

CHAIRMAN STRAIN: Okay. Eric's going to address, which one, No. 5, or come on up, Eric.

Thank you, Wayne. And that was the only objections you had than the ones you'd noted?

MR. ARNOLD: Yes.

MR. FEY: For the record, Eric Fey, senior project manager with Public Utilities Engineering and Project Management Division. I was not planning to speak today, so I do need to be sworn in.

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

MR. FEY: I don't have any change to the language. I just wanted to clarify for the record. It was stated earlier that the City of Naples provides utility services to the project. They provide water service to the project. Collier County Water/Sewer District does provide wastewater service. That was the only issue I wanted to raise.

CHAIRMAN STRAIN: Okay. Thank you.

Now, Dan, is there anything else?

MR. SMITH: I have nothing else.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: That \$50,000, these guys are going to be under major construction. You mean to tell me it's cheaper to give the county \$50,000 than to build the sidewalk

yourself?

MR. ARNOLD: Well, there's more than just our construction issue. The CRA and the City of Naples are coming in to try to upsize the water lines, and that will include upgrading Peters Avenue to some extent. I don't know what the timing of that project is, but it may not coincide with our project timing. So the agreement was to pay in lieu of than physically constructing that sidewalk.

COMMISSIONER CHRZANOWSKI: Was the 50,000 just for sidewalk, or is it for other stuff, too?

MR. ARNOLD: No, it's for the sidewalk.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Anybody else have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Here I go with my overheads again. Mr. Bosi, if you don't mind.

Ray, would you take these two overheads for me.

Mr. Bosi's our zoning director, so I have asked him to -- I want him to address a couple of zoning matters in regards to the CRA's involvement.

Dan, if you could put that right side up and then bring up -- there you go. That will work.

Mike, this is the zoning map or zoning overlay map for the CRA, both Gateway Triangle and the Bayshore. The black dotted line that goes around the outside is your CRA boundary, and then the colors represent different segments of the overlays which are down towards the bottom of the page in colorations.

And if you look at the bottom of the page -- and you'll see that the activity center that involves both the government center and the Sam's Club location are gray. They're not colored in.

According to the legend at the bottom of this page, while it's within the CRA boundary -- and I'm sure that's to incorporate the TIF funding that gets the benefit to the CRA -- they aren't in the overlay, so they aren't in the overlay part of the CRA colored criteria or any parts of it. Are you familiar with this?

MR. BOSI: Mike Bosi, Planning and Zoning Director.

Yes, Chairman Strain. And I think for clarification, as you said, they're within the boundaries of the CRA, but the land use arrangements that are provided by redevelopment plan for the Bayshore CRA have not indicated a alteration or an overlay for the land uses that are contained probably because they're existing uses and existing PUDs that both were locked for those properties and, as well, that they are part of an activity center that the Future Land Use Map provides for the range of allotted commercial and range of other land uses provided for within.

CHAIRMAN STRAIN: Well, it seems that the abilities for the property in question, you know, are similar to the abilities that we have on the property we're on right now, because our entire -- this building and all this government center is likewise within that gray area but not within the colored area that represents the overlay.

MR. BOSI: I would agree with that, and I think the colored areas are those to express the intent and to fulfill the direction of the redevelopment plan, and these two properties, or those properties, because of their activity center designation, was separated out from that land use arrangement.

CHAIRMAN STRAIN: Okay. Thank you. And one other question.

Now, Dan, could you put the next map on.

One of the things that the CRA has done is isolated out a corridor that is considered a cultural district boundary, and that's what's hatched in the different colors, grays here, grays and blacks.

Again, that's a different segment of the overlay. It doesn't include the property in question, but it does kind of lend itself to more the cultural aspects of the Bayshore area that I know -- I was on this board when the Bayshore language was approved. I remember the intense discussions. In fact, this panel had long meetings on all the Bayshore issues with the director at the time.

The corridor that's in -- that shows here as the cultural district boundary was the central corridor of the Bayshore overlay where most of the focal for creativity, artistic, lofts, and things like that were occurring, including the Botanical Gardens.

And I'm just showing that as a distinction between the way the rest of the overlay has not been included in those areas. So is that -- this says proposed, and that was what I -- I haven't been able to find any more. Did this get enacted?

MR. BOSI: I believe so, but I don't have the specific ordinance or resolution. I would have to do some research for that.

CHAIRMAN STRAIN: Okay. Mike, I think that's all I've got to ask you. Thank you.

Mike Sawyer. I know Mr. Sawyer has prepared some information in graphic form that we should receive the benefit of, if he doesn't mind.

MR. SAWYER: For the record, Mike Sawyer, transportation planning. If you don't mind, I've got handouts I'd like to give you first.

CHAIRMAN STRAIN: Sure.

MR. SAWYER: Actually, I think I'm going to do this the old-fashioned way and use the overhead. Okay. There we go.

Just the fancy cover sheet, if you will. Basically, I'm just going to use this, if you don't mind, just as kind of a teaching moment and also to go over the project itself.

Again, concurrency, which is what we always look at for transportation. You can see what we've got on there. It gives you the resolution that we use as far as the TIS guidance.

We do concurrency as defined in our Transportation Element and the GMP. We look at p.m. peak hour and peak directional traffic volumes when we're looking at the TIS that's provided.

In this case, this project is also located in our transportation concurrency exception area. We don't often get in a lot of new development in this particular area, but what it does allow is if the developer chooses to, they can exempt themselves from concurrency. They do, however, need to meet certain additional mitigation that comes in with the project. It comes in at the time of SDP, however.

We also looked at the area of impact, and this is basically just showing you what road segments we actually looked at. Principally, it was Airport and then also 41. Basically, we're coming down from Davis to the north, down to the site, and then going from, again, Davis down to Rattlesnake Hammock.

You've got this already in, I believe, the staff report, which basically just gives you what the volumes are, what we've got as far as capacities, and the actual road conditions as they are right now.

We have already talked about some of the site conditions that we are recommending at this point. Basically, the layout, we're concerned about the revised parking island layout. We can do that at SDP. We just want to make it clear that the master plan is conceptual at this point, and we will make sure at the time of SDP that we are operationally making sure that the intersections on 41 remain open to traffic.

The second one, again, we've talked a bit about the \$50,000 for the sidewalk. We agree that needs to be done at SDP or the Site Development Plan amendment in this case.

CHAIRMAN STRAIN: You mean the sidewalk or the donation?

MR. SAWYER: The donation, sorry. And, again, the developer is limited to 662 total net new trips. Basically, just to clarify that just a little bit. There are actually 582 existing trips. They are actually adding 80 new trips with the additional square footage for the total of 662; just so we're clear.

And also, just as a reminder, when they do come in for the Site Development Plan, they will be providing a new TIS. We will also be looking at more operational issues at that time. That's real standard, but we like to reiterate that.

Also, you know, again, if they do -- they do have the opportunity, when they're coming in for the SDP, to avail themselves of the TCEA area and look at mitigation, if that's what they choose to do. Again, we look at that at time of SDP. Our understanding is they're not going to do that, but they do have that opportunity.

Again, we do look at access at intersections. Major intersections was in 1,320 feet of the access points to the site itself and major access points for significant impacts to our roadways. In the nutshell, that's what I've got for you. If you have other questions, I'm here to answer.

COMMISSIONER CHRZANOWSKI: So under staff conditions it shouldn't have said total net new peak hour, just total peak hour?

MR. SAWYER: Correct, yes. Just to be clear.

CHAIRMAN STRAIN: Mike, we had a project come in a couple weeks ago that was in a TCMA, and it was the Arthrex project. And they had a similar situation where the traffic was more intense maybe in the area they were at, but as a whole under the TCMA, it hadn't reached the threshold that it was problematic

as a big picture. How does a TCEA compare to a TCMA? Because it seems like it's a similar situation.

MR. SAWYER: It tends to be somewhat similar. It's the distinction between having an exception area where we recognize that the road system itself does have capacity issues in and of themselves. And with the exception area, it actually is an option in or option out at that point.

A lot of times when we're in the TCMA areas, it's not necessarily -- or it isn't optional because we've got more of an area that we're trying to protect and make sure that we still retain a certain level of capacity, overall, within that particular area. We want to make sure that we're well above the 85 percent limit in the TCMA areas. We want to make sure we protect that 15 percent.

In the example that you gave, we have 100 percent of the area at 100 percent currently in that area. But as we have more development, we're probably going to start eating into that 15 percent. We want to be very careful about that.

And especially with the case of Arthrex, that was also on an evacuation route, and because of that, it really makes it imperative that they do provide some amount of mitigation no matter what amount of additional traffic they're putting on the roadway system.

CHAIRMAN STRAIN: Okay. Thank you. Anybody else have any traffic questions?

MR. YOVANOVICH: Mr. Strain?

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: I think there might be some confusion on the number 662 and what it represents. My traffic consultant says the 662 is net new trips, and --

CHAIRMAN STRAIN: That's being added to what's already there, allocated to the existing shopping center?

MR. YOVANOVICH: Can I have Mr. Banks explain that? Because I said the same thing you just said.

CHAIRMAN STRAIN: So he's going to testify as a traffic engineer today?

MR. YOVANOVICH: Today as a traffic engineer. Maybe later as a marketing consultant. I haven't decided.

MR. BANKS: For the record, Jim Banks. Before I swear in, I think if Stan just repeats his question and let Mike answer it again just so -- I misunderstood the way you asked the question, and so did my client.

COMMISSIONER CHRZANOWSKI: His exhibit says total net new p.m. peak hour trips, and I thought it should just say total p.m. peak hour trips.

MR. YOVANOVICH: Just swear in and explain, please.

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

CHAIRMAN STRAIN: You've got to wonder why he wanted to avoid that swearing in so much.

MR. BANKS: For the record, Jim Banks.

To answer your question, Stan -- and I think Mike's going to agree with me -- the shopping center as a whole with the proposed Sam's and, you know, the total of 165,000 square feet of retail, will generate 662 net new trips.

Now, there's already 580 on the network that we account for, so there's -- the incremental increase is 80 net new. But the PUD document says the entire 165,000 square feet will generate no more than 662 net new trips, and we have to have the net new trips identified in that document because we have pass-by trips that we get to deduct that we don't count against the project.

COMMISSIONER CHRZANOWSKI: My misunderstanding was the term "new," meaning additional, and you're saying it's not net additional trips. It's --

MR. BANKS: That's the way --

COMMISSIONER CHRZANOWSKI: -- net new trips. Okay. I don't understand that, but I'll go with you.

MR. BANKS: I'll clarify.

COMMISSIONER CHRZANOWSKI: You know what you do for a living.

MR. BANKS: The net new additional trips is 80. The total net new trips that are generated from this site is 662.

COMMISSIONER CHRZANOWSKI: It's the use of the word "new" that was confusing me.



MR. BANKS: Right. But we have to leave it -- it needs to stay net new trips; 662 net new trips.

COMMISSIONER CHRZANOWSKI: I'm going to read very carefully when she takes her notes how this turned out.

CHAIRMAN STRAIN: Anybody else, of Jim?

(No response.)

CHAIRMAN STRAIN: Thank you. We're going to take a break for the young lady taking the notes so carefully. We'll come back at 10:50, after 15 minutes.

(A brief recess was had.)

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

During the break I had a request from the County Attorney's Office to further clear up the discussion on Stan's question about net new trips, and I think it wouldn't be a bad thing for -- to actually figure out and make sure we understand it.

So I don't know who wants to address this. Mike? The net new trips versus the additional new trips versus what was on the site. I think it was said about 500 and some odd this site already had attributed to it, and now the net new trips are going to be 600 and something.

So does that mean you've got 1,100 trips total out of that site? I think that's kind of where we're trying to understand how that all fits together because of your terminology.

MR. SAWYER: Yeah. Again, for the record, Mike Sawyer, Transportation Planning. We're still at 662.

CHAIRMAN STRAIN: Still meaning -- we weren't there before; 662 what?

MR. SAWYER: Correct. That's the total -- for lack of a better term, that's the total trips that are going to be generated by the development itself.

CHAIRMAN STRAIN: The entire project; the entire PUD?

MR. SAWYER: Right. They're adding 80 new trips with the addition of the building that -- the additional square footage that they're proposing with this petition totals 80 new trips. Okay.

CHAIRMAN STRAIN: Above the five whatever was previously allocated to this parcel.

MR. SAWYER: Five eighty-two, correct, yes.

CHAIRMAN STRAIN: What is the concern, then, with Jim's issue over insisting that it be termed net new trips because of pass-by traffic that wasn't there before?

MR. SAWYER: I think it's, honestly, more of a terminology issue that -- when they come with the TIS for the SDP that it is clear.

Transportation-wise, the way that we look at trips being put on the system, they're going to be able to put a total of 662 with the whole development that they're going to be coming in with. When you look at the SDP, 662 is going to be the number that they're going to be limited to.

CHAIRMAN STRAIN: But they already could put on five something regardless?

MR. SAWYER: Exactly.

CHAIRMAN STRAIN: Okay. Why the significance "net new"? Because they're not all new. They're five something existing, which is old, and you've got 80 some odd new. So it's in the net new. It's gross. And then net is whatever the new is. Isn't that -- I mean, why wouldn't you traffic engineers -- other than for the sake of trying to confuse everybody, why wouldn't traffic engineers want to just use simple terminology?

MR. SAWYER: That is an excellent question.

COMMISSIONER CHRZANOWSKI: Mark, I don't pursue issues like this not because I think I'm wrong or because I understand; it's just not worth it.

CHAIRMAN STRAIN: Well, unfortunately, there's people in the audience who may not understand it as well we even do, and I would rather it be real clear. And when I get a question from Heidi, who has been working in this industry forever -- I don't know how -- that's forever that I've known you -- I want to -- it definitely raises a concern.

MS. ASHTON-CICKO: Well, someone has to administer this. So it's still not really clear to me whether you're talking about the trips for Sam's Club and the new, you know, parcel on the corner or the entire development, and I just want to make it clear, because, you know, someone has to administer this

condition when they see it.

CHAIRMAN STRAIN: And I agree. I didn't understand the unclarity until Mr. Banks tried to clarify it.

And I now want to make sure that -- why can't we word this in a more commonplace terminology? The project had existing trips, on top of that they're adding net new trips of 82 for a total of.

MR. YOVANOVICH: Go to the TIS.

CHAIRMAN STRAIN: Well, no. Normally within the PUD we cap the trips, and I think it's the language that's capping the trips is posing the problem.

MR. YOVANOVICH: I understand that. So why don't we, instead, attach the TIS as an exhibit, and the trips shall be consistent with the attached TIS. Because the TIS talks about existing, it talks about new, it talks about all of those things, and the numbers are not the same.

CHAIRMAN STRAIN: Well, if you attach the TIS, then you know at SDP level you can't change it because you've got to come back and amend the PUD.

MR. YOVANOVICH: Well, I'm stuck at either you give me my net new, which is what the TIS says --

CHAIRMAN STRAIN: You're stuck at the net -- you're stuck at the number in the TIS, but there's a lot of other data in TIS, for example, on the AUIR that was used at the time, the benefits of intersection improvements, other issues that you may want to change down the future. If you include that as an exhibit, you're locked into all the language in it.

MR. YOVANOVICH: Why don't we say Table B? Because if you look at the traffic study, okay, Page 4, it talks about the trips, and it's all -- the "net new" terminology is what's been used. And that 662 is key to that table.

So we can't -- you have to -- am I right, Jim? Where'd you go? You've got to key it to the appropriate terminology in the report.

CHAIRMAN STRAIN: You said Table B?

MR. YOVANOVICH: No, I said Table -- yes, Table B on Page 4.

CHAIRMAN STRAIN: Page 4.

MR. BANKS: I'm going to take one more shot at this.

CHAIRMAN STRAIN: Well, Jim, you really did a good job on confusing it last time.

MR. BANKS: I know, I see that, and I'm taking full responsibility.

CHAIRMAN STRAIN: And it may be where you're headed.

COMMISSIONER EBERT: Marketing.

MR. BANKS: You've called into question my marketing capabilities, and so now I see that you're going to call into question my traffic engineering capabilities.

Okay. We are amending the PUD up to 165,000 square feet of commercial use. Currently there's 140-some thousand square feet that generates approximately 580. I'm going to get rid of the word "net." It currently generates 580 new trips. Now, in addition to the new trips, Mark, when you're on your way home and you say, I'm going to pull in here and I'm going to get a loaf of bread and a gallon of milk and then you go on home, that is not a new trip. That is Mark on his way home, exiting the road system, getting his milk and bread, and then going on home. We don't count you. You were already on the road network, okay. That's the terminology of new trips, okay. That's why it is critical that we're talking new trips, because when we prepare the Traffic Impact Statement for the SDP, when we calculate our trips, we determine new trips plus pass-by, but we get to deduct the pass-by, and that's the whole confusion.

So you guys are dealing with the difference in the what's there today and the increase in 80 trips because we're adding some square footage. That is for better -- for better lack of terms, that is truly net new increase of 80 trips. But, in total for that 165,000 square feet of that PUD, we are going to generate 662 new trips on the road network, and that -- when we go in for SDP, Steve Baluch, that's what he's going to want to see, how many new trips does that 165,000 square feet generate. And it's already got 580 today it's generating, and we're going to add 80 more, and that adds to 662.

COMMISSIONER CHRZANOWSKI: So of your 662 new trips, 580 are existing trips?

MR. BANKS: Five eighty-two, yes.

COMMISSIONER CHRZANOWSKI: That makes no sense to me at all, but I'm not pursuing it any further.

CHAIRMAN STRAIN: But look at the Table B. Table B starts out, existing trips, 582; existing and proposed, 662, and it says net new trips, 80.

MR. BANKS: That's right.

CHAIRMAN STRAIN: Okay. Well, you're saying the net new trips is 662. That's not what the Table B says.

MR. YOVANOVICH: The table's called net new trips.

MR. BANKS: Yeah.

CHAIRMAN STRAIN: Well, look at the bottom line, net new trips, 80.

MR. BANKS: I will say this --

CHAIRMAN STRAIN: I'm fine with it.

MR. BANKS: We can get rid of the word "net" in the PUD document and just call 662 new trips because --

CHAIRMAN STRAIN: Well, that's even worse. And I think the problem is, the way you're looking at it is any change in land use other than trees and agriculture what was there is new to the system, and so anytime you bring that in, it's all new trips to the system as had originally passed that property; is that --

MR. BANKS: Okay. Well, again, yes. Let's just leave it at we're happy with the way the PUD document read. It was when Stan asked his question about net new, he just said it's total trips. No, the total trips are actually more than 662, because there's pass-by trips as well.

And so we're happy with the way the PUD document reads, that it says, we will not exceed 662 net new trips. We will not exceed that number for the 165,000 square feet.

COMMISSIONER CHRZANOWSKI: I'm happy.

MR. BANKS: All the traffic engineers are -- the traffic engineers are happy with that language. We just -- Stan caused the problem, not me.

CHAIRMAN STRAIN: You know, this is happening a lot lately. It's not exotics; it's traffic now, and Stan gets on these -- okay.

Mike, how do you want to leave this?

MR. SAWYER: Staff would be fine with 662 new trips. We're going to be able to apply that at time of SDP.

We work with Steve Baluch on a weekly basis, so when this project does come in for an SDP, we'll be looking at it right hand in hand with him.

Not to open up a wound that we've kind of already sutured up, but the planner in me might have a little bit of insight.

Depending on what type of development you've got retail-wise, you're going to have an attractor that can have more of a regional impact. In other words, it's attracting people in a wider, more regional area, and it's going to have a different pass-by amount than a localized smaller center.

It's going to have less -- or the smaller center's going to have more pass-by because what happens on those local centers is people are going there as they're going back to their homes in the evening or leaving in the morning for that matter. They're actually doing -- they're going into the center to get groceries or what have you.

CHAIRMAN STRAIN: I might want to caution you.

MR. SAWYER: Yes.

CHAIRMAN STRAIN: Stan's being silent right now. We might as well just stop while we're ahead.

MR. SAWYER: Yes, I said --

CHAIRMAN STRAIN: I think we understood that the language will change to, instead of "net new," it will just simply be "new trips."

COMMISSIONER EBERT: Mike, I do have a question for you.

MR. SAWYER: Okay.

COMMISSIONER EBERT: I know Sam's on Immokalee -- this is the one south, and I know people from Marco Island and from other places who will be very happy to come to the new Sam's. So it is not just

pass-through. Because of where they're locating this, to me, you are going to get a lot of new traffic on this.

MR. SMITH: Correct.

COMMISSIONER EBERT: What happens if you go over the 662; would anybody really know?

MR. SAWYER: No. The answer is no because, honestly, what we do is, all of our trip generation is based on ITE numbers that we've got. It's consistent with whoever is coming in. We look at what those averages are within Florida, and we look at what those numbers generate, and that's what we are -- that's what we work with.

COMMISSIONER EBERT: Okay.

MR. SAWYER: That's our code. For lack of a better term --

COMMISSIONER EBERT: I'm just saying it's going to --

MR. SAWYER: -- that's how we generate the traffic report.

COMMISSIONER EBERT: If this gets approved, it is going to be attracting a lot of traffic, and it will probably help the one on Immokalee because the people that live south won't have to, you know, go up all that way, so that's the reason I ask that question.

MR. SAWYER: It's a good point. And keep in mind, too, I mean, you know, with the AUIR, we keep track of what the traffic is on a yearly basis, and we do traffic --

CHAIRMAN STRAIN: You're ahead right now.

MR. SAWYER: What's that?

CHAIRMAN STRAIN: You're ahead right now; stop.

MR. SAWYER: I'll leave now.

CHAIRMAN STRAIN: I think we've beat the traffic to death as far as we can. I'd like to have Steve Lenberger come up if he's somewhere here. There he is.

And, Steve, I know you heard the conversation about what's required by code, what isn't. Can you clarify it? You've seen the documents that we put on the overhead and, actually, you were the author of them, so hopefully that brings back some memories.

MR. LENBERGER: Thank you. Stephen Lenberger, Development Review.

The PUD -- when the Office Max was developed, it was developed when there was a requirement for preservation. Preservation requirement was first adopted in a Comprehensive Plan. Prior to that, you know, it was on a site-by-site basis going through sensitive habitat and negotiated with staff.

But the actual requirement was put in in the Comprehensive Plan and in the Land Development Code. So there is a preserve requirement. That SDP amendment you refer to was done in '98. The preserve that was set aside was clearly identified on the plan you had on the visualizer. So the preserve acreage winds out to be .21 acres. That's what's required for the PUD.

The developer could either retain it on site or they can go offsite as you stated earlier.

CHAIRMAN STRAIN: One of the comments was made that they would simply just do an SDPA and get rid of the preserve because it wasn't part of the code currently. I think that was the gist of it; is that true?

MR. LENBERGER: No. The preservation requirement's still in the code. You can't just get rid of it with an SDP amendment. It's a Comprehensive Plan requirement.

CHAIRMAN STRAIN: That's the answer I was looking for. Thank you.

Now, if they were to rework this area -- and I know there's some mature trees out there. But if they were to rework the area because of water management needs but then follow the conditions of the original SDP where you added the language and where it says, it is understood that if the required vegetation is unable to be preserved, that additional native plantings will need to occur, including but not limited to, 14-foot canopy trees and five-gallon shrubs.

They could amend the area that they disturbed where the water management is needed to be sculpted, cut, whatever, with that kind of vegetation, and they'd still be in compliance with the SDPA?

MR. LENBERGER: Yeah, they could do a re-creation given the site constraints for the site.

CHAIRMAN STRAIN: Okay. And they still could go offsite if they wanted?

MR. LENBERGER: They could do that as well, yes.

CHAIRMAN STRAIN: Thank you, Steve. Anybody have any questions?

COMMISSIONER CHRZANOWSKI: Yeah. Was their characterization of the area of four trees, a couple sabal palms -- was that correct?

MR. LENBERGER: I can't tell you what's there exactly now. I can see the trees on the aerial. They show clearly. And I was out on site. If you look at the plan that Mark had on the visualizer, it tells you that it's basically hammock vegetation, pine, palmetto, cabbage palm. That clearly tells you that it was vegetation in a different strata. What's remaining right now, I can't tell you. What's happened over the years, a lot of that midstory has disappeared.

CHAIRMAN STRAIN: Okay. I was there yesterday. I mean, it's quite a bit of vegetation there. Now, whether it's all the right vegetation, I can't tell you, but it was green.

COMMISSIONER EBERT: You'll need to send Stan.

COMMISSIONER CHRZANOWSKI: On a different environmental, I noticed in the neighborhood information meeting there was a lot of concern about the water quality of Haldeman Creek. Now, that portion is down the stream of the downstream weir. So it's tidally influenced, I assume? Tidal; tidally influenced.

MR. LENBERGER: I would assume so. There's mangroves all along the bank.

COMMISSIONER CHRZANOWSKI: Okay. So it's probably saline or semi saline; certain times of the year probably fully saline?

MR. LENBERGER: I would assume so.

COMMISSIONER CHRZANOWSKI: Do we check the water quality in Haldeman Creek?

MR. LENBERGER: I don't know the exact location. The Collier County Pollution Control and Prevention Division monitors, and they do water sampling. And I know they do fresh and saltwater sampling, but I don't know if they do Haldeman Creek specifically.

COMMISSIONER CHRZANOWSKI: Okay, thanks.

MR. LENBERGER: You're welcome.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Do we have someone from stormwater here?

MR. SMITH: Yes.

MR. LENBERGER: Yes. Liz is here.

COMMISSIONER EBERT: And I was reading the notes from the NIM meeting that I was at also, and they were worried about the runoff, and at the time they were talking about a 55-gallon barrel drum with the bottom out. And so I am a little worried about the water here that is going into the creek to help satisfy their --

MS. GOSSELIN: Liz Gosselin with Stormwater Planning. Oh, I wasn't sworn in.

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

MS. GOSSELIN: Okay. So the current development has an existing water management, and they currently discharge into Haldeman Creek.

The new development will have a similar design. They will need to meet our current standards for storage, water quality, and discharge rate. So the new development will be very similar to what is existing now.

COMMISSIONER EBERT: So with -- I don't know the parking lot, because we don't -- this is this other department, so I don't quite see that, but they were saying before -- Wayne was saying before that there is already something under the parking lot that's being stored?

MS. GOSSELIN: It might be underground storage; is that what it is?

COMMISSIONER CHRZANOWSKI: It's a trench drain system. It sits under the asphalt, not under the islands.

MS. GOSSELIN: Okay. So there is currently underground storage.

COMMISSIONER CHRZANOWSKI: It's a water quality system.

MS. GOSSELIN: Correct. And they will -- the applicant probably will come in with similar underground storage even more to manage the quantity for runoff.

COMMISSIONER EBERT: Okay. All right. Very good. So if you need more, you will be putting more in, so it's just not running from the parking lot right into the creek right away?

MS. GOSSELIN: Right. The applicant will need to contain all its runoff.

CHAIRMAN STRAIN: We've never done that. That's not even allowed.

COMMISSIONER EBERT: That's what I was just checking. Thank you.

MS. GOSSELIN: I also wanted to say something about the water quality testing. Pollution Control, yes, they do test -- they do sampling water by the weir by the Walmart, so they do test the water quality.

COMMISSIONER CHRZANOWSKI: I asked about the water quality, because I don't think this project's going to be a problem at all, but I think you probably have a lot of stuff coming down, and I was wondering if anybody knows the water quality just upstream of the weir and just downstream of the weir, because that would be an easy way to tell who's generating what.

MS. GOSSELIN: Right. They do test upstream of the developer by the weir at Walmart, and I believe the creek is impaired for copper and fecal. But I can get more info for you if you want.

COMMISSIONER CHRZANOWSKI: No. Thank you.

MS. GOSSELIN: You're welcome.

CHAIRMAN STRAIN: Thank you.

Okay. If you-all don't mind, we'll move to public speakers. Okay. Ray, do we have any registered public speakers to start with? And as your name is called, please come up to the microphone, and I'd ask if you'd spell your last name for the court reporter, and then we'll -- we have five minutes to hear you.

MR. SMITH: Yes. Currently, we have six. The first speaker is Patricia Young.

MS. YOUNG: Good morning. Patricia Young, Y-o-u-n-g.

CHAIRMAN STRAIN: Thank you.

MS. YOUNG: Collier County is a huge county with significantly different sectors, each with its own identity worth preserving. We have the residential opulence of Port Royal, the big box shopping at Pine Ridge Road and at Collier Boulevard, the agricultural aspect of Immokalee, the trendy suburban feel of North Naples and so on.

When looking at developing Courthouse Shadows, the whole surrounding area, not just the parcel of land, needs to be considered. And from what I heard this morning, the marketplace study was done in 2013 for Sam's Club, and the area has changed dramatically since that time.

Two years ago my husband and I chose to move to southeast Naples because of the distinct character of the area, one unlike any other in Collier County.

The Bayshore Government Village area stretches from Naples Bay to the government center, from Thomasson Drive to 5th Avenue. You can pay your tax bill here, learn about Collier County history, see an opera or a Brazilian garden, each lunch on Haldeman Creek, or go boating on the Naples Bay. And one could even add that there is historical value with a store that has been open 24/7 for over 50 years.

We share bodies of water with the City of Naples, and you can find a modestly priced home or a high-end one with a golf course. It's a wonderfully diverse mix, a category all its own.

I live adjacent to the East Naples Park on Thomasson at the Isles of Collier Preserve, which I should mention was not even here in the year 2013, but our residents have an impact. Our residents walk, bike, go to the entertainment venues in the Bayshore government village area. Our developer, Minto, financially supports the Night Lights program at the Botanical Gardens, as well as the national pickleball championships at the community park. So Courthouse Shadows impacts our community, and we them.

The Bayshore village government area is definitely an urban area. There are many visitors to the government center, and with so many hotels and motels, tourists are passing by on their way to 5th Avenue. There is high pedestrian bicycle activity here, and the measure of walkability is in line with the newest urban designs as well as in the spirit of blue zones. A Sam's Club is not the kind of place you walk to or ride to on your bike to shop unless your bicycle holds a huge package of whatever you are buying.

And I have heard that FDOT has designated this area as one that is amongst the highest -- has amongst the highest number of accidents in the state of Florida. Now, this is a figure different than the net trips and so on that you were discussing earlier.

A Sam's Club just simply does not fit the bike/ped culture, and we certainly do not need another gas station. The existing Walmart is going to get its much needed renovation with gas station and will fulfill the need for affordable groceries and other items. It is a more neighborhood-oriented store, not a members-only

store, one where you might ride your bike to shop and pick up a loaf of bread.

When the former Courthouse Shadows stores were emptied out, I, as a consumer, lost three businesses that I frequented. The Szechuan restaurant, the Office Mart (sic), and the Gulf Side Dental Office. A Sam's Club would not attract me; and ask my husband, I'm a big consumer. But my decision is based on previously having shopped at Sam's in the DC suburbs where I lived, and that Sam's was located in a suburban area clustered around other national large chain stores, not in a neighborhood like this.

In closing, we should preserve the area's character in what goes in Courthouse Shadows. The architecturally prominent Collier government hub in itself makes it special as it blends with soup kitchens, Botanical Gardens, law offices, and cultural amenities.

There are also three schools, including the new Montessori school, multiple childcare centers, and a population that is very economically diverse from working and retired professionals to struggling families. And we are ready for meaningful urban improvements, something with a gathering-place concept.

So we need to ask the question today, does a Sam's Club fit in the Courthouse Shadows neighborhood? Thank you.

CHAIRMAN STRAIN: Ma'am, one point. Your reference to big boxes on Pine Ridge and Collier, that doesn't -- you mean -- I think you mean Pine Ridge and Airport. Collier's out where I live, and there's no -- I wish there was a big box there, but there isn't.

MS. YOUNG: Right, but there are large stores at Collier and 41. That's what I was -- had in mind. I guess I wasn't clear.

CHAIRMAN STRAIN: Okay. Yeah, I'm just suggesting you might want to make that correction.

MS. YOUNG: Okay.

CHAIRMAN STRAIN: Thank you.

MR. SMITH: Our next speaker is Sidney Cornett.

MS. CORNETT: I'm giving my minutes to Karen Beatty.

CHAIRMAN STRAIN: Next speaker?

MR. SMITH: Karen Beatty.

CHAIRMAN STRAIN: And her -- she has five extra minutes ceded by the previous speaker.

MR. SMITH: Yes.

CHAIRMAN STRAIN: Although you could have gone 10 minutes if you just asked, but that's okay.

MS. BEATTY: Okay. Thank you.

CHAIRMAN STRAIN: We don't have the rules as strict in regards to speaker time. It's more just, as long as you're not redundant, we're here to listen.

MS. BEATTY: Okay. Well, I hope I'm not redundant. My name is Karen Beatty, B-e-a-t-t-y. I've been a resident of Naples since 1977, and I have lived in the Bayshore Drive area since 1985. Actually, I bought Grady Minor's home, as a matter of fact, which is kind of a funny coincidence.

I live on Haldeman Creek, and I have been on the Bayshore/Gateway Triangle's redevelopment boards since 2004. I am a professional realtor, and I work all over town, but also in the Bayshore/Gateway Triangle.

To begin, I want to state that even though I do not favor Sam's Club in general, I do not have anything against one being located in this southeast corridor of Naples; however, I think it's not appropriate for the Gateway Triangle and our vision for that area. Speaking as an individual, not for the entire board.

And it would be -- and it should be located in zoning that already allows for box stores, such as further east out by 951 and U.S. 41 rather than one that needs 10 deviations to the land use code.

Even though apparently this proposed Sam's Club has been in the works for some time, which was confirmed today, I only heard about it when I received notice in the mail regarding a public meeting that was held with the representatives of Kite Development, Dwayne (sic) Arnold from Grady Minor, and staff from the Collier County Zoning and Planning because I live within a thousand feet of it.

I had a friend in town at the time, a retired civil engineer from California who recently purchased a lot on Haldeman Creek. We went to this meeting together and both were very shocked and dismayed to learn more about it, and especially the proposed gas station next to Haldeman Creek.

I urged those involved to bring this to the CRA advisory board, and they said they would, and they

did in September.

When I mentioned this to the staff of the CRA, I was told it is, indeed, in the Gateway Triangle, and it's an approved PUD, and the commissioners want it. I was shocked and urged staff to make sure this gets heard by the Community Redevelopment Advisory Board, although I have no idea whether my fellow board members knew about this proposed development ahead of time because I can't discuss things with them outside of board meetings. I was shocked to learn of the response of four of them in deciding in a consensus to favor it.

Fortunately, our chairman and one other board member stated they were against it. Later another board member, Chuck Gunther, another long-time board member, who was absent that evening, wrote staff to state he is also against it, and he asked staff to please send this on to the other board members.

I did not receive it from staff; however, another board member on the MSTU board, Bob Messmer, received it. He sent a copy to his friend and neighbor, Kate Riley. Kate Riley is a long-time friend of mine, and she sent it to me, so I knew about Chuck's letter way before our advisory board meeting. And that's why when I said there was a consensus of 4-4, it's because I already knew about Chuck's intentions.

Since I was so appalled by the thought of a discount box store with a gas station being proposed in Courthouse Shadows in the Gateway Triangle only 1.2 miles from the mini triangle where two developments are planned, I decided I needed to find out more on my own how the community felt about it.

Not knowing what to do, I just decided to speak to a few business owners in the area to find out their thoughts and feelings. Before going there, let me say that I truly believe that changing the land use code for Courthouse Shadows to a box-store-only designation and granting the deviations to land use code is a wrong move and does not at all align with the vision of the Bayshore/Gateway Triangle, which was formed to remove blight and encourage economic development and revitalization.

Building a discount store in an urban area will certainly not achieve this goal and some of the others we have stated in our annual report.

And in our annual report of 2015, some of our goals are to encourage economic development and revitalization, innovative land development and growth management planning, improve community character, encourage adaptive reuse and rehabilitation of buildings, and beautification. In my mind, a discount box store warehouse does not concur with those goals.

Also, in doing some research, I found that in 2014 Social Science Quarterly stated, on average, within 15 months of a new box store's big -- box store's opening, as many as 14 existing retail establishments close.

Other researches found that the arrival of big box stores was associated with higher crime rates relative to communities that were not box stores, lower overall employment at the county level and lower tax revenues than mixed development.

Also, according to the British Journal of Criminology, statistics show that not only theft crimes but also violent crimes also increase with the opening of the big box store.

According to the National Bureau of Economic Research, survival of independent stores and smaller chains that operate in the same industry as a big box chain are negatively affected by the entry and growth of big box stores. Most of the negative effect is due to smaller stores being forced to close rather than reducing the scale of their operations. I'm sure Kite Development never thought of this, nor do they probably care.

With the help of my neighbor, Cindy Cornett, who ceded me her minutes, who became very interested in the Bayshore/Gateway Triangle after moving to the area from the Moorings. Together we contacted as many businesses as we had time for to find out what they knew and how they felt about the proposed Sam's Club.

Cindy was just as appalled as I am at the thought of having a discount box store warehouse structure in the area of redevelopment, as it truly moves us backwards and it gets the visions and the intentions of the area.

Cindy and I were amazed to hear the responses from the business community. We contacted a total of 39 businesses. We asked to speak to owners or managers. We were fortunate in most cases to do just that. Of those 39, 32 were adamantly opposed and stated they felt it would definitely hurt their businesses. Of those 32, 14 signed our petition. The other 18 were managers who stated that they are not allowed to sign



anything, however, because they work for corporations. And they did say that we could put them on our list, which we did. And I have a copy of the list for you if you'd like to see it.

Many of these businesses have been operating in the Bayshore/Gateway Triangle for 10 to 30 years. They have lived throughout the blight, the economic downturn, and now finally are in a position to potentially benefit from the redevelopment that occurred thus far, only now a huge possible threat to them from benefiting from this redevelopment and, in fact, they may very well be very hurt by the big box store or run out of business because of the possibility of a big box discount store with a gas station being built nearby and across from a Walmart that plans to expand into a supercenter with a gas station.

Two discount box stores nearby to take a slice of their profits and possibly close them down, creating blight with more possible vacant buildings in the Bayshore/Gateway Triangle.

As you know, Sam's Club carries a wide variety of merchandise, and their prices are lower than most. They have a pharmacy, a vision center, and a tire center. If you think about how many tire centers are in the Bayshore/Gateway Triangle that are going to be hurt by this and just -- you'll see the list when I give it to you.

Meanwhile, as I spoke to various business owners, I found out that the reason Publix moved out in April of 2014 is because Kite Development raised their rent to the point of it being unaffordable.

Of course, once the anchor tenant was out, the other businesses suffered and gradually moved out one by one.

Most of the businesses had no idea Sam's Club was proposed for the area. Other owners told me that they have been hearing about this for a couple of years. I was confused; how could this be? How could something with the potential of such huge impact to the businesses or the Bayshore/Gateway Triangle be such a secret? Why wasn't the Community Redevelopment Agency Advisory Board advised of this earlier? Why weren't the citizens and businesses notified of the public meeting?

I realize there's a ruling that the county only has to notify people within a thousand feet, but this is a designated redevelopment area with an advisory board. The citizens and businesses are notified about other things, such as the Haldeman Creek boat docks extensions and that proposed Racetrac. Why weren't they notified about the public meeting?

Looking further, I found an article written by Tim Alton that was in the Naples Daily News. In it I read that our CRA executive board chair was quoted as saying some of the following, and that it had been further written about in a Collier Citizens' column called "Around Town." So in this article, it says it is definitely going to move forward, but I don't know when, says Donna Fiala. Right now there's not much happening. It will be another year before we see it there, even that (sic). Fiala said the project is moving along at the Courthouse Shadows with a goal of obtaining permits in April.

So there were still tenants in there at this time. This was written in October 2015. So the word is going out there as if it's already done. And this never came before the advisory board, and this is in a redevelopment area. So I find that strange.

Meanwhile, although this was in the paper, not everyone reads the paper every day, and this news missed me and a lot of other people, including some, if not all, of my advisory board members.

CHAIRMAN STRAIN: Ms. Beatty, by the way, your 10 minutes -- you're going a little bit past 10 minutes, but if you can finish up, that would be great. Thank you.

MS. BEATTY: Okay. Well, I wanted to tell you that with my fellow board members some of the reasons that -- and the executive board chair stated why they want the Sam's Club, that it will help with the homeless situation in the Courthouse Shadows.

I checked with some of the neighbors in that area, and there used to be a homeless problem when there was a labor pool there, but it's not such a problem anymore. So I did check with some of the people that live on Peters Street and Collee Court.

So I'm going to skip to some of these other things. Some of the board members feel that it really helped the TIF funds. What I'd like to know is how much are the improvements worth and how much is this going to increase the property values? Are we really going to benefit that much from the TIF funds? And is that going to balance out the devastation that's going to be caused to some of these small businesses in the area?

As far as the gas station -- I'm going to skip down to some of these. But I did want to say that I did go to the Sam's Club in the north end of town and observed families with signs asking for donations. So the fear of this attracting -- I mean, the fear of the homeless taking over the vacant Courthouse Shadows, the fact is that this box store could potentially attract that element, and there are people with signs out in front of the Sam's Club on Immokalee Road, so...

CHAIRMAN STRAIN: Ms. Beatty, I've got to ask that you start to wrap it up, please.

MS. BEATTY: Okay. I wanted to talk about the gas station. I think it -- you know, there's a moratorium on the gas stations now. And so I know that they applied for this before the moratorium; however, that shows our intention. And, certainly, having a gas station that close to a body of water is a dangerous thing, particularly if we ever have a Category 4 or 5 hurricane and we have a -- I forget the name, what it's called, but anyway. It could be very dangerous if we have a storm surge, a storm surge, coming from the west down the creek, and that's a reality that could happen.

Well, I have a lot more to say but -- I think that the traffic issue is a problem because this -- the residents in this area, east and west, are going to have to suffer that traffic, and they may not even be using the box store. Not everyone's going to become a member of Sam's Club and yet we all are going to have to suffer the traffic. If that shopping center was used for something that all the citizens could enjoy, then, you know, we could tolerate the traffic but, instead, we're going to have to tolerate it and not even enjoy what's there.

So I don't really think that's fair to the citizens in the area. And I conclude that it's definitely not in alignment with the vision of the Gateway Triangle, in my opinion.

CHAIRMAN STRAIN: Thank you.

MS. BEATTY: Do you care to see the list of businesses that are against it, or does it matter?

CHAIRMAN STRAIN: You had emailed a list. I'm assuming that's the list --

MS. BEATTY: No, I never -- I never sent you the list.

CHAIRMAN STRAIN: Okay. Well, I've got a list from somebody -- I thought it was only you that sent the emails -- and it has a list of businesses, I think it was 12 or 15 that were talked to. One has a list of managers but they couldn't speak because they were corporations and -- there was two lists there, but if they didn't come from you, that's fine. If you want to leave a copy with the court reporter...

MS. BEATTY: Okay. Because possibly other --

CHAIRMAN STRAIN: Yeah, that's fine. I assumed it was the email we had gotten, but if it wasn't --

MR. YOVANOVICH: Mr. Strain.

CHAIRMAN STRAIN: Yes, sir.

MR. YOVANOVICH: Can I ask a question through you?

CHAIRMAN STRAIN: Yes, certainly.

MR. YOVANOVICH: And I may have misunderstood.

CHAIRMAN STRAIN: You can ask a question of me -- what is it?

MR. YOVANOVICH: Through you. I'm not sure how I'm supposed to do the questions.

CHAIRMAN STRAIN: Why don't you go through me since this is an affected party's --

MR. YOVANOVICH: Okay. I wasn't sure if I heard correctly. I thought I heard her say that we did not go to the advisory board regarding our proposed project.

CHAIRMAN STRAIN: I think it had more to do with the timing of when you went; is that correct?

MS. BEATTY: Yeah, no. I said that you did in September.

MR. YOVANOVICH: I just wanted to make sure I heard it correctly. And I also understood you do take the summers off for the advisory board, correct?

MS. BEATTY: We do, however, this has been, as you said, in the works for several years. So I'm just wondering why the advisory board didn't know about it a lot sooner.

CHAIRMAN STRAIN: Well, I could probably answer that a little bit. I had known about this a while back and, actually, if you had gone to the realtors' meetings where I make presentations, as well as the town hall meetings, you would have seen this on the presentation for at least a year, maybe two years back.

The details of it, I think, had to come this far before they could make a presentation that once they

made it they could rely on -- they had enough details so it wasn't changing significantly from what they presented to you. But the concept of it going there has been known for quite some time, so...

MS. BEATTY: Okay. Well, that helps me to understand that. I think one of the comments I made about the CRA is it seems like for the public meeting, the public -- that you were -- Diane, in, I guess it was July or August, it seems like, perhaps, it would have been better to include everyone in the Gateway Triangle in that instead of people only a thousand feet.

CHAIRMAN STRAIN: That isn't a requirement of statute or of us.

MS. BEATTY: I know.

CHAIRMAN STRAIN: But it could have been something the CRA could have done if they had --

MS. BEATTY: I know.

CHAIRMAN STRAIN: -- wanted to notify and spend the money. That's a lot of expense, and that's limited as to how those go.

MS. BEATTY: Well, we do have an extensive email list, so it could have at least gone out to those people. And we are a redevelopment. This situation is in a redevelopment area. We do have an advisory board, so...

CHAIRMAN STRAIN: Actually, it's within the CRA boundary, but it's not within the overlay, and it's not within the cultural boundary. So it doesn't hit some of the triggers that I think a lot of you rely on in the way you review things, and I'm not sure that that point was made in regards to my discussion with the colored map that Mr. Bosi testified to earlier today.

The overlay doesn't extend into this property. The boundary goes to it, but not the overlay. And your cultural boundary that you have internal to your project does not go to this either.

So if you were -- if this project was being requested in that cultural boundary that's down the middle of Bayshore, I'd have to agree with you, it doesn't fit that. But that's not where it's going, so...

MS. BEATTY: Can I ask you one thing about the wall that's going up? Does that wall go down Collee Court and Peters, or does it connect to the building, to the Sam's Club building?

CHAIRMAN STRAIN: It would go to the backside of the Sam's Club building and indent into where the building would pick up, but it wouldn't connect to the building. Then the building would be sufficient, because it's a solid backside, until you get to the other end. Then a wall picks up again along the backside of the parking lot and all up over to Tract E, which is near Office Max or Dunkin' Donuts, I forgot which is there.

But it's a continuous wall with the exception of where it breaks for the building, and it stops -- it doesn't attach to the building. It stops at the end of the water management.

MS. BEATTY: It just seems like attaching to the building would be better for the residents in the area.

CHAIRMAN STRAIN: Well, I'm not sure what it would accomplish other than putting more wall up, because the sound transmission and everything will be mostly stopped by -- the building's probably the best buffer you have for sound, because everything's supposed to be on the other side of the building, so...

And, in fact, they're putting the walls closer to the parking lot. The closer to the source of the sound you have a wall, the more effective it is. So that should help as well. And it will be a combination between berm and height of the wall 10 feet above the lots that are on Price (sic).

So with those facilities, it should be better than what you've got there today. I was there yesterday, and there's not much of a buffer in regards to sound transmission, so...

MS. BEATTY: Well, that's true. Right now there isn't, but any development there would be better, in my opinion, than a box store. Thank you.

CHAIRMAN STRAIN: Thank you. Next speaker?

MR. SMITH: Next speaker is Al Schantzen.

MR. SCHANTZEN: Good morning, good afternoon. Al Schantzen, S-c-h-a-n-t-z-e-n. I'm a resident of Collier County since the '70s and been on Haldeman Creek since 1990.

The major concern I have with this Sam's Club going in there is the Haldeman Creek and the buffer zone between the gas station and the waterway there.

Over the years the creek has improved quite a bit and had its periods of degrading also. And during

this time I've seen otters, manatee, kayakers, and game fish up in that area. And my concern is what kind of spill control we have for the gas station and the buffer area and the water management of the water going into the canal from that area.

The vehicle traffic and everything else is all from the one side; Haldeman Creek blocking any kind of access to it, so it's backed up against Haldeman Creek so all the traffic's going the opposite direction. That I have to worry about.

The main concern I have is the Haldeman Creek and water management and keeping the canal clean for the critters and enjoyment of the people of Collier County on Haldeman Creek.

And that's basically all I have there. And kudos to what Ms. Young said. She gave a good dissertation on it, too.

CHAIRMAN STRAIN: Thank you, sir.

MR. SCHANTZEN: Thank you.

CHAIRMAN STRAIN: Next speaker, Dan?

MR. SMITH: George Danz.

MR. DANZ: Mr. Chair, ladies and gentlemen, my name is George Danz, D-a-n-z, representing myself as a citizen, and I'm also on the board of directors of the East Naples Civic Association.

There's been discussion, I guess, that I've heard for the last year and a half or two years regarding this project or the buildings in that area. The structures in that area have been vacant for several years. I think there's been various developers that have been looking for all types of development to come in there. I don't think they've been successful in attracting the types of developments that have been discussed.

I think a box store may be beneficial to some of the smaller businesses around there such as Dunkin' Donuts, the Burger King, the Buffalo Wings place, those types of places.

If there was an alternative of any type of development there, I think it should be considered, but the fact is, these structures have been there for several years. They've been empty. They've been vacant, and I think a box store or something needs to go in there, and this project certainly seems to fit that area.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Dan?

MR. SMITH: Teddy Plaisted.

MS. PLAISTED: Teddy Plaisted.

COMMISSIONER CHRZANOWSKI: Excuse me. Were you sworn in?

MS. PLAISTED: No, I was not.

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

MS. PLAISTED: My surname is spelled P-l-a-i-s-t-e-d. Good morning, members of the Commission. I represent myself. I've been a Collier County resident for over 40 years and have watched our county grow and develop in mostly wonderful ways; unfortunately, it also includes traffic, but that's the way that goes.

I've watched this particular area for a number of years, became concerned as we started losing the larger tenants out of there. And as I recall, the first large tenant to move out was about 2012. So we've had a considerable amount of that space vacant for four years, and then watched more of the larger tenants leave, West Marine and so forth.

That's really not a good thing to see. I've watched what's happened with vacant areas around town. Not only here, but in other areas; Parkshore, North Naples, down Immokalee Road, and basically the results are the same. It's not good.

I've been aware that they've been looking for someone to fill this space. I feel that having Sam's Club down here could be a very good asset for the area, not only because of the people on Marco, but all the people from Marco up, everyone who does not want to have to drive up to Immokalee Road to get things from Sam's Club. And this is based not only on my personal opinion, but also in talking with friends of mine and acquaintances who own businesses and are managers in the area, because it takes time out of their day, out of being able to make sales. No matter what their particular area of business is, it always comes down to sales. They have to go that far. If they can shorten that trip, it improves their business efficiency.

In addition – and with all due respect to Karen, I understand the concerns about blight. We don't

want blight. No one wants that. But when Sam's Club went in up at Immokalee Road, there was not a little shopping center next to it, which grew up afterwards, and that shopping center with Cici's Pizza, I think it's Nathan's, and there's been a whole raft of businesses that have grown on Immokalee Road on either side as well as across after Sam's came in, and they all look like they're thriving pretty very really.

I understand that our new Sam's is supposed to have about 175 employees, which is great. That's more new jobs in the area and, of course, having someone actually occupying the space gives us more taxes.

I understand having, like, smaller boutique-style stores. I honestly think they would be better suited out at 951 and 41 where we've got the new Hobby Lobby, Outback, Publix, and those sorts of stores. I just think that would be a better location for that sort of thing.

Sam's Club is committed to small business prosperity and, according to the Small Business Association -- Administration, small businesses can include, depending on the category, from 500 to 1,500 employees with sales revenues of 5 million to \$20 million which certainly covers our area very, very well.

In addition, they work very hard to improve the prosperity of their area. They help small business through business initiatives, research, community engagement, and national grants.

I'm on the board of a 501(c)3 here, and to be perfectly honest, grants are very crucial to our being able to operate.

So, in conclusion, I want to thank you all for your time and say that I really feel that Sam's Club down here could be a big asset to our area.

Thank you.

CHAIRMAN STRAIN: Thank you.

The last speaker?

MR. SMITH: The last speaker is Felipe Arcila.

CHAIRMAN STRAIN: I have to ask, were you sworn in?

MR. ARCILA: No, sir, I was not.

CHAIRMAN STRAIN: And thank you, Stan.

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

CHAIRMAN STRAIN: I don't always get to monitor people coming in and out, so I don't know if everybody stood up the first time. So appreciate it. Thank you.

MR. ARCILA: Well, good afternoon. My name is Felipe Arcila. I'm here on behalf --

CHAIRMAN STRAIN: You'll need to spell that, especially the last name.

MR. ARCILA: For the record, my name is Felipe Arcila. It's spelled F-e-l-i-p-e; last name is A-r-c-i-l-a. And thank you.

I'm here today on behalf of Mr. Michelle Deabus (phonetic). Mr. Michelle Deabus is an owner of one of the properties that is an outparcel to Courthouse Shadows particularly, you know, known as the Chrissy's tavern.

Mr. Deabus does not live here in the country. He lives in Europe, and he wasn't able to make it here.

The reason for me to be here today is, number one, is particularly to voice our support for the redevelopment of Courthouse Shadows into the Sam's Club that's being presented today.

I've heard a few objections from the neighbors, and as it is a concern to us, as one of the owners, is exactly the homeless people in the area. I was showing the property two days ago, and I can attest to a drug deal being done in front of me at the property, and it's been going on every day.

At this point we have not really cleaned up the property. Within two weeks we're planning on fixing all the landscaping, cleaning -- at least to have some -- you know, have some visibility from 41, because that's what I think is happening. A lot of people are sleeping at the -- within the property. I constantly have to be telling people, please, you know, to find somewhere else to be. And so the redevelopment of the entire Courthouse Shadows is going to be a benefit.

The only thing I would like to address is that we do have a concern regarding the site plan that has been proposed, particularly regarding the parking configuration which impacts Mr. Deabus. It's being substantially changed. And it's the parking configuration, the circulation, and basically we believe that there's -- pertaining to our specific outparcel that we do have some concerns regarding safety and pedestrian issues, but I think that's something we can address with the developer. But I do want to bring this to your

attention.

But we do voice support for the Sam's. We welcome it. And I think it's great for the area. I mean, there's jobs. It scares people to be there right now as it is, and it needs to be redeveloped. It needs to be -- something needs to be done with that property, and that's it.

CHAIRMAN STRAIN: Okay. Before the meeting's over, I was going to -- I'll ask the representative from the developer how they've worked out the parking arrangement. I know that there are some parking agreements between outparcels there and other entities. I can't remember if there's one specifically for yours.

MR. ARCILA: There should be. I mean, just looking at his outparcel, he only has three parking spaces. That would never be approved.

CHAIRMAN STRAIN: Well, that's what I --

MR. ARCILA: There is some cross-access, some cross-parking agreement done. I haven't -- I was engaged maybe 10 days ago. I haven't really researched this, and I'm sure there is, but --

CHAIRMAN STRAIN: Well, we'll look a little bit further, so --

MR. ARCILA: Thank you very much.

CHAIRMAN STRAIN: Thank you.

Any other speakers, Dan?

MR. SMITH: That's the last speaker.

CHAIRMAN STRAIN: Are there any members of the public who have not spoken on this matter but would like to speak on it? Yes, ma'am, would you please come up and identify yourself for the record.

MS. BRUNO: My name is Nancy Bruno, B-r-u-n-o, and I was sworn in. I'm the owner of Buffalo Wild Wings in Courthouse Shadows. Of course, I am in favor of seeing Sam's Club come in because there is -- obviously, there's nothing there. My business is suffering as a result of it. We get phone calls, oh, you're still there? We didn't -- we thought you were closed.

There were homeless people sleeping in our parking lot when we were under construction. There was one woman in particular that was using the port-o-pot as her private bathroom.

There are homeless people sleeping in Publix walkways. So I'm in favor of Sam's coming in, and I think it will eliminate, as they were -- that element. And I think it's great for the community. I'm a Marco Island resident. I've been in Florida for 22 years. And I don't see where -- if it were located, as far as crime goes, as Ms. Beatty spoke, if it's going to cause crime here, it's going to cause crime someplace else, and I just don't see that happening.

And, once again, I thank you for your time, and I'm looking forward to having Sam's as my neighbor. Thank you very much.

CHAIRMAN STRAIN: Thank you, ma'am.

And anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. The applicant will have an opportunity for rebuttal, and I would like a followup question on to what extent or knowledge is Mr. Kirby or Wayne or any of you have in regards to the parking arrangements with some of your outparcels. I know there are some documents on record. I just haven't accumulated them all yet, so...

MR. KIRBY: Yeah. Once again, Doug Kirby for Kite Realty Group.

Yes, there are certain cross-parking agreements with various outparcel users there. The Chrissy's parcel is one of those, and they will be dealt with. Their parking will be reconfigured and allowed to continue on the shopping center property.

I think we can come to an arrangement to help ease his customer parking for whatever ends up going back in Chrissy's location as we work through the development process.

CHAIRMAN STRAIN: And I thought that was the case; otherwise, the permit wouldn't have been issued in the first place. But I like the confirmation, so thank you.

MR. KIRBY: Yep.

CHAIRMAN STRAIN: Okay. I don't know who, if either -- anybody wants to make any rebuttal statements, you're more than welcome to for a short period of time.

MR. YOVANOVICH: And we don't need very long.

I just wanted to, you know, reiterate a lot of what came out on the public comments is that we are 100 percent consistent with the Comprehensive Plan. Your staff is recommending approval of the project. I believe Mr. Lenberger testified that if we end up disturbing some of the trees in the area that he has identified in his comment, we just simply have to replant them at the standard of 14-foot canopy. That was in the prior Site Development Plan. If we can re-craft that condition, we can agree to that condition, because the way it's currently written, it did not talk about replanting in the current location. It talked about either going offsite or leaving it in a preserve.

So if the replanting is the option, we certainly can accept that condition. And I just hope that we're all clear on the transportation issue and the number of trips.

COMMISSIONER SCHMITT: I'm not. Can you go over that again?

MR. YOVANOVICH: But I think -- you know, I understand some of the comments from some of the members of the public, but I don't think that the real world bears out the concerns that were raised regarding crime and others. And you've heard people who are in the center right now saying that they welcome the redevelopment of the site so it becomes active, it becomes vibrant. And when you have an active, vibrant center, you do not have homeless people sitting around and maybe causing problems or not.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: We'll answer any questions you may have.

CHAIRMAN STRAIN: Mr. Schmitt?

COMMISSIONER SCHMITT: Yes. For the record, can your engineer or, Rich, yourself or whomever, just to ease the concerns of the water treatment and the design and the pretreatment, and if an ERP or anything is required so that we can assure the public the water quality standards will be met.

MR. YOVANOVICH: Well, if you'll -- I've been up here enough times to know that we do go through an engineering review process for every use that goes on that property. I've been involved in gas stations, and it is a -- it is a detailed review and analysis of the proposed gas station, gas tanks, everything. All of that is regulated, it is permitted, and it is taken care of to assure the public that the concerns they raised today will not come to fruition.

CHAIRMAN STRAIN: Do you know anybody that used to be with the Corps of Engineers? They might be able to provide some information.

COMMISSIONER SCHMITT: I could definitely provide advice and counsel.

CHAIRMAN STRAIN: I think you're the best source of that answer.

COMMISSIONER EBERT: I have a question for you, Rich. Because this gas station, as you're calling an accessory use -- and they said they did not try and buy out the other gas station owner, so that would have kept the 500 feet. That would have really solved a lot of problems, but they didn't.

This condition on the gas station, I understand it's for members only; it's private. Can we put in your PUD and in the SDP that this will always be a private gas station?

CHAIRMAN STRAIN: It's already in there.

COMMISSIONER HOMIAK: It has to be.

CHAIRMAN STRAIN: It's already in the deviation.

MR. YOVANOVICH: It's already in there that it's related to the -- it's an accessory use to the Sam's Club.

COMMISSIONER EBERT: Okay. So it is already in --

MR. YOVANOVICH: And it says it's private.

COMMISSIONER EBERT: I didn't see it in the PUD; that's why I was asking.

CHAIRMAN STRAIN: It's there.

COMMISSIONER SCHMITT: Which requires membership?

MR. YOVANOVICH: Correct. I thought it was there. If we need to somehow tighten it up --

COMMISSIONER CHRZANOWSKI: Rich, is this going to undergo county Water Management review, or is it going to get an ERP?

MR. YOVANOVICH: I'm told both.

COMMISSIONER SCHMITT: Both. It should be both.

COMMISSIONER CHRZANOWSKI: Oh, yeah. It should be both, yeah. I just didn't hear you say that it was --

COMMISSIONER SCHMITT: ERP, for those -- it's an environmental resource permit through the South Florida Water Management District.

COMMISSIONER CHRZANOWSKI: Which is another layer of review.

CHAIRMAN STRAIN: Just for Diane, the principal use that they're proposing to add is membership warehouse club with associated liquor store use and ancillary facility with fuel pumps. The facility with fuel pumps may not be opened to the general public and shall be for only members of the membership warehouse club.

COMMISSIONER EBERT: And that's in the PUD?

CHAIRMAN STRAIN: That's in the PUD. That's new language, yeah.

Any other questions of Richard? Did you have anything else you want to add to rebuttal?

MR. YOVANOVICH: No, I think that we did a good job of presenting the petition, and so did staff. And hopefully with the clarification on the replanting ability, the one objection we had is gone.

CHAIRMAN STRAIN: Okay. Steve, you're walking up, so that means you either object to his objection or something.

MR. LENBERGER: Stephen Lenberger, Development Review.

Just a clarification. They can re-create preserve on site. They keep alluding to just trees. The tree size is specified on the site plan where the size is required for re-creation of preserve. So they can re-create preserve, but it's not just trees.

CHAIRMAN STRAIN: Well, the site plan calls out the -- I'll bring -- I'll read the actual language, if I can pull it up here. You can tell me if it needs to be embellished or if it's not going to be sufficient for your review. We might as well settle it now before it goes any farther.

It is understood that if the required vegetation is unable to be preserved, that additional native plantings will need to occur including, but not limited to, 14 canopy trees and five gallon shrubs. Does that provide the information you would need to get to the point where the creative preserve is what is installed there?

MR. LENBERGER: It doesn't have all three strata, but the area was a hammock, so it probably didn't have ground cover. So it's stating to me that it has the shrubs and trees. Actually, the code requirement is less stringent now. They're smaller plant size materials and actually gives a spacing criteria in the Land Development Code.

So they're amending the PUD. They are amending the site plan. We go by current code requirements for re-creation of preserve.

CHAIRMAN STRAIN: Thank you. Rich, do you understand that? Are you -- if there's going to be a problem with arguments later, let's have them now.

MR. YOVANOVICH: Well, actually, I'm just trying to figure out what the rules of the game are. I thought I have to live with the previous condition that was in the previous Site Development Plan.

CHAIRMAN STRAIN: I think for the preserve area, that's what the point was of this. That's a preserve area, and that's what you've been discussing quite often here today.

When you resubmit for your SDPA, from what Steve's going to -- indicating, you'll be reviewed under the current code. The current code may require less height and canopy trees or sizes of shrubs, but this always said not limited to. So I think whatever the new code is at the time you submit for the SDP, if it requires additional ground cover, you may have to put it in.

MR. YOVANOVICH: What I need to be crystal clear with Mr. Lenberger is, we are using this area as part of our dry retention, as part of our water management system. I need to know that I can still do that and replant within that area after I create it as part of my water management system. Because this code -- this previous thing said if I cannot keep those trees, I can replant those trees.

And, already, a portion of the area that was set forth on this water management plan in the original Site Development Plan was encumbered by a drainage easement prior to the condition being implemented. So at the time you could use the native area as water management. We need to be able to do that.

CHAIRMAN STRAIN: Okay. I was out there yesterday. The area is being used for water



management. It's got at least two structures. One is quite substantial, the outfall structure. I think Steve's concern is that there is a lot of nice, mature trees in that area. If you re-create preserve in that area with the material that lives and thrives I don't know why anybody would be shorted compared to what you have there today. Steve?

MR. LENBERGER: There have been instances in the past where preserves have been created in water retention areas; the problem is is that the applicant has indicated that they need all the retention they can get. And when you put all this vegetation in a retention area, it's going to accumulate and decrease the amount of capacity you have to store water.

So it seems to me that it's going to be difficult to have a preserve in a retention area and given the shortage of space with all the improvements they want to make to the property. It might be best for them to go offsite. But we generally don't like to see them in the dry retention areas for what I just stated.

COMMISSIONER CHRZANOWSKI: But yet we have a concept known as rain garden and, from personal experience, tree trunks don't take up a lot of volume. I mean, that will be up to the engineer to do the calculations, but they've been pushing rain gardens for a long time.

MR. LENBERGER: But if you have -- the retention area needs -- you're using all that for retention and all of a sudden you're putting all three strata in the ground and organic material starts to accumulate in the leaf litter and et cetera, and the trees increase in size, suddenly you don't have the storage capacity, and that's the concern. At least I've been told that by engineers in the past, I believe, including yourself.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Steve, yesterday I talked to Jerry Kurtz from stormwater, and they really don't want any trees in their dry retention area. That fouls things up, he said.

MR. LENBERGER: And we haven't had any recently or in the recent past that we've allowed that. I can only remember a couple in the distant past. And you're not supposed to have any easements which are incompatible with preserves, over a preserve. And the fact that you have to maintain these retention areas to get the capacity you need for treatment as stormwater seems to be incompatible to me.

CHAIRMAN STRAIN: Well, Steve, how do we -- how do we have this existing there today if it's incompatible? Why was it approved originally then?

MR. LENBERGER: Well, actually, it's not in a stormwater retention area.

CHAIRMAN STRAIN: Yes, it is.

MR. LENBERGER: It's -- right now it's -- there's a pipe or a swale -- I'm not sure exactly what it is -- going in an easement along the side of it. It's not in a retention area.

CHAIRMAN STRAIN: Well, the area's dug out. It's a great big, like, a hole. It has an overflow catch basin that's got to be five feet in the air from the bottom of the swale.

MR. LENBERGER: Which --

CHAIRMAN STRAIN: I mean, I was there yesterday.

MR. LENBERGER: Which retention area are you talking about?

CHAIRMAN STRAIN: The one south of -- behind Office Max or where Office Max used to be. That one -- yes, that one there.

MR. LENBERGER: Well, like I said, we have -- they have capacity problems in the amount of storage they need. I think that could be problematic.

CHAIRMAN STRAIN: Did the old code allow what they're doing today? This idea that you can't have water management as part of a preserve, did the old code allow that?

MR. LENBERGER: Well, you can have drainage easements over preserves. A lot of preserves are wetlands, and they're part of the stormwater system as they outfall into either a natural water body or drainage system. The problem is is when you're in a dry retention area. This is an old product. It was built prior to a lot of the new codes.

There's no -- the code is silent to whether you can do it in a stormwater retention area. I can only go by what the engineers are telling me, and they're telling me they don't want this vegetation -- a preserve established in a stormwater retention area.

CHAIRMAN STRAIN: They better get their dozers out, because we've got them all over the county. Richard?

MR. YOVANOVICH: I need to clarify something to make sure that Steve and I are talking about his condition.

CHAIRMAN STRAIN: I don't think you guys are talking on the same page in this condition at all at this point. I'm completely disillusioned by it now.

MR. YOVANOVICH: What I've put on the visualizer is what now, I guess, is an upside down L. That's an existing drainage easement that's existed since 1988 prior to the adoption of the Site Development Plan in question.

That drainage easement is within the area that staff said they're now claiming was a preserve area agreed to based upon the then existing code. What I understand Steve's comment to be is the area that's crosshatched now that is outside of that drainage easement would now have to be labeled as a preserve, and we would have to go -- and that area is also within the Site Development Plan area that was approved; I think it was 1994. I didn't catch the date.

He's now saying that that has to become a preserve and can't be used for dry retention when you had the very condition that said if we had to impact that area, we could replant that crosshatch area. That was what was agreed to in 1994, and that was then consistent with the Comprehensive Plan according to Steve. I don't know. I didn't review it.

Why would it not be -- why can't we bring that forward in a redevelopment project in planting with appropriate vegetation that will survive in a dry retention area consistent with what was previously agreed to by the parties, and what my client -- I guess if he had read it -- would have understood it to mean? Those words are very clear that we can replant.

CHAIRMAN STRAIN: Well, I can tell you part of the problems I can foresee coming down the road is if we try to come up with some language that allows you to continue using the area as it has been used to protect everybody's interests, it's a deviation to the code, so the next argument's going to be, well, now we need a deviation. You didn't ask for it, and we could see this -- did you ask for a deviation specific to that?

MR. YOVANOVICH: Well, maybe -- I think we disagreed with staff as to the application of the code. But if you would like us to have a deviation that says -- we can craft it pretty easily -- that says we can -- for this portion right here we can replant it.

CHAIRMAN STRAIN: Well, and I think --

MR. YOVANOVICH: We can have a drainage easement.

CHAIRMAN STRAIN: As to the outcome of this, especially -- from staff's perspective, who's Susan O'Farrell? She used to work for the county.

COMMISSIONER CHRZANOWSKI: Yes. She was in Code Enforcement, and then she was -- I forget -- I think in engineering for a little while. But she's been gone about 15 years.

CHAIRMAN STRAIN: She filed two audit reports on this project, one in 2005 and the other in 2007. Environmental category, conservation preservation acreage dedication. Requirement at least 30 percent of gross acreage of the total site will be developed to usable open space when fully developed, and then it goes on about perimeter buffers. Staff findings, not applicable.

So in both instances, in 2005 and 2007, which is almost 10 years after the SDP was provided for Office Max, county staff did audit inspections and found there were no conservation preservation acreages required.

So I would suggest that as a compromise we allow that area to be continued under its current use as both preservation and water management with supplemental plantings for any of the material that's taken out to the extent described in the SDPA, and that would get us to a point at least of an agreement on that.

Summer?

COMMISSIONER SCHMITT: Back in the day when Summer was in Code Enforcement.

MS. ARAQUE: Summer Araque, Environmental Planning Supervisor, for the record.

My issue, I guess, would be using Susan O'Farrell's findings. I think that's -- that might be problematic.

CHAIRMAN STRAIN: Well, why was it issued as a PUD audit report in 92-8? She's not competent? Capable?

MS. ARAQUE: She apparently did not do all of her research. That's all I have to say on that.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: So you would have no problem with --

CHAIRMAN STRAIN: Who was her superior back in those days?

MS. ARAQUE: It was not me.

COMMISSIONER CHRZANOWSKI: I disavow all knowledge.

COMMISSIONER SCHMITT: I disavow all knowledge.

MR. ARNOLD: I don't know. I believe that she was in Code Enforcement for most of her time with Collier County.

CHAIRMAN STRAIN: Okay. Well, that information's in CTS. Anybody in the -- anybody in the county could have access to it and review it. I'm a little disappointed we're going down such a long bit of time over such an innocuous issue. I mean, whether we have trees in that drainage ditch or not is not that big of a deal.

Whether they've got to go off site and buy a little bit of preserve, to me it's not that big of a deal compared to the size of this site. But the discrepancies between what I've heard today and what staff does or does not know what they want and what is said in the SDPA and what that audit report says, it doesn't make any sense. I don't know how we're going to get to a resolution.

I'm more inclined to just say we don't need to support staff's Recommendation No. 3 and let the site be used as it has always been used, and that's a drainage easement.

MR. YOVANOVICH: We have the survey to show that.

MS. ARAQUE: I think Stephen's comments have been clear on this project, and his review is still on "reject."

CHAIRMAN STRAIN: Well, the SDPA isn't clear that I've just read from 1998 with the language that's there now saying, well, now we've got to change it all and meet new codes. We do have redevelopment aspects in this county, and this changing code over time is certainly one of the problems with new development versus old development.

If they were allowed under their SDPA at the time built and it was fine then, it should be fine today.

MR. WILFONG: I don't want to prolong this, but do you mind if I put a topographic survey showing the actual -- the dry pond (sic) there right now in that area?

CHAIRMAN STRAIN: Sure. By the way, anything you do is going to prolong this, just to give you a hint.

MR. WILFONG: It's right there, basically. It's like a mini basin.

CHAIRMAN STRAIN: Yeah. That's where I was yesterday.

MR. WILFONG: Thank you. I just wanted to put that on the record. Thank you.

CHAIRMAN STRAIN: Thank you. Anybody else have any issues?

COMMISSIONER CHRZANOWSKI: No.

CHAIRMAN STRAIN: Questions? I think the applicant's done. Good.

With that, we will close the public hearing, and we will have a discussion first and then entertain a motion.

I made a bunch of notes. We typically do. I can read you those notes. If the motion is made to support, the notes might be a suggestion as for stipulations. If the motion's made to deny, then there's no need for the stipulation. So I'll go through them all for discussion's sake, and then we can decide what to do.

Number one, the second entry on Peters Street will go away if the Sam's is built, and it will be replaced with emergency access as shown on the master plan or revised master plan.

Instead of the reference to a screen wall, the use will be -- screen wall is the definition of an area -- where it points to. It will be a masonry or concrete wall at six feet high in those areas designated six feet, at 10 feet high in other areas, and then where the 6-foot wall is used, it will be overall 10 feet including the dirt it's sitting on in relationship to Peters Avenue, or Peters Street, whatever that is.

We will accept the amended staff recommendations with the exception of the No. 3 that regulates this as a preserve area requiring offsite preserve. At this point the applicant has agreed to replant that area subject to the SDPA language that they previously had, and that's the most I think we need to see happen there.

COMMISSIONER SCHMITT: I agree.

CHAIRMAN STRAIN: So, therefore, we do not support Staff Recommendation No. 3 as it's written, but it will be more as we've just described.

Sidewalks will be -- the sidewalk funding will be provided 30 days after the time of SDP approval for Sam's or for any other -- any project that comes about as a result of the approval of this application today whether it's a Sam's, a Target, or whatever else could go there. I don't want that to be the hangup on that \$50,000.

The Deviation No. 9 language proposed by County Attorney's Office will be accepted.

They'll change the PDD references to Collier Development Corporation to "developer."

The wall that is over by the tank will be extended down to the drainage easement at the -- or drainage area that's behind the building at the 10 feet -- at the continuous 10 feet from the point to the north where it starts.

We're going to be changing the reference to the 662 new trips to delete the word "net." It will just be 662 new trips, not "net."

And that's the only notes I've made. That's all the notes I've got. So with that, is there anybody that has anything they'd like to add to it?

(No response.)

CHAIRMAN STRAIN: Further discussion?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a motion either way?

COMMISSIONER HOMIAK: Make a motion to approve.

COMMISSIONER SCHMITT: I second.

COMMISSIONER HOMIAK: Motion --

CHAIRMAN STRAIN: Motion made --

COMMISSIONER SCHMITT: -- subject to the language you just read.

CHAIRMAN STRAIN: Is that the motion maker's --

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay. Motion maker and second both subject to the stipulations read.

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: All opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0. Thank you, all.

With that, Heidi, did you have --

Just a moment, Heidi. Well, you've got to speak up if you've got a question.

MS. ASHTON-CICKO: No. Dan was going to put something on the record to supplement the record. There's a handout -- I don't believe you read it in -- on some additional findings. So I hate to do it after you already voted, but...

CHAIRMAN STRAIN: Well, it's a little late after we all voted.

MS. ASHTON-CICKO: Yeah.

CHAIRMAN STRAIN: I think we'll go with what we've got. I don't want to confuse it anymore. So with that, we will take a lunch break and return at 10 after 1:00 and finish the last item on today's agenda, which is the New Hope Church issue.

Thank you.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Okay. Welcome back from our lunch break, everyone. We'll move on to finish up with the meeting that started this morning.

COMMISSIONER SCHMITT: I think Rich is looking for his team.

CHAIRMAN STRAIN: Next item up --

MR. YOVANOVICH: I think I can cover it until they get here.

COMMISSIONER EBERT: You mean you can ad lib?

MR. YOVANOVICH: No, I've got it all. Thank God I brought my iPad.

CHAIRMAN STRAIN: \*\*\*Next item up is PUDR-PL20150002519. It's the New Hope MPUD located on the north side of Davis Boulevard east of Santa Barbara Boulevard.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. (The speakers were duly sworn and indicated in the affirmative.)

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

MR. EASTMAN: I spoke with Tim Hancock regarding a potential pedestrian interconnect with Calusa Park Elementary school site.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I spoke with Rich Yovanovich.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Just staff.

CHAIRMAN STRAIN: And I spoke with Tim and Richard, staff, and went through a lot of files, like I did in the last one, and we'll hear what I have -- the results of later on.

Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Joe?

COMMISSIONER HOMIAK: There was a support letter from the civic association -- that's not in our packet, right?

CHAIRMAN STRAIN: Yeah, there was. We did get a letter from the --

COMMISSIONER HOMIAK: That's an email.

CHAIRMAN STRAIN: Email from the East Naples association supporting it.

COMMISSIONER SCHMITT: Received an email from East Naples Civic Association, spoke to Rich Yovanovich, and briefly spoke to Tim in the hallway, so...

COMMISSIONER CHRZANOWSKI: Yeah. I forgot about the email from the civic association.

CHAIRMAN STRAIN: Okay. Richard, it's all yours.

MR. YOVANOVICH: Good afternoon. For the record, Rich Yovanovich and Jeff Perry on behalf of the petitioners. Eventually Ian Stewart and Tim Hancock should be arriving to assist if there's anything that Jeff and I can't answer.

This is an existing PUD. I put on the visualizer an aerial. It's the New Hope PUD. Originally it was going to be a larger church facility built on the site. Church plans changed, and the parcel on the western portion, it's almost 20 acres, is now being revised to add for multifamily units to be constructed on that portion of the property.

I'm going to take you through some changes to the PUD but, essentially, we're in the activity center, and a density of up to 16 units per acre would be allowed on the property.

We've met with some local residents and had our neighborhood information meeting, and the reality is we're at 304 units for the property, and I'll show you how we're making those changes. Both at the NIM and meetings with the residents of Naples Heritage, the concern was was this going to be an affordable housing, an apartment complex, and, again, it's going to be a market-rate luxury-type apartment complex, and we've incorporated the standard types of commitments that really came about with the Vincentian project. And I'll show you how they're being added into the PUD, with the resort pool, et cetera, being added.

I think hopefully -- when I put the master plan up, there were some questions about the sidewalk plan and the sidewalk deviation, and hopefully it will be a little bit clearer on the visualizer when I put that up. I think the copies in your packet made it a little bit difficult to see where the sidewalks actually are being

constructed.

And staff's recommending approval. I don't think we have any issues with the proposed staff conditions. So if I can, I'll just head right to the -- right to the changes to the PUD itself.

So I hope to not let Ms. Ebert down and get this correct when I put it on the visualizer. And I did. I hope there's not too much glare. I didn't print out hard copies. I went totally electronically on this.

On the PUD on the first page, as you can see, we're not proposing any changes to the ordinance in your packet. When we get to the residential portion of the PUD, we've highlighted the changes that we're intending to make. We've changed the number down from the 319 to the 304 that I previously mentioned.

There was some confusion about the minimum gross density, and I think that sentence was unnecessary, so we struck that sentence. We added the residential amenities that you would find in other more recent multifamily projects that were going to result in an apartment complex being constructed on the property, so these are basically from the Vincentian PUD and subsequent multifamily projects.

When we get to Page 3 of the PUD, there was some confusion by using the term "intended" in those two places, so we deleted the reference to intended accessory uses because they are going to serve the residents of the facilities or development.

In Exhibit B, the development table, somehow the word "exceed" was deleted from the table, so we added that back so it's clear that it's three stories not to exceed 48 feet for the zoned height, and then three stories not to exceed 60 feet for the actual height.

In the residential Development Standards Table there was -- there were questions about what were going to be the minimum-sized units for the one-, two-, and three-bedroom units. This is a comment that we got from Naples Heritage.

So we committed to minimum unit sizes for the one-, two- and three-bedroom units. More than likely we'll have multiple options of each of these, so you'll have some larger one-bedroom units, some larger two-bedroom units, and some larger three-bedroom units. But we're committing to these minimum square feet.

See if it will let me do this.

CHAIRMAN STRAIN: It shouldn't.

MR. YOVANOVICH: It may auto correct.

CHAIRMAN STRAIN: That's what I was just going to say. It might.

MR. YOVANOVICH: It might hopefully. I got lucky.

CHAIRMAN STRAIN: Oh, there you go.

MR. YOVANOVICH: That's just pure luck.

CHAIRMAN STRAIN: If you tilt it up it might do it for you.

MR. YOVANOVICH: I'm afraid to mess with it. There were -- first I want to show you -- and I don't know if we can zoom in, Dan, but outline-wise --

CHAIRMAN STRAIN: Well, they're bolder now. That was the problem.

MR. YOVANOVICH: Hopefully that helps. And we'll get you an exhibit that will reproduce better.

But as you can see how we're using the sidewalks to get you to your units and then also allow you to walk around the lake instead of having a sidewalk that, you know, was around the perimeter of the property. I think that there -- there's basically sidewalks that are more usable, and staff's recommending approval of that deviation.

There was some language in the PUD that -- there were some notes on the master plan that really I don't think need to be there, so we've deleted the reference to those notes, and they're just general planning notes regarding the existing use, the planned use, et cetera, related to the project.

And there's -- again, I can't read that because I just lost my glasses. It was another note on the master plan that just --

CHAIRMAN STRAIN: Top right-hand side of this page.

MR. YOVANOVICH: Yeah. You can see the yellow, but -- whoops, I've got to turn back.

COMMISSIONER SCHMITT: Rich, can you just leave that back on there again. I'm going to confuse you.

MR. YOVANOVICH: No, you're not. Is that better?

COMMISSIONER SCHMITT: I wasn't clear. What are the double lines? Right above the word "garage" and below "preserve," and there's kind of double lines. Is that the roadway or is that another sidewalk? I didn't understand that on the drawing.

MR. YOVANOVICH: Right here?

MR. SMITH: I think he's talking about at the bottom there.

COMMISSIONER SCHMITT: No, no. Right where it says "garage" up in the middle.

MR. YOVANOVICH: Here?

COMMISSIONER SCHMITT: Well, no, up in the other part of it. Right up in here. Yeah. They've got a line. There's -- oh, now I see. It's a dashed line. I see what that is. When you -- can you move it over a little bit now to the --

MR. YOVANOVICH: Which way am I going?

COMMISSIONER SCHMITT: The other way. That's what I see. I see it's a dash line now. I thought maybe those were some kind of walkway as well, but I see that. I didn't know what those lines were around the -- is that a berm?

MR. YOVANOVICH: Separating the buffers?

COMMISSIONER SCHMITT: Yeah. Okay.

MR. YOVANOVICH: It's just two different types of buffers.

COMMISSIONER SCHMITT: All right. Now I see the sidewalks as well. Good. Thank you.

MR. YOVANOVICH: Okay. There was -- I believe that was a typographical error including the word "as" in that one place, and it allows us to do the project in different phases instead of at one time.

There was a provision that dealt with church-related uses that was included in the original PUD where if the church ventured into something that may not be considered a traditional church activity, there was a process for people to get together and discuss whether or not it was a traditional church activity, and if there was a disagreement, there was a process to resolve the disagreement. That was inadvertently taken out of the original version in your packet and has been put back in and is consistent with the -- and you should have the existing PUD in your packet already, so we were putting that back in.

And I think that's it. I think that incorporated the comments from the neighbors, the comments that we heard from different Planning Commissioners when we met with them or talked to them on the phone and hopefully clarified a sidewalk issue that a couple of people raised because they couldn't really see it from the copying in the packet.

And with that, that's really the entirety of what we're proposing to change in the PUD. There is -- there are some, you know, reductions in the number of church seats that go along with the change in the planned uses. But other than that, I think that highlights all of the concerns.

We do have a letter of support from the East Naples Civic Association. I met with the Naples Heritage people about their concerns and, obviously, they're not here, so hopefully I took care of those concerns. And with that, we ask that you recommend approval to the Board of County Commissioners.

CHAIRMAN STRAIN: Okay. Any questions of the applicant? Go ahead, Tom.

MR. EASTMAN: Rich, can you describe how an elementary student would -- would they walk to this school? If they were a walker -- it's close proximity to the school site -- would they be going out onto Davis and then making a right on Santa Barbara and -- is it that circuitous route?

MR. YOVANOVICH: Well, right now, Tom, unless there's a way to interconnect the facilities a different way, we don't have -- we don't have the right to construct any access across the commercial parcel. Do I need to put the aerial back up? There's a commercial parcel. This is the commercial parcel right there.

CHAIRMAN STRAIN: You need that mike.

MR. YOVANOVICH: I'm sorry. You have the commercial parcel right here, so we don't have an ability to build any access. Long term when this project gets built, there will be a secondary access out of the project, and we can, obviously, have a sidewalk to get people to Santa Barbara; otherwise, we'll just have to work with you to see if there's a way to connect this parcel directly to the school site.

MR. EASTMAN: And thank you for that opportunity, Rich. When I spoke with Tim, he said -- and tell me if this is okay with you and your client -- that at the SDP stage you could come to us, and we could talk about that possibility.

Obviously, we can't force our way into your community, and your residential community would have to be willing to have a gate and a pedestrian interconnect. But assuming that that's a possibility, we'd like to discuss that with you because we could get a more efficient route for the students to go directly through an interconnect as opposed to going out on the public streets.

MR. YOVANOVICH: And I'm sure we're interested in working with the school district to see if we can make that happen and have it be safe for everybody.

MR. EASTMAN: Okay. Well, we welcome that opportunity. Thank you.

CHAIRMAN STRAIN: Thank you.

Diane?

COMMISSIONER EBERT: Tom, is it the school -- is the school behind that piece of property where they're going -- that's the school?

MR. EASTMAN: Yeah. The school's directly to the north of the residential component of the subject parcel.

COMMISSIONER EBERT: Okay. Like Marbella Isles did, they did a gate, so that's kind of what you're looking for here?

MR. EASTMAN: Yeah. We were able to work with them to get a pedestrian interconnect there. They're efficient and safe. That really is the -- and when you're dealing with the elementary age schoolchildren, they're younger, obviously, and the safer we can make it -- well, for all students, but especially elementary kids, the safer we can make it the better.

MR. YOVANOVICH: You know, back when you were growing up, you were probably just hopping the fence anyway, so we should probably --

MR. EASTMAN: That's right.

MR. YOVANOVICH: -- teach them those useful skills.

MR. EASTMAN: Yup. We'd have to cut a hole in the fence.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you. We'll move on to the staff report.

MR. SMITH: Staff makes -- Daniel Smith, Principal Planner.

Zoning Services staff recommends Collier County Planning Commission forward Petition PL20150002519 to the Board of County Commissioners with a recommendation of approval with the following conditions: One, remove internal buffer labels on the master plan; two, add a note referencing exhibit -- an exhibit for Deviation 2 on the master plan, provide an exhibit of the proposed -- to the proposed PUD showing the buffer location extent and buffer types; and, three, revise the development table to reflect building a -- reference on the master plan as having a maximum of three stories.

CHAIRMAN STRAIN: Okay.

MR. SMITH: Thank you, Mr. Chair.

CHAIRMAN STRAIN: Anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: I know I normally have questions, but since I'd met with everybody ahead of time and told them my concerns and the presentation by the applicant just cleaned up all the issues that I had thought of, and my conversation with Dan the same way. So I don't have anything left to ask. It's been addressed.

So with that, if there's no other questions of the applicant or staff from this board, we'll move to the -- are there any registered public speakers, Ray?

MR. SMITH: No, there isn't.

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

(No response.)

CHAIRMAN STRAIN: Okay. So we don't need anymore swearing in. And with that, Rich --

MR. YOVANOVICH: We waive rebuttal.

CHAIRMAN STRAIN: -- I was going to ask you to do that.



Assuming this is going in the direction of a recommendation for approval, the following stipulations I made a note of: Number 1, staff recommendations would be accepted; No. 2, the changes to the PUD as shown on the overhead would be accepted, and they include the reduction to 304 units, new sizes for the various units, and then the amenity standards that were added, among other things. The new master -- the master plan will include highlighted or bolded sidewalk areas to clearly show where the sidewalks are on the master plan; and the fourth one, at SDP time the school board or the school system and the applicant shall provide their best efforts for a pedestrian interconnect to the school to the north.

Does that work for everybody?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: Okay.

MR. SMITH: Staff concurs.

CHAIRMAN STRAIN: So with that, is there any discussion?

(No response.)

CHAIRMAN STRAIN: Does anybody wish to make a motion?

COMMISSIONER HOMIAK: Make a motion to approve with --

COMMISSIONER SCHMITT: I second.

COMMISSIONER HOMIAK: -- the stipulations.

CHAIRMAN STRAIN: Motion made to approve with the stipulations; it's seconded by Joe.

Discussion again?

(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.

Thank you.

MR. YOVANOVICH: Thank you.

COMMISSIONER SCHMITT: I just want to make sure, Tim, you didn't have anything to say? You want to snatch victory from the jaws of defeat or defeat from the --

CHAIRMAN STRAIN: Well, it's -- you know, I was saying to the staff, it's about time someone came in and utilized that density and those density bands for what it was intended for, so it's good to see a project like this come through.

MR. YOVANOVICH: Thank you, all.

CHAIRMAN STRAIN: Thank you, sir.

That takes us to the -- I think it's new business. There is one item that -- oh, Item 9C was continued, which is the Collier County Resource Recovery Business Park, to the December 1st meeting.

New business: I didn't mention earlier, but about this time every year I ask if any of you want to see changes, and Stan or Tom, do you want to see any changes in the officers of the Planning Commission? I'm chairman, Karen's vice chairman, Diane's secretary. If anybody would like to see any changes, just please let me know. If not, I need a motion to either leave it the same or change it.

COMMISSIONER CHRZANOWSKI: I move we leave it the same unless Joe wants to make any changes.

COMMISSIONER SCHMITT: I second your motion.

MR. EASTMAN: I'd like to make a comment. Chairman Strain, I think you do an excellent job of digging into the materials deeper than really anyone in the entire community, and also I think you do a good job of making compromises between developers and neighbors and making for a better place to live here in Collier.

CHAIRMAN STRAIN: Well, Tom, thank you.

COMMISSIONER CHRZANOWSKI: I will second that.

COMMISSIONER SCHMITT: And I --

CHAIRMAN STRAIN: I sure appreciate it, guys. Thank you.

COMMISSIONER SCHMITT: Well done.

CHAIRMAN STRAIN: So there's been a motion made to leave the officers the same. Is there a second? Oh, a motion was made and seconded by Joe, made by Stan.

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.

Well, thank you-all. I like the time, and I like doing it, so I appreciate --

COMMISSIONER HOMIAK: Do we have a new member?

CHAIRMAN STRAIN: There's -- a new member was appointed by the Board of County Commissioners, but I think their starting date's going to be December.

COMMISSIONER SCHMITT: December?

CHAIRMAN STRAIN: Yeah, I could be wrong. It may be the 17th, I'm not sure. Ray, do you have any information on that?

MR. BELLOWS: I received an email from Mr. Dearborn. He's out of country right now. He should be back in a week or two, and then we will get together, hold an orientation. But I would imagine his first meeting would be in December.

CHAIRMAN STRAIN: Okay. Any old business?

COMMISSIONER EBERT: Any replacement from Penny Taylor?

CHAIRMAN STRAIN: Not that I know of yet, no.

MR. BELLOWS: I saw an email that somebody has applied, but I'll have to follow up to see if that's going to be forwarded or not.

CHAIRMAN STRAIN: Okay. And then there's no public left for comments. So is there a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: And seconded by Stan.

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: We're out of here. Thank you-all.

November 3, 2016

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 1:31 p.m.

COLLIER COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
MARK STRAIN, CHAIRMAN

ATTEST  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 12-1-16, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF  
U.S. LEGAL SUPPORT, INC., BY  
TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.