

March 1, 2018

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, March 1, 2018

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

CHAIRMAN: Mark Strain
Stan Chrzanowski
Diane Ebert
Edwin Fryer
Karen Homiak
Joe Schmitt
ABSENT: Patrick Dearborn
Tom Eastman

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Eric Johnson, Principal Planner
Nancy Gundlach, Principal Planner
Jeffrey A. Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

CHAIRMAN STRAIN: Everybody, good morning. Welcome to the March 1st meeting of the Collier County Planning Commission.

If you'll please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay. Will the secretary please do the roll call.

COMMISSIONER EBERT: Yes. Mr. Eastman is absent.

Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Is present.

COMMISSIONER EBERT: Mr. Fryer?

COMMISSIONER FRYER: Here.

COMMISSIONER EBERT: Mrs. Ebert's here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Mrs. Homiak?

COMMISSIONER HOMAIAK: Here.

COMMISSIONER EBERT: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER EBERT: And Mr. Dearborn is absent.

CHAIRMAN STRAIN: Mr. Eastman and Mr. Dearborn had contacted us to let us know that they both had commitments that they couldn't be here today, so they're excused, which takes us to addenda to the agenda.

We have a series of items. Three are a continuance from the last meeting. One is a new one. It's a parking exemption for Ridge Street and 41 and another one is for -- another two is for the City Gate sports park and changes to that DRI and PUD.

In going through these from last week, the No. D, which is PL20170002684, it's a parking exemption for Rosemary Lane and Ridge Street off of 41 for a shopping center there. There has been a discrepancy discovered between the processes that were being made through the Planning Commission and one at the same time being done administratively through staff. As a result of that, the applicant needs time to modify their request to the Planning Commission, then have staff review it, and then have it re-presented.

So they've asked for a continuance to April. Well, it would be the first meeting in April, which is the 5th of April. If there's no objections, can we get a motion to continue Item 9D to the 5th of April.

COMMISSIONER EBERT: I make a motion to continue Item 9D till the 1st of April.

CHAIRMAN STRAIN: Fifth.

COMMISSIONER EBERT: Fifth.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: Made by Diane, seconded by Ned. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMAIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6 to -- are we six of us today? 6-0.

Okay. That gets us past the addenda to the agenda. I don't have any other addenda right now.

We move into Planning Commission absences. The next meeting is March 15th. Most likely we'll have leftover matters from this meeting to discuss plus whatever else is added to the agenda at that time.

Does anyone know if they cannot make it to the March 15th meeting?

COMMISSIONER CHRZANOWSKI: The Ides of March? That's a dangerous --

CHAIRMAN STRAIN: Is that what it is?

COMMISSIONER CHRZANOWSKI: I'll be there.

CHAIRMAN STRAIN: While we're discussing absences, today's meeting, as you all know, is going to be lengthy. I need to know stop times. I'm going to suggest we stop at 4 o'clock. I think we'll be pretty well worn out by then, and whatever we don't finish, it will be moved to the next meeting. What do the rest of you think? Does that work for all of you?

COMMISSIONER FRYER: I have a 4:30 meeting in the city, so it works well with me.

COMMISSIONER SCHMITT: I have a tee time at 10:00. Is that all right?

CHAIRMAN STRAIN: You would.

Diane?

COMMISSIONER EBERT: And I have to leave at 2:15.

CHAIRMAN STRAIN: Okay. Well, we'll still have a quorum, so we'll move on at that point.

First of all, is any member of the public here for the shopping center; it's called Sand Banks. It's at 41 and -- okay. That particular matter's been continued to April 5th. The reason for the continuance is there was a discrepancy in the documents that have been submitted to the county. Plus, the applicant has met with the neighborhood. There are some changes that need to be done. Staff needs to analyze those, review them so a new report will be issued, and if you could come back on the 5th of April, we'd much appreciate it.

COMMISSIONER EBERT: There was another gentleman.

COMMISSIONER SCHMITT: Unless they want to make a statement now.

CHAIRMAN STRAIN: Then that takes us to the approval of the minutes. We have a February 1st and February 7th. Let's start with the February 1st minutes. Are there any changes or corrections?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to approve the February 1st minutes?

COMMISSIONER CHRZANOWSKI: I'll move to approve.

CHAIRMAN STRAIN: Made by Stan.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: Seconded by Ned.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Second set of minutes is February 7th. It was our evening meeting. Any changes to those?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion?

COMMISSIONER FRYER: Move approval.

CHAIRMAN STRAIN: Made by Ned.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Ray, that takes us to BCC report and recaps.

MR. BELLOWS: Yes. On February 27th, the Board of County Commissioners heard on their regular agenda the Orange Blossom Gardens PUD amendment and companion insubstantial change to the Siena Lakes PUD. That was approved unanimously subject to Planning Commission.

CHAIRMAN STRAIN: Great. Thank you very much.

And then we move to chairman's report. Normally I have a chairman's report, nothing new, but today I do have something I want to talk about.

I guess sometimes everybody wants to see how far they can push, and for the last couple weeks I felt like I've been standing on the edge of a cliff with the amount of paperwork and issues we've received. And so if they wondered how far they can before they push me over that cliff, I can thank the applicants today; they have succeeded.

And with that in mind, I first want to talk to you about the mini-triangle. It came to us last meeting. There was a lot of issues. One of them was so surprising to me that the applicant's representatives couldn't even explain the conversion table.

So after the meeting they have attempted to explain it. They have provided numerous documents, every single day this week. Now, one thing that we're supposed to do is have things published in time so the public can see what it is we're discussing.

I can assure you I have not read all the documents that came through this week on that project because I didn't have time and, to make matters a little more interesting, the sports park project, along with an un-surreal amount of changes to the DRI and the PUD for the City Gate project, was collated together in a form of 1453 pages that we all had to read for today.

I pity those of who you asked for it in hard copy. On top of those pages there were documents that weren't there that may have been interesting to read, and so I had to read another several hundred pages.

Both applications are asking for things that, in some ways, are new to Collier County. Well, both of them are new; the sports park and then, of course, the mini-triangle. They're asking for a series of deviations that all have to be analyzed in different stages. And they both have this new fad that I'm wondering if it's the right thing for Collier County to even consider, and that's conversion tables.

You know, if we sit here today and we hear these projects to the extent we can and we provide development standards for the uses they're asking for, we provide minimum and maximum thresholds for those, and we provide caps from traffic, and we look at how many of those uses we want to see in a mixed project, whether it's the sports park project or whether it's the mini-triangle, what are we missing that we need a conversion table for? The box is built, just like it is in our regular zoning. So if we build that box carefully, this silliness that's come to be almost commonplace now in conversion tables can finally go away.

We don't know what we're approving in a conversion table. And I can tell you, the applicant proved it last time; they didn't even know. So if it takes their traffic engineer to have to come in and explain every conversion, what clarity is there for the public?

And one of the things we're supposed to know from our zoning is that we're supposed to provide surety to the public that they have an idea what's going to be built in their neighborhood. And I believe these conversion tables are inconsistent with that theory, and I am tired of dealing with them because we should be looking at this in a much more straightforward process.

If we're going to rely on this kind of activity to build out Collier County, I think we're doomed, and the reasons we all moved here will be no different than the rest of the county where we moved from.

So I, for one, am dissatisfied with the way the mini-triangle has proceeded. I'm also dissatisfied with the conversion amounts that are in the DRI PUD for City Gate. Part of that also is, in a DRI you have thresholds at the state level that trigger significant changes to a DRI. So you simply can't say all these conversions are okay, because there are thresholds that kick in, and those aren't taken into consideration.

So I, again, think -- in our review today, I think we ought to be striving to find standards that work for the project, work for what it's supposed to be, and use those as the items that will nail down what the public can expect to see there instead of putting these mythical tables up that most of the people in this community will never be able to understand.

I wanted to tell you all that because I have been extremely frustrated with these two projects. The amount of documents I received this week alone is absolutely silly. It's after the deadline date. It should never have been submitted. And from my perspective today, both of these projects need to be continued after we hear them today and we put more information online, and staff needs to come back with a report reflective of what the changes have. And at some point we have to put our foot down that the changes stop so we have something to review and then finally get to consent, because today we're not ready for it.

I can tell you the TIS in the City Gate one was missing. I don't even think we'll get through City Gate this afternoon by the time we get to it. We'll probably get through mini-triangle to some point, but I got a notice this morning. I got in the office before six to try to read more documents, and I found that the Naples Airport now has concerns. I'm glad they spoke out. We're going to hear them today.

Joe?

COMMISSIONER SCHMITT: I have a question. Why at this late date would we hear something from the Naples Airport? Not that it was the Naples Airport. Why hadn't staff or the applicant gone to the Naples Airport months ago to get --

CHAIRMAN STRAIN: They did, but the meeting you missed there was a variable amount of height information that wasn't necessarily known to be collated. The airport uses a different standard and a different measuring point to start than the NAGVD -- or NAVD. All that had to be relooked at.

The outcome of that was something that was put in this week's packet that we're going to be discussing when we get that one up, and I think those are good questions to ask. They did have sign-off by the airport. They did have sign-off to some extent by both the airport and the FAA. But I think there's a miscommunication amongst the parties or if they're -- obviously there is because the airport now has an issue.

So I didn't mean to take too much of your time on this. I just wanted to let you all know where I'm coming from. I am not prepared today in either one of these instances to provide a final outcome from my perspective because the documentation, even though we're going to get a presentation, even though they've given us many, many documents over the last few days, I have got to sit down quietly and read all that and see how it fits together.

I would hope that staff would want to do that, too. So I'm just putting that as an upcoming notice. We'll go as far as we can today, and that will be up to the Planning Commission when we get to that point. Stan, and then Diane.

COMMISSIONER CHRZANOWSKI: We had a presentation on the mini-triangle last time.

CHAIRMAN STRAIN: Yes, we did.

COMMISSIONER CHRZANOWSKI: Is it going to be a redundant presentation or --

CHAIRMAN STRAIN: I have no idea.

COMMISSIONER CHRZANOWSKI: -- abbreviated presentation or --

CHAIRMAN STRAIN: I don't know. I just know that the documents that have come in in these past few days I have not had time to deal with because there's been so many of them.

So you all can do what you want when we get to that point. I'm telling you where my concerns are right now.

COMMISSIONER HOMIAK: Did you get these before today? Because this is my first time.

CHAIRMAN STRAIN: I don't know -- these? I have no idea what these are. They were left on this document (sic). I know they were passed out by the applicant. Were these versions that are new compared to something else this week?

I can just tell you this morning I walked in, and their traffic engineer sent me two new documents

that I haven't had, obviously, time to review.

So, Diane.

COMMISSIONER EBERT: All I want to say on your remarks is halleluiah, and that's why we have a Land Development Code book.

CHAIRMAN STRAIN: Well, we'll try to get through it today. Ned?

COMMISSIONER FRYER: I echo your remarks.

CHAIRMAN STRAIN: Okay. With that in mind, we'll do the best we can to deal with what is going to be presented today, and then we'll make a decision afterwards on how to finalize it.

Number 8 on the agenda is the consent. We didn't have consent from last time. There was -- we expressed the ability to try to hear both consent and the remaining issues with the mini-triangle today. I don't know how that's going to be possible based on what I've seen come in this week.

***And with that in mind, we have the first items up involving the mini-triangle are 9A, 9B, and 9C. And I'll read them in for the record, and they will be discussed concurrently but voted on separately whenever we finally vote on them.

9A is continued from February 15th. It's PL20160003084/CPSS2016-3. It's the small-scale plan amendment for the mini-triangle.

Item B is PL20160003054, and it's the mini-triangle MPUD document, and Item C is the LDCA-PL20160003642, and it's the LDC changes in relationship to the mini-triangle.

Will 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: We'll start with Stan on my right if you've got any disclosures, Stan.

COMMISSIONER CHRZANOWSKI: I haven't talked to anybody since the last time, and I got a bunch of correspondence. I'm not sure -- I don't remember getting something every day, you know, just something from the airport and something else, and I'm -- I guess I got everything. I don't know.

CHAIRMAN STRAIN: Well, that's why we generally get stuff through staff in a staff report; then we know what documents we should be reviewing for this meeting. And I don't mind trying to help applicants get through the system, but I don't know if staff's even reviewed any of these documents. I don't know which documents staff's reviewed. I don't know which documents we're supposed to be working from today.

I do know the applicant passed these out in the beginning. Stan, I don't know if we -- these may be identical to the ones we received. I don't take anything for granted. I have to compare everything. So I haven't had time to do that today.

Okay. Ned, your disclosures?

COMMISSIONER FRYER: I have a lot, I guess, to declare. I have exchanged emails and had conversations with a county commissioner, three Naples City councilors, member of the Naples Planning Advisory Board, and about 20 or so residents of the Olde Naples neighborhood, and I've also spoken with a representative of the developer.

COMMISSIONER CHRZANOWSKI: I would like to amend what I said before. I was at a NOAA conference on sea level rise adaptation the last two days, and Linda Penniman was there, and we talked about this project.

CHAIRMAN STRAIN: Okay. Thank you.

Diane?

COMMISSIONER EBERT: I have spoke with the airport authority, I have spoke with people in the CRA, and I have spoke with staff on this.

CHAIRMAN STRAIN: Okay. And I have -- since you mentioned the airport authority, I talked with them and, plus, I received an email before 6 o'clock this morning. I've talked with the applicant at one or two meetings and various times on the phone. I've received a lot of correspondence in the form of attachments, too, from the applicant concerning documents for today's meeting.

I've had meetings with staff, went over everything with them that I could possibly think of at the time. And I know I've talked to at least two county commissioners, Commissioner Taylor and Commissioner Fiala, about some of the issues that we saw the first time. Other than that, I don't remember anything else

right now.

Karen?

COMMISSIONER HOMIAK: Nothing since last time; just some emails.

CHAIRMAN STRAIN: Okay. Joe?

COMMISSIONER SCHMITT: The only issue I had was with Bob Mulhere's assistant asking me to talk to Bob, but that was prior to the last meeting, and I just commented that I was not going to be at the last meeting. So I've had nothing since.

CHAIRMAN STRAIN: Okay. Thank you.

Bob, if you want to help us work through this. Well, before you do, I've got to ask Eric a question. Eric, have you seen all the latest information on this project?

MR. JOHNSON: No, I have not.

CHAIRMAN STRAIN: Okay.

MR. JOHNSON: I've not had a chance to read everything the way I would like to.

CHAIRMAN STRAIN: Okay. At the conclusion of today's meeting, if this is continued, would you be able to compile all the final documents needed in a fresh staff report so we all know what we're supposed to be voting on collectively?

MR. JOHNSON: If that's what you'd like me to do, of course.

CHAIRMAN STRAIN: Well, I mean, it's just something I think this board needs. So many documents have come in; we've had stuff piled here. I'm not sure that they've all been reviewed by staff, and that's one of the sureties we look for.

Ray?

MR. BELLOWS: For the record, Ray Bellows. We'll put together a supplemental staff report outlining the final documents that will be used for a recommendation to the Board.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: Mr. Chairman, also, may I ask that when this material is furnished to us, if the same document is coming back to us but with changes, please red line the changes so that we don't have to reread the entire documents.

COMMISSIONER SCHMITT: Strikethrough and underline.

MR. BELLOWS: Understood.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Okay. Bob, you can go ahead.

MR. MULHERE: Thank you. For the record, Bob Mulhere here on behalf of the applicants, Jerry Starkey. My client is here as well; Alex Pezeshkan and Norm Trebilcock and Barry Jones, who is the civil engineer on the project.

I'll get right into the presentation. I have all the documents that I handed out on the PowerPoint which I think is probably the easiest way to go through it with the changes highlighted in yellow.

At your last meeting, the planning board didn't make any motion, but you discussed a lot of items. We -- I made notes of those items. And after that meeting we began to work back and forth with staff. In fact, we had a meeting Friday -- this past Friday in the afternoon where all -- many of the staff were in attendance. Eric was there, Jeff was there, Nick was there, Jamie was there, and we went over the staff concerns related to, I think, the discussion that you had at your first meeting.

So then after that meeting we began to make changes that we felt would address the staff's concerns. So I realize it's been a moving target. And maybe today we can get through a lot of this stuff such that on the continuance to the next meeting we won't have as much on your agenda.

And I apologize for the --

CHAIRMAN STRAIN: Bob, that's the goal of all of us. In a project this complicated, we can't have any unknowns, and that's all we're trying to reach today.

MR. MULHERE: Agreed.

CHAIRMAN STRAIN: We're not saying bad or good of the project at this point. We just don't want the unknowns that we've got in front of us today.

MR. MULHERE: Agreed. And I think when we get through the stuff, you'll see that we've

addressed many of your concerns.

So I -- Mr. Chairman, I'd like to ask your preference or the planning board's preference. I can -- the GMP is relatively short. It's just a couple of pages. The PUD is probably more complicated. I was planning on starting with the PUD to go over those changes.

CHAIRMAN STRAIN: And that's fine. But you have -- one of the submissions you sent to me -- and I don't know if the rest have received it -- is a rewrite of the GMP section.

MR. MULHERE: I do have that.

CHAIRMAN STRAIN: And I haven't had time to go through that piece because --

MR. MULHERE: Understood.

CHAIRMAN STRAIN: -- so many other things came in.

MR. MULHERE: Understood. I was working until, I don't know, 4 o'clock yesterday afternoon back and forth with staff.

So, no, I understand it's been frustrating. We've put an awful lot -- everyone's put an awful lot -- I'd like to, you know, express my appreciation. Staff has worked really hard with us, and I realize it's been a difficult process.

CHAIRMAN STRAIN: Okay. Thank you.

MR. MULHERE: So this is the PUD document that you have, and I've handed out copies to the County Attorney, the clerk, staff.

CHAIRMAN STRAIN: And one more interruption, and I'll stop. Bob, would you prefer that we ask questions as we go through this document by the pages or wait till you're finished with your presentation?

MR. MULHERE: No, I think I'd be happy to take questions as we go.

CHAIRMAN STRAIN: Okay. Then I'll turn to the Planning Commissioners at the end of every page or so.

Ned?

COMMISSIONER FRYER: Some of my questions transcend one document. And the bulk of my questions, in order to be resolved to my satisfaction, are going to come up under the GMP.

Should I just -- should I attempt to identify which one of these applications my question is most relevant to or --

CHAIRMAN STRAIN: No. What he's going to do is walk through the PUD document. If you've got issues specific to this document, let's finish at least with that one before -- there's dozens of documents here, so we've got to somehow go through them. So let's start with this one, and as you have questions on this one, we'll get them answered the best we can.

MR. MULHERE: I can -- look, I can start with the GMP if that's -- whichever is --

COMMISSIONER FRYER: I'm going to get my questions asked sooner or later, so I'll figure out how to do it.

MR. MULHERE: I just thought this was a more complicated -- I know you have a busy agenda, and I thought, you know, maybe while we're somewhat fresh.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: All I'm trying to figure out is what document I'm looking at, because what I got from staff was the file that was continued on the February 21st meeting.

CHAIRMAN STRAIN: I think Bob's reading off the document he passed out to us.

COMMISSIONER SCHMITT: Bob's reading off of this document.

MR. MULHERE: I put that in front of everyone's chair, and that's what I have on the visualizer so that the public can see it as well.

CHAIRMAN STRAIN: And I don't know how many other documents you may have to look at, but that's the one you should be working from.

COMMISSIONER SCHMITT: All I have is the continuation file that was from the February 1st meeting.

MR. MULHERE: Yeah. There's been an awful lot of work to try to resolve issues since then.

CHAIRMAN STRAIN: So the continuation one that you may have annotated is not one that you should be using.

COMMISSIONER SCHMITT: Well, that's good.

CHAIRMAN STRAIN: I know. And that's why we -- we'll listen, we'll get through everything today, and we'll --

COMMISSIONER SCHMITT: I'm glad I spent time reading it.

CHAIRMAN STRAIN: Did you read City Gate?

COMMISSIONER SCHMITT: I'll put in for a pay raise.

CHAIRMAN STRAIN: You've got 1,500 pages there.

Okay. Go ahead, Bob.

MR. MULHERE: Okay. At your previous meeting you actually saw this. I've just highlighted some of the more important phrases in this vision, purpose, and intent. This has not changed from what you saw. I've simply highlighted some of the -- and the reason that we did this, I think Mr. Fryer had suggested it was one way, and maybe Mr. Strain as well, to identify what the vision, purpose, and intent was. We didn't have one in the original document, so we've added this.

CHAIRMAN STRAIN: Okay. Now, anybody have any questions from what's on the overhead right now? I do.

COMMISSIONER FRYER: I do, too.

CHAIRMAN STRAIN: Go ahead, Ned. You first.

COMMISSIONER FRYER: Well, arguably, this would be more appropriately brought up in the GMP. But it's here right in front of us, and I need to make the point that I understand and appreciate your efforts to tie this down better to what expectations had been created back in 2015 and 2016, which I think was the goal but, honestly, I don't think we're there yet. And I also -- even though I think an essential part of getting to where I need to get if I'm going to support this, an essential part is finding the language that the earlier documents are replete with; language that translates to first-class, state-of-the-art, et cetera, et cetera.

Now, language alone won't do it.

MR. MULHERE: Yeah.

COMMISSIONER FRYER: And I understand that, and we need objective data and criteria as well. But suffice it to say for now -- and I'll be coming back to this -- this language, although I appreciate your effort, and I can see that an effort was made, it is so far removed from what was put out in 2015 that it really looks like two different projects.

MR. MULHERE: If I could, I think you're talking about language that was used in the proposal or the -- you know, for the -- because I didn't have any language like that in the PUD at all.

CHAIRMAN STRAIN: Okay. But you just said something that needs to be clarified. You said language in the proposal. It's actually language in the contract you have with Collier County.

MR. MULHERE: Fine.

CHAIRMAN STRAIN: Okay. That's a different level of standard, so...

MR. MULHERE: No. That's fine. I agree with that.

And so --

COMMISSIONER FRYER: What I'm talking about is something that has your client's logo on it in the lower left, Real Estate Partners International. It has the Collier County logo on it. It's called Tab 2, land proposal checklist answers, and it's dated December 15 of 2015.

CHAIRMAN STRAIN: That's part of the -- that's an exhibit to the contract, so that's part of the agreement that the county has with the applicant.

MR. MULHERE: And I understand your concern, and I think we have addressed it. As I get through this document, I think you will see the concrete evidence that what we proposed is what you're going to get.

COMMISSIONER FRYER: Well, I plan to read some things back to you that don't sound at all like what I've seen in the material, which I've read pretty carefully, but maybe I've overlooked some things.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Bob, on that first paragraph, I notice on the fifth line down towards the end, it says -- where the word MPUD -- or letters. It says, MPUD mixed use shall include. And when I was talking about developing standards in lieu of these conversion tables, that's a key component.

You basically said you will include, at a minimum, a residential multifamily development along with a mix of commercial uses including retail, restaurant, and office uses.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: So when we start to set standards for this project, that one sentence becomes important because that's the beginning of the use standards we can build boxes around to fit this thing in without a conversion table.

The next item down where it says -- the beginning of the next highlight -- shall be two or more multistory structures with commercial uses generally located on the ground floor. That's another standard.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Now, I've made a list of these out as we've gone through, and I'm going to bring those up before the day's over with as a suggestion to start developing standards that we can use in lieu of your conversion tables.

MR. MULHERE: Fine.

CHAIRMAN STRAIN: And we'll go from there.

MR. MULHERE: Got it. Thank you.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: You also asked for a definition of transient lodging because one does not exist in the LDC. They kind of back into the definition of transient lodging through the definition of multifamily. So we've provided a definition. And that was -- you did see that at your first meeting.

CHAIRMAN STRAIN: Any other changes on those pages?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Any questions?

MR. MULHERE: I'm sorry. I do have one.

CHAIRMAN STRAIN: No. Is that the end of this slide? As you finish the slide, let me know, and we'll ask questions.

MR. MULHERE: There's one more. I think -- I'm not sure who asked, but there was a question about free-standing liquor stores. And after we went back and thought about it, we thought, you might have an upscale retail wine store, wine and cheese, that kind of a thing. So we made it clear that we would exclude free-standing liquor stores but allow a free-standing retail wine store.

CHAIRMAN STRAIN: Okay. Anybody -- any questions about the one -- the overhead that's on right now?

(No response.)

CHAIRMAN STRAIN: A few.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Since the last meeting, I also met with your group and the administration, the county administration, including Nick and Jeff and all of us, and there was some conversations involving both minimums and maximums.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: And "A" refers to minimums but fails to refer to maximums, so that would have to be cleaned up, because you have attempted to suggest maximums now.

MR. MULHERE: Okay. I agree with you. That certainly could say for minimum and maximum.

CHAIRMAN STRAIN: And then "B," same with commercial uses.

MR. MULHERE: And, Mr. Chairman, they are in the document. We will get to them.

CHAIRMAN STRAIN: I know. But I don't want it to be assumed that because you just said a minimum here, somehow we avoid the maximum. I want both of them in there.

MR. MULHERE: I understand.

CHAIRMAN STRAIN: And as we go in a little bit further down that page, No. 2, 74,000 square feet of the following uses are permitted by right. I would suggest adding something to the effect that says combined with three or more uses from numbers -- from No. 2 -- from this number and No. 3 below.

MR. MULHERE: Can you just -- I'm sorry. I kind of missed that. Could you -- I was making a note on your other comment.

CHAIRMAN STRAIN: The 74,000 permitted uses (sic) by right have to be done in combination with others. That's all I'm trying to suggest. You previously, in your vision statement, mentioned three types of commercial uses that would be used. I'm suggesting that we don't -- by the permitted right, it's only permitted with a combination of some other of those uses. You can wordsmith it, but that's what I'm getting at.

MR. MULHERE: Are you suggesting -- so are you meaning office or --

CHAIRMAN STRAIN: Okay. Back up to the top.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: You said -- in the vision statement you said, shall include, at a minimum --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- multifamily development mix of commercial uses including retail, restaurant, and offices.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: I'm just saying, when you get into your permitted use, they can't be permitted uses by themselves. They have to be in combination with at least two other -- there'd have to be three of them in combination.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: And that same language needs to be mimicked on No. 3 below. You can't do just the office and medical. You have to do in combination.

MR. MULHERE: Yeah. And we have those requirements in there, but I understand.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: I understand.

CHAIRMAN STRAIN: Well, you have them there, but --

MR. MULHERE: You haven't seen them yet.

CHAIRMAN STRAIN: -- just like your conversion table, you're going to walk into Development Services, you're going to ask for certain things, and you're going to say, here's my permitted uses by right. The other language may never be seen. I want to make sure it's clear everywhere on this document and it's consistent.

MR. MULHERE: Yeah, it may be -- it may be easier -- well, I'll take a look at it. Thank you. I understand your concern.

CHAIRMAN STRAIN: And No. C -- how much of No. C is on this slide? All of it or just that one top piece?

MR. MULHERE: The substantive part is on the next page, so...

CHAIRMAN STRAIN: Okay. Well, then let's go to the next page.

MR. MULHERE: I didn't change anything there, so...

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. Bob, after No. C, the following uses are permitted through the utilization of land use conversion matrix, and it goes on. But they must be included in the total allocation of square footage, including -- and including two other uses from 2 or 3 above. So if you're going to do an ALF or you're going to do indoor air conditioner (sic) passenger vehicle or you're going to do self-storage, that's fine --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- but you've got to have two other uses from above and, at the same time, it's got to be -- those have got to be part of the cap on the square footage, which I know you expect that, but --

MR. MULHERE: We have a cap in there, yeah.

CHAIRMAN STRAIN: I know, but this has got to be part of that.

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Yes.

MR. JOHNSON: Over here. Eric Johnson, principal planner.

I just wanted to point out in lowercase Paragraph c, that there were two minor -- very minor changes

that weren't highlighted, and that's in C2, the word "air conditioner" or "air conditioned" -- well, actually, I'm sorry. Not in this particular document. In a different document the C had been changed from uppercase to lowercase. But I think the word "storage" had been added where it says "internal to the site and storage not visible." So the word "storage" was added, which is fine. I just wanted to point that out.

CHAIRMAN STRAIN: Okay. Well, I have a question about it anyway, so we'll get there.

That -- actually I highlighted that last sentence. It says, not visible from an arterial or collector road. Well, if it's indoor air-conditioned, how did you expect it to be visible? I mean, do you mean you've got something else here that isn't indoor air conditioned? Because that's what this paragraph basically says.

MR. MULHERE: I think that was a request -- look, going back over the last year, I think that came up as a request from staff. They said, you're not going to be able to see this from the roadway; you know, state that. I could be wrong. I thought that was the basis for that.

CHAIRMAN STRAIN: I just didn't want that comment to insinuate that you were thinking of outdoor storage.

MR. MULHERE: We're not.

CHAIRMAN STRAIN: Okay. So you don't mind a statement that says no outdoor storage will be allowed?

MR. MULHERE: Nope. I think it's in the document somewhere, but we'll come across it.

CHAIRMAN STRAIN: Number 3, your new car dealership, I notice the warranty bays and the repair bays, quantity-wise we may want to consider that. Are you going to be tearing out transmissions and rear ends and all that work right there in this rather elaborate facility that you're planning to build? I mean, it doesn't seem to fit with the vision that we've seen, so...

MR. MULHERE: I think there were -- I'll defer to my client.

MR. STARKEY: We've had discussions --

CHAIRMAN STRAIN: Jerry, you'll need to come up and identify yourself for the mike and use the microphone.

MR. STARKEY: Jerry Starkey.

We've had discussions with luxury auto dealers subject to NDAs, but they would be auto dealers like Lamborghini, Ferrari, Tesla and that magnitude. They have urban dealerships, and they have service bays that are completely enclosed on upper floors. A Ferrari dealer might have 30,000 square feet, I think Lamborghini dealer would be similar, and that would include a showroom on the floor. It would include offices above. It would be no outdoor storage of cars.

And then they would, typically -- for a small boutique dealer like that, they would probably have six or eight service bays, and they look -- it sort of looks like a clean -- you know, a science lab clean room. I mean, they're Spic and Span clean. They do principally service there, and I think they ship out anything that's major.

CHAIRMAN STRAIN: My concern would be on limiting how those are built and operated. And typical to dealerships -- and we've started standards for those quite a while back when we allowed the Top Hat dealership to go up on -- where the King Richard's park used to be. Bays have to have certain required limitations on how long a door can be open for, where it's got to be closed, whether you've got a car wash involved.

These could be very noisy operations, and it may be disruptive to the rest of your site. We just want to -- and I know you don't want that. We just want to make sure that language is here so no matter who would attempt to do this, they know there's restrictions on how it can be done. So we would look to you to come up with that as a starting point.

MR. STARKEY: We view -- if we were to land a Ferrari or Lamborghini -- I mean, there's a Tesla dealer showroom at Waterside. But if we were to have a use like that, we view that as a luxury retail use. I mean, there might be an Apple store next door, a jewelry store, or a fine-dining restaurant, and all of the activities would be vertical and not part of the street.

CHAIRMAN STRAIN: Yeah. And that's more the reason why we need to define the extent of these and their operation.

MR. STARKEY: I think it says indoor dealership. So the goal -- our goal would be everything's

enclosed. We certainly don't want it to be disruptive to our other retail uses, office, residence, a hotel, you know. We -- it's against our interest. We don't envision a dealership in the traditional manner. That's why we have an indoor dealership.

CHAIRMAN STRAIN: And as I've said to you many times, I know you and your partners and the ability that you have to do really good projects. And my concern has never been as much what you want to do and intend to do but what would happen if you weren't involved for some reason.

Always, the fallback position to protect the taxpayers has to be, what's the worst-case scenario, and that's all I'm trying to do is get us to a scenario that no matter who were to do this, whether it be you or anybody else, the outcome is still what we expect.

MR. STARKEY: Sure. And, respectfully, I think we're on the same page. We want to make sure we maintain some economic and market flexibility and accomplish the iconic catalytic project.

CHAIRMAN STRAIN: Thank you.

Diane.

COMMISSIONER EBERT: At the last meeting I believe you told us -- I'll have to go back and look at the minutes because it was asked -- that this 30,000 square feet would be a showroom only. There would be no maintenance involved.

MR. MULHERE: Yeah. You can look at the minutes, because I know I didn't say that.

COMMISSIONER EBERT: I'll look at the minutes, because it changes.

MR. MULHERE: It's been in there from the beginning.

I think I can address the concerns. What we're talking about is repairs that are associated with new cars. And so some of the stuff that you suggested won't apply because we've already said it's going to be indoors. So we're not going to have, you know, doors opening and closing. But I'll take a look at that, and we can incorporate some of that into here.

CHAIRMAN STRAIN: You understand what the protection issues are?

MR. MULHERE: Yes, yes.

CHAIRMAN STRAIN: Just come back with suggested language for that, and it will help.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Ned, do you have something? Okay.

COMMISSIONER FRYER: Yes. This goes back to understandings that had been formed back in 2015 when the contract with the county was entered into. And my question is, was there any discussion of uses such as assisted living facilities, self-storage, and car dealerships?

MR. MULHERE: I don't know. I was not part of that negotiation process.

CHAIRMAN STRAIN: And you're talking about the original purchase agreement?

COMMISSIONER FRYER: I'm talking about, again, going back to this document which I am told expresses the County Commission's understanding of what this project was to look like.

CHAIRMAN STRAIN: Well, I can -- rather than have someone have to say something, I'll tell you what -- I've got it right here. Here's the addenda to the original agreement. And it talked about off-street parking, parking garages, total office, business, work/live units, residential, hotel floors, common area, retail below work, retail below hotel. I don't find a specific reference to an ALF or a car dealership there on the tables that were referred to as Exhibit 3 and the addendum.

Jerry?

MR. STARKEY: Correct.

COMMISSIONER FRYER: I read through, I guess, about 10 pages of descriptive material identifying or creating the image where there had seemed to be a meeting of the minds, and I didn't find anything like an assisted living facility, a self-storage, or a car dealership.

MR. STARKEY: The car dealership we view as a retail use, and it certainly wasn't in the proposal; neither was self-storage or ALF. As we filed our application, we were looking at, you know, a better understanding of the market and looking at some flexibility.

We had been approached by at least one luxury dealer, and so we felt -- when we discussed with staff, we felt like we needed to specifically state an auto dealer. I mean, the likelihood of an auto dealer is probably a pretty low probability, but it's possible, assuming it's approved. But we needed to get that in there

so that if we had a Tesla service center or a Lamborghini dealer, which you could find in many urban retail locations, it enhances. It would be a very much enhancement. It would fall into your luxury, high-end situation, and so we needed to have that in the code.

Consistent with that, there has been a demand in the Naples area for supercar storage and also a demand -- when you have a lot multifamily and condos, a demand for more storage. So there are also urban storage facilities that are completely encased in a building that looks like an office building, but once you ride the elevator up or you take the car up on the elevator and put it into the bin, it actually has a use that benefits the people in that mixed-use community as well as the community at large.

So with, you know, so many people --

COMMISSIONER FRYER: I get that, and I understand that.

MR. STARKEY: So to accomplish that, which we see as consistent with the overall positioning of the community, we had to build it in, and so --

COMMISSIONER FRYER: Yes, but you didn't really limit it to the way you've just described it using words like luxury, high-end, fine-dining restaurant, et cetera. You talk about Lamborghinis and cars of that caliber, but there's nothing in here to preclude low-end stuff.

MR. STARKEY: No, but my understanding from discussions with staff is that we're sort of limited to your code, and we're limited to your descriptions of uses, and I don't think that we have the ability to say the auto dealership will be, you know, a Cadillac, a Mercedes, a BMW, a Lamborghini.

COMMISSIONER FRYER: Maybe not by brand name, but there are other words that could be used, or you could say --

MR. STARKEY: Well, I would refer to staff and to you, respectfully, and if we can come up with a descriptor that fits legally within the body and it cast it, you know, sort of above the Volkswagen or above the Ford or -- you know, everybody's view is a bit subjective. We're all in the same --

COMMISSIONER FRYER: Okay.

MR. STARKEY: We're not trying to accomplish --

COMMISSIONER FRYER: Well, that is going to be essential to getting me onboard, I mean, absolutely essential. It's not the only thing that I'm going to need to see --

MR. STARKEY: Sure.

COMMISSIONER FRYER: -- but it's a piece of what I'm going to need to see.

Another thing -- and I did a word search of this document, the December 2015 document, looking for the word "flexibility," because that word comes up a lot in your 2018 documents, and it was actually not used once that I could find.

Again, I understand how a developer needs flexibility, but to a reasonable degree, perhaps -- and it needs to be counterbalanced and weighed against the need of the community to know exactly what standards, what minimum standards are going to apply.

MR. MULHERE: Sure.

COMMISSIONER FRYER: And until we get to a win-win -- and that's not the only piece that's important to me, but that is an essential piece.

MR. MULHERE: Sure.

MR. STARKEY: And I think the flexibility and these three "alternative use" just arose out of as we worked through the period between the contract and the application, the understanding and the market's dynamic, the market's changing, and if one use becomes inviable, not viable, then what are other uses that could be substituted to make sure that it's a vibrant, active, transformative, catalytic project.

And so, you know, these aren't -- these aren't items that we are necessarily planning. They're items that could be used if a preferred use wasn't available because there was no market demand.

COMMISSIONER FRYER: I understand that you're within the upper limits of permissible traffic on the adjacent roads due to the fact that they're not included in the -- I don't have the terminology correct -- but, however, even though what you're proposing was 875 peak p.m. trips, that comes to mind, in order to go that high, we want to be sure, at least I want to be sure, that this really is a first-class, premiere operation rather than something that is -- that doesn't measure up either to the expectations of the County Commission in 2015 or the hopes and expectations of the surrounding community, including the people in the City of Naples.

MR. STARKEY: Right. Thank you, sir.

CHAIRMAN STRAIN: Anybody else have anything through the page that's in front of us here today?

Heidi?

MS. ASHTON-CICKO: Would you like me to --

CHAIRMAN STRAIN: Yeah. You need to jump in as we go along, yes.

MS. ASHTON-CICKO: Okay. All right. I just want to make sure you understand the change with the insertion of the word "storage" because that now means that access, you know, can be visual. So if they put man caves in, you know, the access, I believe, can be visible.

CHAIRMAN STRAIN: Okay. That's a good point.

MR. MULHERE: There's always been the intent. A car has to get into the building.

CHAIRMAN STRAIN: Well, just like the repair bays and warranty bays; you've simply got to show us how you're protecting the -- I guess the amenities of the surrounding area.

MR. MULHERE: Well, there's a garage. And so even if we didn't have these uses, there's a garage. So a vehicle pulls into the garage and parks. In this case, they may pull into the garage, drive up two floors, and enter internal to the building into some use.

CHAIRMAN STRAIN: You're just going to have to -- when we get the standards written for this -- they've got to cover everything.

MR. MULHERE: Okay. I don't know how it could be clearer that you're not going to be visible from the exterior.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: I mean, we've got a parking garage. We're all familiar with multi-story parking garages. Cars enter a garage. They drive up, and then they enter some other use.

CHAIRMAN STRAIN: You know, Bob, this may be a good time to bring up something else --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- since you're trying to get into the detail to help us understand things. Where is the SDP copy? Where's a copy of the SDP for this board? Site Development Plan? Where is the Site Development Plan?

MR. MULHERE: We haven't submitted it.

CHAIRMAN STRAIN: Okay. Well, then you're in violation of your agreement then, because your agreement says that in 12 months you'll be supplying an SDP before the outcome of the GMP and the PUD. Part of the intent of that would be so we could probably see exactly where you're heading. So you've not even developed an SDP yet?

MR. MULHERE: Well, I don't think it -- look.

CHAIRMAN STRAIN: Well, did you look at Page 120 of your agreement?

MR. MULHERE: I don't have that agreement. I haven't been involved in the agreement. I don't think it said we had to do a Site Development Plan. I recall --

CHAIRMAN STRAIN: Well, it does. Page 120, 12 months after the effective date of the contract.

MR. MULHERE: I recall that we have to have a plan. I don't think it referred to the county's required Site Development Plan.

CHAIRMAN STRAIN: Okay. Let me put that up for you, and we'll talk about it.

MR. MULHERE: And we do have a plan.

CHAIRMAN STRAIN: Okay. All I'm suggesting, if we had the ability to see that plan, it might certainly help all of us understand what it is you're actually trying to build on this site versus what you -- what your document says.

Project development timeline. Site Development Plan, SDP, 12 months after the effective date of the agreement. Okay. Well, that agreement was signed in May of 2016. It was -- an addenda was issued in September of 2016. That means you've passed that threshold by many months in either case.

All I'm suggesting, if you had that SDP and we could see it, if it's one of your working drawings you haven't submitted yet, why don't you give it to us, because it would really be helpful. It was supposed to be in the timeline already.

MR. MULHERE: We have not commenced the Site Development Plan.

CHAIRMAN STRAIN: And the process we're going through today was supposed to be completed in 18 months from the effective date of the process. Which means we had an overlap. And I'm just suggesting that would have been a really good thing to know.

MR. STARKEY: Respectfully, the contract has many provisions, and I don't think it's appropriate to negotiate that in this forum.

CHAIRMAN STRAIN: You sent it to us.

MR. STARKEY: I understand.

CHAIRMAN STRAIN: I'm just bringing up the documents that you entered into the record.

MR. STARKEY: They are in the record, but I'm not prepared to go to other provisions of the same document that state that the parties, including the county, are diligently pursuing the zoning application.

CHAIRMAN STRAIN: I wasn't concerned about pursuing the zoning application. As far as the help, that document would have provided -- and maybe that was on the minds of those parties involved, because if you were to supply an SDP and concurrently with the review of the Comp Plan and the LDC, we'd know exactly what you're talking about, and that's what shows up on the contract.

So that's the reason I brought it up, Jerry. If you don't have it, then so be it. We won't be able to use that. But it would -- I had to ask because it's there. It's a requirement.

MR. MULHERE: Of course, we do have architectural plans, landscape plans that are detailed.

CHAIRMAN STRAIN: But you've told us those don't necessarily apply because you've got this flexibility need, so all the buildings -- and they're gorgeous plans. If we could get that there, it would be a home run. But now we're told, no, we've got to have flexibility; that may not be what we're building.

So, Bob, typical to all the PUDs we've done in Collier County that I can recall, we get a site plan, and when a developer offers renderings, we get those, and we attach them to the PUD; that's what gets built. In this case we're told no.

So it's the first time around for a few things in this one.

MR. MULHERE: I guess I would personally characterize that a little bit differently. I would say we have every intent of building what you see there. When we say "conceptual," it means the architectural design might not be the same. We're still talking about a minimum of two multistory buildings, and that's what my clients intend to build. We put that into the document.

We're talking about a mixture of uses. We put minimums and maximums. So we think we are -- we are working very hard to ensure that what you want is what you're going to get and still maintain -- there's a significant investment and risk. We still want to have some market flexibility. That's all.

CHAIRMAN STRAIN: And, Bob, I think we're all to the point where we understand that, and we're willing to provide that. We've just got to establish the minimum and maximum standards so we get a product we can live with. That's all I'm asking.

MR. MULHERE: And we have no objection.

CHAIRMAN STRAIN: And this will be a push and shove --

MR. MULHERE: I know.

CHAIRMAN STRAIN: -- till now, all through today, and probably next time till we get there. But I think we'll get there if we all just stay on the same focus.

MR. MULHERE: Thank you. I'm 100 percent in agreement.

Yes, ma'am.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: One thing on here, the very first page -- and you're right, an SDP would be very helpful, because right here you're telling us it shall be two or more. I mean, you don't -- it's like you're trying to put 20 pounds in a five-pound bag to me. And when I see the word "catalyst" I'm thinking catastrophe, because we have no idea what you're really trying to put there.

MR. MULHERE: You know, I'm sorry, but the word "catalyst" is not our word. It is a word that's contained in the Collier County Growth Management Plan. And I can look up the definition, but I believe it means to spur, to drive, those kinds of things. It doesn't mean disaster.

CHAIRMAN STRAIN: Okay. Let's move on, Bob. Get past the next page.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: By the way, I know there are members -- well, first of all, I know the airport authority's here for the one this afternoon, and I know there are members of the public here. We're probably only going to be working on the mini-triangle project at least through the morning. So the earliest we'll probably get to the other -- sports park will be this afternoon. I think the airport's here for the mini-triangle. So what I'll probably do to accommodate the mini-triangle people is, before lunch, which we normally take at 12 o'clock, we'll ask for any public speakers; that way you can be freed up after the morning, and then we'll continue on this if we need to in the afternoon. But I can at least tell you if you're here for the sports park or City Gate, it won't be until after lunch today, so...

MR. MULHERE: Okay. Thank you.

There was a comment on behalf of the cell tower operator. Legal counsel made a comment that there was a concern about this not be deemed to be a nonconforming use in the period between now or the approval of this and its either lease expiration or relocation.

And I've drafted this language. I don't know if it will satisfy the cell tower company, but I think it addresses exactly what they requested, which says, the cell tower located within this MPUD at 2045 (sic) Davis Boulevard may remain in place and in operation as a legal conforming -- should be "use," I'm sorry, there's an extra "s" on there -- until such time as the current lease expires or is terminated early by agreement of the parties of the lease.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: I just have a comment that I would recommend replacing "legal nonconforming uses," because I'm not really sure what that means, with "permitted use," because it will be a permitted use.

MR. MULHERE: Yeah, that's fine. Yeah, that makes sense.

MS. ASHTON-CICKO: And I also understand from Ms. Cole, who will probably be speaking later, that the cited address number is incorrect, so she can correct that for the record.

MR. MULHERE: Okay. Thank you, Heidi.

CHAIRMAN STRAIN: Now -- and that's the only issue on that page. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: If not, we'll move to the next page.

MR. MULHERE: Okay.

COMMISSIONER FRYER: Are we on Page 4 now?

CHAIRMAN STRAIN: Well, we're on a table that's found on Page 3.

COMMISSIONER FRYER: Oh.

MR. MULHERE: That's the land-use conversion table.

CHAIRMAN STRAIN: Well, the first table you had up, can you go back to that one. That's -- actually, Table 1 is ahead of Table 2. You had it up there a minute ago, Bob. There you go.

MR. MULHERE: Yes. We've actually revised that. The document that you have has revisions. I can put it on the visualizer if you'd like.

CHAIRMAN STRAIN: Oh, you mean there's another revision based -- after you did --

MR. MULHERE: No, the document you have is accurate. When I did this PowerPoint -- we did it, like, at 4 o'clock yesterday.

CHAIRMAN STRAIN: So the PowerPoint's not accurate. The handout is. The handout you need to put on the overhead then.

MR. MULHERE: That's what I'm going to do.

CHAIRMAN STRAIN: Show us which one's accurate.

MR. MULHERE: We had some back and forth as late as 4:30 yesterday with staff regarding how we reference these by-right uses in the intensity. And so this Table 1 now actually refers back to the previous section that identifies that 210 is the by-right number, that 152 is the by-right number of hotel unit/rooms and 74,000 square feet of mixed commercial uses and 60,000 square feet of medical and general office. So we've actually cited the sections and, if you go to those sections, that's where that language is provided.

CHAIRMAN STRAIN: Anybody have any questions about Table 1?

MR. MULHERE: It should provide greater clarity.

CHAIRMAN STRAIN: Heidi? Table 1 that's on the overhead; how's that. You and I have a different version of Table 1, so...

MS. ASHTON-CICKO: I would just comment on the last box where it references medical general office. The language that's used under Section 3 is professional or medical office. So I think they should be consistent, whichever you choose.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: I would agree. Anybody else?

(No response.)

CHAIRMAN STRAIN: Bob, this table talks about by-right density and intensity. If there's going to be flexibility on the four uses listed on this table, this would be a good place to put the ranges that we finally settle on as a recommendation to the Board for the flexibility.

MR. MULHERE: We actually have another table that establishes minimums and maximums. We haven't got there yet.

CHAIRMAN STRAIN: Okay. But you're saying this is your by-right, and you're relying on that other table to get there through conversions. I'm telling you that before today's over, I'm going to strongly suggest, take that ridiculous conversion process and throw it out the door. I appreciate Norm's billable hours he must have had to create that thing, but he can't be the only one in Collier County that fully understands it, and I don't think it's needed if we write this thing correctly.

You're still going to come out with the flexibility you need because you'll have ranges, and all you've got to do is hit the standards, hit the ranges, and never break that cap for the traffic.

MR. MULHERE: Subject to the trip cap and the maximum square footage.

CHAIRMAN STRAIN: Right. And nobody has to sit here and try to figure out what you possibly mean by this conversion table. That's all I'm trying to get to.

MR. MULHERE: Okay. And maybe they can be combined. I just was -- I just wanted you to know that we do have a table that has the minimums and maximums. If the conversion, you know, doesn't move forward and we still have those minimums and maximums, perhaps we have one table that identifies both the by-right and the minimums and maximums.

CHAIRMAN STRAIN: And nobody has to do a calculation that can go in two different directions.

MR. MULHERE: Right. I got that. And I'm sorry, I did this PowerPoint, and then there were changes -- there were very few, but there were a couple of changes very late in the afternoon.

CHAIRMAN STRAIN: I know exactly how you feel.

MR. MULHERE: All right. Let me get back to the -- can I go back to the computer, or do I -- thank you.

So, I mean, I'm not sure how much time we want to spend on this. I can ask Norm to come up and talk about the conversion table.

CHAIRMAN STRAIN: Well, before we even spend time on it, I need to understand your reaction to my suggestion as well as the panel's. It's not -- I mean, we've all got to buy into a different methodology if that's the way it's going to go. I'm not trying to waste anybody's time.

MR. MULHERE: I need to talk to Mr. Starkey.

CHAIRMAN STRAIN: Then let's postpone the discussion of the conversion -- we're going to have a break at 10:30.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: You guys can figure it out and come back, and we'll discuss it when we get back from the break on that one issue.

MR. MULHERE: Thank you. That makes sense.

So this was the -- you know, and, again, this could be combined, as you suggested, with Table 1, assuming the conversion table doesn't go forward, and then what we would do is identify, you know, by-right minimums and maximums. And then there is a -- as you can see, there is a maximum 200,000 combined for the commercial uses, but we have to make that clear that that applies to all of those uses, which it does. But,

you know, if we're not going to use the conversion, then it would be subject to the trip cap, and it would be subject to the maximum square footage.

CHAIRMAN STRAIN: Questions from this table, the Planning Commission? Karen?

COMMISSIONER HOMIAK: Which one are we looking at? The one in our packet or the one on the --

MR. MULHERE: They're the same.

CHAIRMAN STRAIN: The one that's on the table here is the one that --

MS. ASHTON-CICKO: No, they're not. They're not the same. The retail category should be the one that's in your -- the language should be what's in your package, not what's there. So it should read, commercial uses listed under PUD sections A1B2, but the number switched to 67,000.

MR. MULHERE: That -- and let me go over that change. At one point we wanted to combine or we thought we'd combine for maximum flexibility the minimum amount of office and the minimum amount of retail, which we agreed to in our meeting on Friday with staff. So we combined it at one point to 67,000 square feet combined.

But it was suggested that we should separate those because we should have a minimum for office and a minimum for the retail uses. So we have separated those. And now, as you can see on the visualizer --

CHAIRMAN STRAIN: Okay. So what you did is under the medical general, which would be professional general, based on Heidi's input --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- you started out, let's say, at 60. That's an easy one. Fifty percent below would be 30-; 50 percent above would be 90-.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: So your by-right density/intensity would be somewhere between 30- and 90,000 square feet for office, but you'll be no less than 30-, no greater than 90-.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: The manner in which it would be built or by whatever standards we develop for the number of buildings and the mix of uses and the setbacks and other things that are in your document. That's exactly a good example of why we -- and then your -- the cap on that would have to be intermixed with the rest of the uses you'd put on the project, so you would never get above the traffic cap that's allowed on the property.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: That takes care of everything. You don't need a -- that's why you wouldn't need this conversion table. It just messes up the works. But think about it during break, and that's what I'm going to --

MR. MULHERE: The same -- and we would need correct -- if you look under the commercial uses, the minimum is 37,000. The by-right is 74-. If we apply the same 50 percent either way, it would be 100- and --

CHAIRMAN STRAIN: It wouldn't be 200,000.

MR. MULHERE: Correct. That 200,000 is an overall cap.

CHAIRMAN STRAIN: So the PowerPoint's wrong, the handout's wrong, and that's a new number we're going to get.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. Hotel rooms, because they're like a residential component, you're looking at the possibility of not being able to put a hotel room in, but if you do and you want to, you can go up to 228.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Okay. And the conversion of the hotel rooms, if they were all converted, would end up with a maximum of 377 residential.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Okay. Did you know -- and I don't know if Norm's aware of it. Do you know the new numbers that potentially are being looked at for the Trio's hotel and residential mix?

MR. TREBILCOCK: No.

CHAIRMAN STRAIN: Okay. They've requested an acknowledgment that they could go from 48 hotel to 84 hotel, and the 12 residential units would still remain. In the end, I don't know what's going to come out of this, but I caught that in an administrative discussion with staff on a ZVL.

So when you come up, Norm, for discussion on traffic, we've got to see how that affects that main entrance. So, anyway, just a sidenote to this whole thing.

MR. MULHERE: Thank you.

MR. JOHNSON: Mr. Chair?

MR. MULHERE: At this point I'll just use the visualizer. I don't think there are any other discrepancies but, again, there were changes made at 4:30.

The document you have in front of you and that's on the visualizer is the most recent one.

MR. JOHNSON: Should we add that citation there?

MR. MULHERE: Well, if we combine the tables, as Mr. Strain suggested, that's already in Table 1, so it would be there.

MR. JOHNSON: Okay.

CHAIRMAN STRAIN: Okay. There were some, like, footnotes below that table. That should be the next page.

MR. MULHERE: Yeah. That's what I'm getting at.

MR. KLATZKOW: Just as an aside, this minimum requirement, from an enforcement standpoint, is meaningless.

CHAIRMAN STRAIN: It's what?

MR. KLATZKOW: It's meaningless. So you're putting in a minimum requirement of 30,000 square feet of office space, for example. The project's complete and there's no office space. Now what?

CHAIRMAN STRAIN: Well, how would it get complete if they don't use -- they don't submit something for the minimum?

MR. MULHERE: We have a trigger. We have language in there -- we'll get to that -- that says that at the last -- that the final phase, if we don't -- haven't met the minimums, they have to be included in final phase or we don't get any permitting or CO for that final phase.

CHAIRMAN STRAIN: And there is some problems with that language, but we'll get to that. But they did attempt to address that, Jeff, so maybe we can see; if it's not adequate enough, it can be sharpened up.

MR. KLATZKOW: Okay.

MR. MULHERE: Okay. Yes, sir.

So, obviously, the -- these establish the minimums and maximums and other conditions that were applicable or are applicable, as we've written it, to the conversion matrix. But maybe we can just go over them anyway because they do establish the minimums and maximums.

See it starts out with, if we were to use the conversion table, any increase in density or intensity would result in a commensurate decrease in another use or increase, depending on whether it was an increase or decrease.

The second one establishes that 875 p.m. peak hour trip count.

There's your minimum of 105 multifamily and the maximum of 377. There's a maximum of 228 hotel units. We've already discussed that. That was also in the table. And then there's the 37,000 square feet of retail or other related uses, restaurant and personal services and so on so forth, and then the minimum of 30,000 square feet and a maximum of 90,000 square feet of medical and general office -- professional office; to be changed to professional office to be consistent, or professional will be changed to general, because I think that's the more accepted term, so...

CHAIRMAN STRAIN: When you finish with this page, Stan's got a question.

MR. MULHERE: Okay. And then, you know, the total square footage of all commercial uses shall not exceed 200,000 square feet, which we did agree to.

And then the last paragraphs, this one and this one and the one that will be on the next page dealt with the conversion matrix to those other three uses, which we don't have by right but we would have to

convert. So we have an overall cap, as you've suggested, that would be also subject to that cap.

CHAIRMAN STRAIN: Before you go, we're going to be entertaining questions from that page.

MR. MULHERE: Yes, I'm sorry.

CHAIRMAN STRAIN: Stan, you're first up.

You need to go back to that page, Bob.

COMMISSIONER CHRZANOWSKI: Going with what Jeff said, or a question he asked, I've seen a lot of projects come through that don't complete. You know, there's a question, is there ever buildout. And you said if they don't hit the minimum, the project's not done. So what?

CHAIRMAN STRAIN: Well, they've got an empty piece of land they don't get to build on until the minimum standards are met.

COMMISSIONER CHRZANOWSKI: Is it actually that, that you have to build every minimum of everything? There's wording that -- that that says.

MR. MULHERE: Well, it's right here. And so the language in xiii provides for a number of scenarios that would trigger withholding -- the county withholding further permitting if we haven't met the minimums.

And so you have, one, construction has begun on building or buildings that satisfy the minimum requirements, and, yes, that's all of them. This will have to be specifically spelled out, 37,000 square feet of retail and 30,000 square feet of office, because we've now separated those uses at the request of staff. So there is -- there is that clause that says, no building permit will be issued for vertical construction on the last undeveloped MXU tract -- we have three tracts -- unless construction has begun on a building or buildings that satisfy these minimum requirements or, two, certificates of occupancy have been issued for these minimum requirements or, three, these minimum requirement amounts will be accomplished by the construction of the building described in the requested permit, which is the final phase.

MR. KLATZKOW: So he can do 67,000 square feet of retail and do no office.

MR. MULHERE: No.

CHAIRMAN STRAIN: There's some changes needed to that paragraph.

MR. KLATZKOW: That's what it says.

MR. MULHERE: No, we're going to -- I know it does, but I just mentioned, we will do a minimum of 30- and minimum of 37-

MR. KLATZKOW: You know, it's kind of hard to review something that's not --

CHAIRMAN STRAIN: I know. That's why they're coming back.

MR. KLATZKOW: -- that's not finalized. I mean --

CHAIRMAN STRAIN: I know. You know, and it's hard to review something staff hasn't done a final staff report on, but we'll get through as much as we can today --

MR. MULHERE: Sorry.

CHAIRMAN STRAIN: -- to give you guidance.

MR. MULHERE: It was changing at 4:30 last night. I'm sorry. I did the very best I could to address these changes.

CHAIRMAN STRAIN: I understand, Bob.

MS. ASHTON-CICKO: Mr. Chair?

CHAIRMAN STRAIN: Yeah.

MS. ASHTON-CICKO: Also, if what I think I'm hearing you say is that you would remove the conversion table and you'd have minimum and maximums for each use, then we would eliminate that by-right where it's 60,000 and 74-, and you would just have --

MR. MULHERE: A range.

MS. ASHTON-CICKO: -- the uses with the max and minimum.

CHAIRMAN STRAIN: Correct.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: And we kind of got out of consequence here. We got to the last item before we talked about the other items. There is changes needed in quite a few paragraphs. And let's go back.

Stan, did you get your question at least answered or not?

COMMISSIONER CHRZANOWSKI: I guess I got it answered, but I still -- you know, if they don't build the last part, then it's just -- the project's not built out, right?

CHAIRMAN STRAIN: It would be built out to the point of the other two tracts.

Ned?

COMMISSIONER FRYER: But they would still have occupancy permits for what they've already done.

CHAIRMAN STRAIN: Right. If you guys feel there's a needed change in there, then we can change it.

COMMISSIONER CHRZANOWSKI: No, I don't. If they don't build the last one, I don't care.

CHAIRMAN STRAIN: Well, it depends on what they build in the first two. And maybe that's where -- since the first two will be the beginning phases of the project, we've got to make sure that some of the intention of what's needed to be a mixed-use component that meets the standards are in those first two phases, and then the last phase cleans it up.

If they build 10,000 in the first phase, they still need to complete 10,000 more; by the time they get to the last phase, it will have to be part of that. Because they can have multiple buildings and multiple components including residential and commercial and parking throughout those buildings.

So the last building's going to contain part of it. We just need to make sure that if it can't contain all of it, we get pieces of the other in the first two parts.

This is a much more complicated scenario to try to figure out than what this started out as. But we'll figure out a way -- we'll do our best to get there.

Jerry, did you want to say something?

MR. STARKEY: Sure. I have two comments, and one is that when a project doesn't complete, it's typically market driven. So it's not that the owner of the property doesn't want to develop the last parcel or subdivision and make money. It's that something's happened in the marketplace.

The other thing that -- at the request of the meeting last Friday with many members of the senior staff that we put in is that if at the end we felt like we would be below a minimum, it was suggested that we put the provision in here that says we could come back to the city -- come back to the County Commission and request a reduction of a minimum, and that would be subject to majority vote of the Board of County Commissioners. So we put that in as well.

So our intent is to build the wonderful community we're all looking at. We can't control the market. If we get to the last situation and we need 10 more thousand feet of something or another 100 units of something and the market's not there, we probably would be a responsible citizen, come back and say, we want to continue finishing this. This is where we think the market is.

The County Commission would say, we agree, or the County Commission would say, we don't agree, and we would sit and wait for the market to change.

So our intent is to build a document that allows the county and the citizens to accomplish your legitimate goals and to simply give us the economic flexibility to build the project we all expect.

Thank you.

CHAIRMAN STRAIN: Okay. Well, let's move back to this page, and then we'll go back to the page that we were just on. I'd like to take it in order so it doesn't get any more confusing than it already is.

MR. MULHERE: Yes, sir.

CHAIRMAN STRAIN: How many -- does anybody have any questions about the page in front of us here?

COMMISSIONER FRYER: Well, I don't think Stan's question has been answered yet.

CHAIRMAN STRAIN: Okay. Stan, do you think your question's been answered?

COMMISSIONER CHRZANOWSKI: Yes. So ask your own.

COMMISSIONER FRYER: Okay. Well, again, it has to do -- in my view it has to do with allocation of risk, the risk of not being able to complete the third building, let's say, as a result of changing market conditions. The way it's been described to me, the way I understand it is that 100 percent of that risk would fall on the county.

MR. MULHERE: I don't get it. I don't --

CHAIRMAN STRAIN: I don't either. Can you try to explain that a little bit better?

COMMISSIONER FRYER: I'll try. In order to achieve the agreed-upon mix, we have to wait for the third building to get built and permitted, correct?

MR. STARKEY: No. And it's possible --

CHAIRMAN STRAIN: In essence, yes.

MR. STARKEY: It's possible that three buildings are built at once, two buildings are built at once, or one building followed by one or followed by two. So there's a lot of sequencing that could occur, including one phase.

CHAIRMAN STRAIN: I think where Ned's -- he's right. You don't have to put all the minimums in the first two buildings.

MR. STARKEY: Surely not.

CHAIRMAN STRAIN: So the -- right. And I don't disagree with you, but I think that gets to the question. So if you don't put all the minimums in the first two buildings and you're forced to put them in the third building to meet this criteria, how do we get there? Because in his terms, the county will be left holding the bag. So all we're suggesting is, somehow we've got to address that.

MR. STARKEY: Sure. And I would address the portion of the risk is that we estimate this is a project with a cost of probably 200- to \$250 million, and if we go through the first two phases and have invested 100- or \$150 million or \$175 million I would suggest that we have a pretty vested interest in addressing the risk, and that's why we put in the provision that rather than sit idle, if market conditions change, we have the ability to come back to the County Commission, and the County Commission can address its vested interest and say, should we consider an alternative to make sure this catalytic project gets maximized at this point, or are we comfortable simply waiting. And that would be the county's ability to address its risk.

COMMISSIONER FRYER: But the wait could last forever.

CHAIRMAN STRAIN: But they can't come out of the ground with all of the minimums to start with, though, Ned. So we've got to provide some provisions that they can complete it as the project's completed. They just can't do it -- it's not even practical to ask them to do that.

So I would think that if you guys have a minimum amount of things that you know you'll want to put in the first two phases, we ought to talk about that or at least come back with that. I don't know to -- I don't think it's practical to say you've got to meet all the minimums in the first two parcels and then whatever you do on the third one, that's gravy.

COMMISSIONER FRYER: Maybe a third of the minimums.

CHAIRMAN STRAIN: Well, I'm just suggesting. We've got to do something like that.

MR. STARKEY: Some of the uses are binary. Like, for instance, the hotel. You know, we currently have a hotel in one building with a modest amount of retail on the ground floor. If there's not a demand for a hotel, then we shan't build a hotel, and it's not because maybe we don't want one, it's not because everyone don't want one, but maybe there's just not a demand for a hotel at this particular time.

If that happens to be the third phase, you've accomplished probably your minimums or your maximums on all the other uses, probably not all the max -- maybe some of them, and you come to that third building as the property owner who has invested, you know, tens and hundreds of millions of dollars and you look at that last parcel and say, you know, there's not a demand for a hotel. We want to go up to the higher range of the residential and build residential and some more retail or half -- you know, a bit of retail, a bit of office, a bit of residential and, in that scenario, we wouldn't have accomplished the minimums until we get to the end, but we have a vibrant, two-phase project or two buildings or three buildings, but not the last situation.

And so I think that we have a joint interest, the owner, developer, and the county, and that as it progresses, I think we've got the built-in assurance that the county's issues get addressed. But the market is an issue that really binds the county and the property owner. It's not something either of us really control, as much as we'd like to.

COMMISSIONER FRYER: I understand. I don't want to propose something that's unreasonable, but -- well, maybe a solution is to find a way to assure that if the first two phases are completed that we are all

possessed of a high level of confidence today that they're going to be first-class, premiere, premium things.

CHAIRMAN STRAIN: I mean, those terms are so ambiguous. And when it comes to land codes, I don't know how we could even get there with that. But we can't look at it like that. I think we ought to look at the opportunity for that third one to fill in what we can't -- what doesn't happen in the first two, to the extent it doesn't but get some assurances that there will be some mix in the first two that we can rely on. And I think you guys, given some time to think about it, could come back with something creative enough to try to fit that together.

COMMISSIONER SCHMITT: We don't have an architectural review board in this county like the city does to review plans and make that kind of determination. So, I agree, that's an ambiguous -- though I understand, Ned, we have no way of making that determination.

COMMISSIONER FRYER: I don't want to cast --

COMMISSIONER SCHMITT: I guess the county commissioners could. I don't know what -- you know, if they wanted to do it.

COMMISSIONER FRYER: On certain automobile manufacturers or certain hotel -- but I think we all know what we would like to see or something substantially similar or equivalent to -- mention a name -- Marriott. It doesn't have to be Marriott, but it has to be that or equivalent.

CHAIRMAN STRAIN: No, we can't -- we can't do that, Ned. That's not how land codes are set up. You can't differentiate trade names, brand names, and things like that.

MR. KLATZKOW: It's like residential is residential, whether they put in luxury apartments or they put in affordable housing apartments.

COMMISSIONER SCHMITT: Right.

CHAIRMAN STRAIN: We'll start getting into a broader range of issues that develop trying to describe what we want in parts of the county. And I can tell you the public's going to have a lot of disagreement over what we think and what you may think is luxury versus what I think. I mean, I've got running water; it's luxury.

COMMISSIONER FRYER: That's too bad then. The language is all over the place in the agreement in 2015.

CHAIRMAN STRAIN: That's not code. The agreement's just a reference document. It's not code.

COMMISSIONER FRYER: So now the challenge is to find a way to assure that the reasonable expectations of the county will be fulfilled, and if we're not mentioning brand names, we're going to have to find some other way of doing it that satisfies me if my vote matters.

CHAIRMAN STRAIN: Well, your vote's got to be based on the code. So, basically, if it doesn't satisfy you because of the ambiguous language in the agreement, then I'd be curious to see where in the code you think it does -- you have an objection based on that.

COMMISSIONER FRYER: Well, that gets to the Growth Management Plan, and that gets to Chapter 163 of the state statutes, which is why I wanted to start on the GMP, because I think that expectations have been established in that agreement that now, for a GMP amendment, gives us wider latitude than, perhaps, the straight rezone or the PUD changes give us.

And I know that expectations were set by -- well, to the County Commissioners because I've spoken with one who assures me that's the case. And how do we fulfill those expectations now? Are they -- do they just have to forfeit them? Give them up and say that, well, we're going to have to accept the lowest level of a retail -- well, Mark --

CHAIRMAN STRAIN: Well, what the Board does is a different level of review than we do. We have to review to the Land Development Code and the GMP. If there -- policies in the GMP are ambiguous, that's what the Land Development Code does. It implements the GMP. The implementation of the GMP language is what we're trying to do here.

But we can't put -- we can't put statements in that are arbitrary or ambiguous in regards to what the outcome could be, Ned. It's got to be locked in; otherwise, no one knows what to expect.

COMMISSIONER FRYER: Well, I understand that. But I think we're sitting as a -- aren't we sitting as a planning agency when we look at the GMP part of this?

CHAIRMAN STRAIN: Yes, we are.

COMMISSIONER FRYER: All right. So I think it is fair for us to look at the state statute with respect to GMP amendments. Even though we are not empowered to accomplish the amendments, we do make recommendations to the county commissioners.

And so I think we'd use the same criteria and try to identify what the commission's expectation was when it put together the agreement. And if it looks to us as though those expectations are not being fulfilled on the planning side, it seems to me that we have a right and a responsibility to speak out.

Now, if mentioning brand names is not how to do it, okay, but there's got to be a better way to do it that ties this thing down in a tighter manner.

MR. KLATZKOW: The role of the Planning Commission is to review this petition in the context, first and foremost, of the Growth Management Plan. Does it conform to that? That's what you're doing here. And then you're looking at, okay, what they're asking for, does it conform to the LDC?

And if the Board of County Commissioners, for example, says, you know what, we want a four-star hotel or higher here, that's for the Board of County Commissioners, you know, to talk about when it gets to their level. But at this level, you're here -- does it conform to the GMP, and does it conform to the Land Development Code?

COMMISSIONER FRYER: But they're asking for a change to the GMP.

CHAIRMAN STRAIN: Yes. And they have -- the changes have to be consistent with the typical language in the GMP. They can't bring in -- for example, I have fought for years to remove ambiguous language from our Land Development Code and GMP. We shouldn't have that kind of language, and it should be verifiable, quantifiable. And this is going to be the same thing.

So if you insisted on some vision language that doesn't -- that was not definable, Ned, I wouldn't be able to support it. So somehow we'll have to get there, but I'm not sure where your intentions are, because I'm not following what you're saying at all. But we'll get there when we get to the GMP.

COMMISSIONER FRYER: My intentions are to attempt to fulfill the expectations of the county in the view of the County Commission two years ago.

CHAIRMAN STRAIN: The view of the County Commission from the -- with the ambiguous language in the agreement cannot all be moved into the Land Development Code and we have to --

MR. KLATZKOW: To be fair --

CHAIRMAN STRAIN: We're here to support the Land Development Code.

MR. KLATZKOW: -- this projected out years and years and years ago with a very different Board of County Commissioners. And David Jackson was the one who really started this process, and David Jackson left many years ago.

And the present board, frankly, is different from the prior boards who have reviewed this thing, and I don't know what the present board's, really, vision for this project is. We're going to find out when it gets to them, ultimately. And trying to sit here and figure out what the vision of the current Board of County Commissioners is, I don't think it's a very fruitful use of time.

CHAIRMAN STRAIN: And I agree with you. I just want to move on, and we'll start getting through these documents. We've got to get this to a point we can finish it. So let's move back to the page that we started with, which was the one with all the Roman numerals.

MR. JOHNSON: Page 4 of 30.

MR. MULHERE: David wants to share something.

CHAIRMAN STRAIN: David?

MR. WEEKS: Commissioners, David Weeks of the Comprehensive Planning section.

At the risk of beating a dead horse, I'm not going to go into detail. I'm just going to mention that on these PUD revisions, I'm seeing some discrepancies between the Growth Management Plan amendment language; language in the PUD referring to medical and general office. And I understand Heidi's comment to change that to "professional," but that still leaves the general office, whereas the FLUE subdistrict language refers to professional office. So there's a discrepancy there.

There's a few other things. I don't think it's anything major in the sense that I think we can easily work with the applicant to get the two in sync. But as it stands now there's a disconnect, and it just needs to be cleaned up.

CHAIRMAN STRAIN: And we'll get there, David. Thank you.

MR. WEEKS: I just wanted to get that on the record because I knew you were talking about these things now, and it's some of those points of uses and minimums linked directly to the subdistrict.

CHAIRMAN STRAIN: I understand. And from your perspective, is the GMP document where we should have most of the detail, or do you prefer not to have a lot of the detail but basically general policies and let the implementation be in the Land Development Code?

MR. WEEKS: More towards the latter. What we have to have in the FLUE, Future Land Use Element, we have to have the uses identified, at least a range of uses. I mean, it doesn't have to be the SIC code level, but the uses that are allowed and the parameters of intensity, how many square feet, how many acres, you know, some measure of intensity, and that's just about it. We don't need to have development standards and a lot of other detail.

CHAIRMAN STRAIN: And for all the years I've been on this panel, I know you've tried to keep the GMP concise and let the Land Development Code implement, and we're going to continue with that.

MR. WEEKS: Okay.

CHAIRMAN STRAIN: Thank you.

Bob, could you put the document up we left off on, which was the small Roman numerals, one of the prior pages.

MR. MULHERE: Do you want to start from the beginning there?

CHAIRMAN STRAIN: Yeah. I still -- I had turned to the panel and asked if they had any questions about that first page. Anybody else have any questions about that page?

MS. ASHTON-CICKO: I do.

CHAIRMAN STRAIN: Go ahead, Heidi.

MS. ASHTON-CICKO: Under Item 1X (sic), is that going to be done through ordinance or resolution or public hearing? How are you contemplating the majority vote to reduce the units?

MR. MULHERE: What was discussed -- excuse me. I'm sorry. I didn't mean to interrupt, Heidi.

What was discussed at our meeting was placed on a regular agenda of the Board of County Commissioners for their majority review and vote up and down.

CHAIRMAN STRAIN: Well, Heidi, while you're on that one, how can it be majority?

MS. ASHTON-CICKO: Would you like to respond?

CHAIRMAN STRAIN: I mean, it's a change in zoning, so wouldn't it need a supermajority?

MR. KLATZKOW: The idea being that the ability -- the zoning is set in this document, and then there's sort of like a Chinese menu, you can do this, this, and that; however, if you want to order sort of off the menu, you can do that. So it's there.

So they're authorized to do it, but in order to do it, you at least need a majority of the Board of County Commissioners to say, yeah, we approve that.

CHAIRMAN STRAIN: They wouldn't be being authorized to go above the maximum at this point or even below the minimum. They'd have to fall in that range.

And, Jeff, we just got done dealing with a really strange zoning request, and I want to parallel that to this discussion. It was Calusa Island. A guy come in, and he had the ability to put in 16-, I think -- 1,600 square feet of commercial and four apartments. And it was residential and commercial. He said, look it, I don't want to do all that. It doesn't blend as well with the community. All I want is to put two houses there. And he had to come through a PUDA that required a supermajority vote.

So how could we increase or decrease something that's locked into this document and not require a supermajority vote of the Board?

MR. KLATZKOW: I'm okay to lock them in to the minimums and the maximums, and then if they want to amend the PUD afterwards, they go through the PUDA amendment process. I'm okay with that. We were just trying to find something that doesn't take a year, year and a half to get done so that if he's in the middle of construction and says, you know what, I've got a great tenant here, it's for this, you spend a year, year and a half going through our process, you know, the market's going to change again.

So this was with the idea of flexibility. But I have no issue with making them go through the normal PUDA requirement.

CHAIRMAN STRAIN: Well, we're already providing them more flexibility than historically I've ever known, so I'm very content that if they want anything beyond this, it goes back to the regular process we are used to, and it's a supermajority vote by the Board of County Commissioners. That's more protective, so -- but that's in --

MR. KLATZKOW: That's your -- you're the local planning agency. If that's what your recommendation to the Board is, that's what it is.

CHAIRMAN STRAIN: Yeah. Well, okay.

Let's move back up to ii, Bob. That one refers to 875 two-way peak hour trips. By the time of the application of the SDPA, or SDP -- now, you guys are going to end up, based on what we saw last time, possibly having a joined accessway in at least two out of your four accesses with the project in front of you. If that happens, your SDP's probably going to have to show higher trip counts than what just your project contributes to.

Will that trip up the sentence in ii? Because your SDP will actually show potentially more than 875, because 875's only for your project. That's not for the Trio project.

MR. MULHERE: Well, Mr. Strain, if you think to clarify that exclude that traffic, but our intent for any SDP that I know of, you simply provide the project -- let me ask a question. Is there concurrence that a joint access is better than two separate accesses in that location?

CHAIRMAN STRAIN: Oh, I would think so.

MR. MULHERE: Okay. So as a base -- did you want to speak to this issue?

MR. TREBILCOCK: Yeah.

Good morning. For the record, my name is Norman Trebilcock, a professional engineer and certified planner.

It's common practice when we have projects joint accesses in what we call the operational analysis, we'll include those adjacent projects. But that doesn't go against the trip cap for the project that we're working on.

CHAIRMAN STRAIN: I wasn't suggesting that.

MR. TREBILCOCK: Okay.

CHAIRMAN STRAIN: I was suggesting that when you submit your SDP, if you show more than 875 because of Trio, is that going to cause you guys a processing problem with the county? That's all I was trying to find out.

MR. TREBILCOCK: No, it wouldn't, because we wouldn't show that. We wouldn't show the Trio's trips as part of the --

(Multiple speakers speaking.)

CHAIRMAN STRAIN: Well, how do we monitor them?

MR. TREBILCOCK: -- trip generation.

Well, we're not -- we're not showing -- what we're showing is, when we do an operational analysis, we'll show the adjacent traffic that's going to be coming in and out of the project site, but that's not a part of the development trip generation because it's not a part of our contained development itself.

But that's something that we -- staff will have us address in Site Development Plans that I work on. I mean, that's a common practice.

CHAIRMAN STRAIN: Well -- okay. Site Development Plans that we're talking about.

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: SDP. So at the time of application of SDP, do you intend to show the Trio's entry traffic into your main entry on this -- let's say, 41. Let's start with that one.

MR. TREBILCOCK: Yes, any --

CHAIRMAN STRAIN: Okay.

MR. TREBILCOCK: -- reasonable understood projected traffic, yeah, but that's not a part of our site's trip generation. That's a part of what we call an operational analysis that we will do, and we'll look at those adjacent trips. But when we look at -- when we do a Traffic Impact Statement, we're looking at the traffic generated by the site.

So what I'm trying to -- I guess maybe I'm not explaining it very well, but the 875 trip cap you're

talking about relates to this project.

CHAIRMAN STRAIN: I realize that.

MR. TREBILCOCK: Not adjacent projects at all.

CHAIRMAN STRAIN: That's my concern.

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: You're telling me what my concern is.

MR. TREBILCOCK: Okay.

CHAIRMAN STRAIN: If you've got 875 on your project and you're going to submit an SDP that shows 875 plus the Trio's impacts and they're all going to be on your four entryways when you submit your SDP, if they exceed 875, I don't want to see you coming in and hitting a brick wall because it was spelled out differently in this paragraph.

MR. TREBILCOCK: We wouldn't, though.

CHAIRMAN STRAIN: That's all I'm suggesting.

MR. TREBILCOCK: Yeah. No. Thank you. But we wouldn't with staff. They would not -- they would filter through that portion of the data, I guess. That's -- I'm sorry. That's normal practice to be able to filter that for staff.

CHAIRMAN STRAIN: Like your conversion tables?

MR. TREBILCOCK: It's not the same. Thank you.

CHAIRMAN STRAIN: Okay. Thank you, Norm.

MR. MULHERE: I don't know if this clarifies it, but the way I understand what Norm just said is it may affect the design of the access because of those additional trips, but it's not part of the evaluation of the maximum trip cap.

CHAIRMAN STRAIN: Okay. As long as it's part of the evaluation of that entry because --

MR. MULHERE: It is.

CHAIRMAN STRAIN: -- because that entry's going to be the one if it does trigger a decel lane that's going to be there.

MR. MULHERE: It will be. It is required that we evaluate that as a shared access.

CHAIRMAN STRAIN: We're going to take a break till 10:45 -- Terri's probably been typing really fast -- and we'll come back at 10:45 and resume from this point. Thank you.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay, everybody. Welcome back from the break. We need to resume the meeting.

We left off on still working through the -- we're on Page 4 of the new language that was sent -- passed out to us.

And, Bob, it was -- I was getting into the questions I had remaining. If we go to No. 6, and I'm going to suggest some cross-out language.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: If you say a minimum and cross out "of any combination," and say "a minimum of 67,000 square feet of," and then refer to "the No. 2 category above shall be developed."

MR. MULHERE: That gives us more flexibility.

CHAIRMAN STRAIN: Right.

MR. MULHERE: I agree.

CHAIRMAN STRAIN: Okay. And that way you're not -- well, you've still got to put in the minimums that you said you would in the vision statement because you stated those as "shalls," but that's going to have to come back as a stipulation that you'll have to add somewhere in the document.

MR. MULHERE: Just let me make sure I understand. You were on --

CHAIRMAN STRAIN: Six.

MR. MULHERE: VI. Okay. So minimum of any combination --

CHAIRMAN STRAIN: You're saying a minimum of 67,000 square feet of the number -- how you want to refer to No. 2 uses above shall be developed.

MR. MULHERE: Okay. And then we would get rid of 7.

CHAIRMAN STRAIN: And then you've got to put in the new language that we're going to probably stipulate concerning combination of including uses such as, and then we'll -- you have to have restaurant. Those three -- you started out with three up above.

MR. MULHERE: It's in -- yeah. It's the same language that's in the Comp Plan, right?

CHAIRMAN STRAIN: Then No. 7, same situation, a maximum 111,000 square feet of allowable pursuant to No. 2 above may develop through utilization of the land-use conversion. We're going to drop all that anyway, so you're probably going to have to drop No. 7.

MR. MULHERE: Exactly what I thought. If you're doing --

CHAIRMAN STRAIN: If you take out the conversions, we won't need No. 7.

MR. MULHERE: So it's going to be a minimum and a maximum.

CHAIRMAN STRAIN: Okay. And then the same one with the No. 8 below; by the time we get -- I think you talked to your client about the land-use conversion matrix on break, and what was the result of that discussion? And I notice they're not here. Did they get tired and go home for the day?

MR. MULHERE: He said he'd be down shortly. I think as long as we have established, as you suggested, minimums and maximums, which gives us a range, and we have the other controlling factors being two, one is a trip cap and the second is a maximum total commercial square footage, which you've already agreed to, both of those.

CHAIRMAN STRAIN: Oh, we haven't agreed to anything yet, but --

MR. MULHERE: No, I mean we have. We have placed them into the document. I didn't mean collectively. I meant us as applicants.

Yeah, I mean, we can eliminate the conversion matrix.

CHAIRMAN STRAIN: Okay. And along with those standards, we'll talk about the number of stories, the number of multiple-story buildings, we'll talk about the minimum uses that have to be in that collective group of buildings, and you've already stated those in the first paragraph. So that all will be part of the package that will replace the conversion table, and you and your client are agreeing to replace the conversion table, take it out.

MR. MULHERE: You know, when we -- just, if I may just for one minute. When we went back and revisited this and we went to 50 percent on the uses, 50 percent minimum, 50 percent above the by-right to maximum, we won't do that. We'll just have minimums and maximums as Heidi suggested and the trip cap and the other things we discussed.

I want to look at, at least with respect to the minimum on office, some flexibility there. We thought we might be able to come and change that if there was no market through just a majority vote of the Board, but I'd like to be able to, between now and the next meeting, maybe look at some flexibility on that office square footage. Maybe not 30-; maybe something less under some scenario. Maybe it's because we build a hotel, which I think would be, you know -- or we have, you know, a movie theater that is 40,000 square feet of retail.

I just want to have a little bit more flexibility before I have to come in and amend a PUD if I don't have 30,000 square feet of office.

CHAIRMAN STRAIN: You're asking for enough different uses; there might be some way to get that.

MR. MULHERE: That's what I'm thinking is come up with a --

CHAIRMAN STRAIN: Let's keep an open mind, and we'll try to get there.

MR. MULHERE: Okay. Thank you.

CHAIRMAN STRAIN: On that same page, so I can finish up, you already know the majority vote needs to be supermajority, so I'll go past that.

COMMISSIONER EBERT: Supermajority, correct?

MR. MULHERE: We don't even need that. Just take that out.

CHAIRMAN STRAIN: Just take the whole thing out, because it's just going to be as it is, and that way we're not changing it.

Number 11, maximum of 150 ALF units may be developed, and we'll change all the rest of it. I think the 150 ALF units are already noted in the table, so that whole paragraph may be out, but it spawned a

question that I had. ALF can be considered either --

MR. JOHNSON: You said 11?

COMMISSIONER SCHMITT: Ten.

CHAIRMAN STRAIN: No, 11. XI, isn't that 11?

MR. JOHNSON: Yes.

CHAIRMAN STRAIN: Oh. Oh. Where'd you come up with that? Okay. We're missing something else then. Because the version that -- one of the versions you -- one of the many versions you sent me, the ALF is actually No. 11.

MR. MULHERE: This is -- listen to me. This is the version that I handed out this morning that's on the visualizer.

CHAIRMAN STRAIN: Right. I didn't read it. You handed it out this morning, Bob. The only one I got a chance to read -- I was -- in good conscience, I thought you were going to send me one, so I read that one.

MR. MULHERE: No, I appreciate it. Trust me, it wasn't --

CHAIRMAN STRAIN: Okay. But my question's the same. The 150 ALF, we look at -- those are allowed on both residential and commercial.

So, Ray, how would we look at how to account a -- where would those fit in under the commercial or residential component for maximum -- minimum and maximum calculations?

MR. MULHERE: I just can say, we wouldn't expect that to come off of the maximum of 200,000. We would expect that to come off of the trip cap.

CHAIRMAN STRAIN: And I think we need to clarify that so we make sure it comes off the maximum -- no, not the trip cap. It's got to come off of one or the other.

MR. MULHERE: No. I'm saying -- every time you submit an SDP for whatever those uses are, you have to submit a TIS, which has a trip generation.

CHAIRMAN STRAIN: No. But if you've got a minimum and maximum square footage for your retail or office -- commercial, does this affect the minimum or maximum square footage of that, or does it affect the minimum or maximum square footage or the minimum units/maximum units of the residential?

MR. MULHERE: I mean, if we were going to do that, we'd have to put a conversion factor in there.

No, I mean, the impacts are far -- look, do you -- do you routinely grant a conversion between independent units and ALF units in this county?

CHAIRMAN STRAIN: We've done it. I don't know if it's routine.

MR. MULHERE: I don't know of any time when you haven't.

CHAIRMAN STRAIN: I don't think it's been asked that much, to be honest with you. ALF units --

MR. MULHERE: We put a floor area ratio in there. I guess -- you know, I guess -- let me -- okay. So let me suggest this, then. I'm sorry. I'm not meaning to be argumentative.

CHAIRMAN STRAIN: No. Say you come in with a project that's got the maximum retail and you go the maximum residential and you want an ALF at 150.

MR. MULHERE: I'm assuming that would come off of -- we have a box, which you suggested.

CHAIRMAN STRAIN: Right. Let's go back to that box.

MR. MULHERE: And so, you know, if we're going to build 150 ALF, that's some number fewer of either hotel or residential that we --

CHAIRMAN STRAIN: When we come back, figure out a way to identify it so we have it appropriately boxed in. You've got the same issue with your 68,000 (sic) dealership and your 30,000 --

MR. MULHERE: That would come off the maximum 200,000 for sure.

CHAIRMAN STRAIN: Okay. Okay. Well, then the only other -- then you've just got to pick one of the ALFs and --

MR. MULHERE: ALF.

CHAIRMAN STRAIN: -- we'll figure out one direction for the ALF, and we'll figure that out.

And then the next page we've already started talking about, and we got into the issue of the No. 14, which, for those, it's the xiv. I know we had some discussion on this. I know you've got to rewrite it. For example, the combined 67,000. Instead of referring to the few uses you did, you should refer just to No. 2 and

3 of the principal-use categories above.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: I don't see the need for No. 3. Number 3 says, you -- basically, on that last building, you get to go forward with it -- these minimum required amounts will be accomplished by the construction of the building described in the requested building permit, and I'm not sure that's enough to --

MR. MULHERE: So what that would have done --

CHAIRMAN STRAIN: You mean CO? You mean what? You can get a building permit and walk away from it, but it's in the construction building permit.

MR. MULHERE: Well, you know, it's implied that -- I guess it's implied if you're going to spend the money on the permitting to commence construction, you'd finish it but --

CHAIRMAN STRAIN: Soft costs are a drop in the bucket.

MR. STARKEY: No. I think -- excuse me. What it says is there are three conditions.

CHAIRMAN STRAIN: Oh, it says "or," okay.

MR. STARKEY: Or. So either you've begun construction on a building or buildings that have already accomplished the minimums, in which case you get your permit --

CHAIRMAN STRAIN: Yep. I understand that.

MR. STARKEY: -- or, No. 2, certificates of occupancies have already been issued to accomplish that --

CHAIRMAN STRAIN: Right. I understand that, no question.

MR. STARKEY: -- or the minimum amounts would be accomplished by the construction of the last building that you're applying for permits of. In other words, there's only three conditions you get the permit. One is that it's under construction. You've already met your minimums because you don't want to wait until you get a CO to start your last phase, right? The second is you do have your COs, so why wouldn't you grant the permit? And the third is, I'm below my minimums on some of my uses, but this last permit makes me exceed -- meet or exceed all of my minimums.

CHAIRMAN STRAIN: Then I'd just add a couple small words. In the last line it would be "last building as described in the requested building permit." I understand now that you've clarified it. Thank you.

MR. STARKEY: Thank you.

CHAIRMAN STRAIN: And, Bob, that's the remainder through the pages you've been through. Everybody else has asked theirs, so let's move on to the next section.

MR. JOHNSON: Mr. Chair, I'm sorry to interrupt. May I ask a question?

CHAIRMAN STRAIN: Yeah.

MR. JOHNSON: On the preceding page that we looked at.

CHAIRMAN STRAIN: Okay.

MR. JOHNSON: We talked about 6 and 7, okay; 6 and 7. My notes reflect that we're striking out 37,000 square feet and replacing it with 67,000 square feet. But, Mr. Chair, you had mentioned something about 2 above, and I just wanted to get some clarification on what "2 above" was.

CHAIRMAN STRAIN: Well, 2 above would be the principal-uses category. If you go back all the way up to Page 2 and look at No. 2, that's the 2, and No. 3 is the 3 I was referring to. It's got to be further articulated. You're going to have to say Section A.I. --

MR. JOHNSON: B.2.

CHAIRMAN STRAIN: -- B.2 and 3, or whatever is necessary. But I was just using it as a quick reference on how to get there.

MR. JOHNSON: Thank you, sir.

CHAIRMAN STRAIN: And those two paragraphs, Eric, may not even remain based on the elimination of the conversion table, which I know you spent a lot of time on, and I know Heidi spent a tremendous amount of time on it. So I'm glad it's going away, because you spent an awful lot of time, and we still couldn't figure it out. So thank you for the applicant for agreeing to that.

Okay. Let's go on to the next one.

MR. KLATZKOW: I still don't understand No. 3, and I apologize. I'm just looking for clarity here. And so they haven't met their minimum requirements. This goes back to A. And now they say, okay, we'll

construct another building. Okay, so we're constructing another building. And let's say they needed commercial for argument's sake, and a new building goes up and nothing but residential goes in.

CHAIRMAN STRAIN: Well, what happened is they would have to have the remainder of the minimum requirements in that last building, or they wouldn't get a permit for it. That's what it says.

MR. KLATZKOW: Okay. But the use is going to come after the building is built.

COMMISSIONER FRYER: No.

CHAIRMAN STRAIN: No. You've got to build the building specific for the use. You can't build a residential building that's going to function as, necessarily, a hotel or vice versa. First of all, they're all going to be separately metered, and you've got all kinds of issues like that.

MR. STARKEY: Sure. But not only that; we'll submit a building permit. The building permit will have, if there -- first of all, let's just assume it's a 15-story building. Let's assume it has 100 -- 300 parking spaces in the garage. It's going to have some ground floor retail that's going to say "retail." We're going to pay impact fees for retail use. Then let's say we move up and have 10,000 foot of office because we need that to accomplish our minimum. That's going to be laid out in the building permit and the plans that our architect charged, you know, hundreds of thousands of dollars for, and it's going to say "office," and it's going to have conference rooms and all that. We're going to pay impact fees for that.

And then let's say above that it's, you know, I don't know, 110-unit hotel, and so that's going to say "hotel," and it's going to be designed with hotel rooms and all the things that you need for a hotel.

So at that point, you look at the building permit and the plans that were submitted, and you say, yes, this meets the minimums because it wasn't met on the other two buildings, and now you grant the building permit and we build it.

MS. ASHTON-CICKO: What happens if you only build two buildings? Then you don't even build anything in the third.

MR. STARKEY: If we build only two buildings, we'll be like all those other developments you talked about where the owner of the property is really focused on making money and trying to build the last phase but something in the market has changed, and so maybe we come back to the Board and say, you know, we want to get rid of -- lower one of the minimums or maybe we just say, hey, we have to wait a year until the market turns around. You know, the plane crashed into the building in, you know, Tulsa, Oklahoma, and we have to wait for a while.

CHAIRMAN STRAIN: But let's look at it this way. If this turned out to be much simpler than it is today and they had taken their purchase agreement and they said, we're going to build exactly what's on this plan, here are the standards to build it, and we'll walk away, we wouldn't have required everything to be in the first two buildings because something has to be the last building. We wouldn't have had the minimums and maximums to worry about.

So I think getting some language that tells us that by the time they use that third item they better have the minimums or they're going to face supermajority vote by the board to change it; I think that's a pretty good threshold to hold on, because by that time, the land in that third building, if you've done well, should be higher in value and it becomes -- that becomes part of the issue.

MR. MULHERE: Sure.

CHAIRMAN STRAIN: Okay. I don't know. We wouldn't control that if they had come in trying to mimic exactly what was in that purchase agreement anyway. That's the piece that I'm seeing.

MR. STARKEY: And, ultimately, the market has a significant impact on all development. And so we all want to build everything now, and sometimes you can't build everything now. Sometimes it takes a little longer.

CHAIRMAN STRAIN: Thank you. And, Bob?

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: While we're on that, there is one item I'd like to mention, and it's the last item. And it's different numbers on my document. But xiv, which is 14, no individual commercial use may be located in a building less than two stories. I thought the minimum building height was going to be five stories.

MR. MULHERE: No. We always -- just as we did in the --

MR. STARKEY: We actually -- excuse me. We actually never had a minimum building height. And as the discussion following last meeting where we were trying to develop that language that assures, you know, we don't have a big box, you know, the thought was, oh, you build a, you know, a 50,000-square-foot K-Mart. Well, you know -- so we said, look, it will be multistory building if it's a single-use building because you've got to have parking, you know. And so the goal is to -- you know, I, frankly, wouldn't agree to a minimum of four or five because it could be three, you know. But, I mean, it's probably going to be higher than that.

But, you know, again, if you have structured parking, which is very efficient use of property, it's going to be higher. If you use surface parking, you know, you can only park -- you know, you can only park about 100 cars -- about 75 cars on an acre, you know. So it's not a very efficient use of the land to use it as a parking lot. This is not a parking-lot project. This is a structured-parking project.

CHAIRMAN STRAIN: And I --

MR. STARKEY: You know, on our --

CHAIRMAN STRAIN: I think we'll have some -- in wrap-up, we'll probably have a little further discussion about two stories versus a little bit more.

MR. STARKEY: Sure.

CHAIRMAN STRAIN: Part of that -- Target's do two-story buildings. We're not expecting a Target at this location.

MR. STARKEY: Right. We couldn't park it anyway, but we wouldn't want it.

CHAIRMAN STRAIN: Okay. Thank you.

MR. MULHERE: And I think there is a possibility of one building being, of the three that we intend to build, being lower than the other two. That's a possibility, so...

CHAIRMAN STRAIN: I know.

Okay. Let's move on to where we're going to go next.

MR. MULHERE: If you'd like, I can go through the --

CHAIRMAN STRAIN: Well, you know, the crux of this issue here is going to be the height of the building, because this is what this whole page is about, and if they --

MR. MULHERE: Well, there was a couple other little changes. One you requested.

CHAIRMAN STRAIN: Which we did from last time, yeah.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: If the Planning Commission wouldn't mind, the Naples Airport Authority is here. And since this is the issue most sensitive to them, Bob, do we mind interrupting your presentation to get their input at this one?

MR. MULHERE: No.

CHAIRMAN STRAIN: Chris, if you want to come up, identify yourself for the record. I know you sent an -- yeah, either Mike is fine.

MR. ROZANSKY: Good morning. Thank you. Chris Rozansky, executive director for the Naples Airport Authority.

Just to give a little context, we have been working with the developer. About a year ago he visited with our board. Our board had adopted a set of conditions under which we wouldn't object to the project.

And, more recently, we hadn't been engaged in the discussion, but some of the -- the letter that I sent did have two primary issues. To this point, on the height, my understanding is that, like your discussion about conversion tables, nothing in the building of the height -- the height of the building, as we have -- as my board has reviewed it, is changing.

I understand it to be 160 feet above the established elevation of the airport, and Mr. Starkey and I discussed that yesterday, and that is perfectly acceptable under the conditions that the board had previously -- my board had previously set forth.

To give a little context, knowing the nature and the scope of what this -- being a catalyst project. We're not just concerned about this project. We're concerned about all the future projects to the east and south that will follow in the years ahead. So some of our comments today are reflective both of this project and all of those future projects.

The first issue in the letter deals with the Land Development Code in the language Section 4.02.06, if I'm recalling it correctly, and an exemption. And as I understand, staff perhaps crafted it that way because maybe that's what you're required to do. Forgive me, I'm not a land planner. And there is exemption for a prior development near the Marco airport.

What our concern is is the broad nature of the exemption. Under that section there are nine or 10 different height criterias that are provided for in the Land Development Code, and it's our opinion that providing a broad exception -- exemption from all of them is not good public policy.

Our understanding -- and I believe the developer, the applicant, agrees with this, that it's limited to that 150-foot threshold, what we refer to as the horizontal surface where our board has said they'll not object to a height of 160 feet under a certain set of conditions.

It's our belief that not just this project but any other project in the future in this area should be subject to all of the other height restrictions. And it has been reviewed by the FAA, so it might be more procedural than anything else.

Also in that section of the code, there are references to nuisances due to glare or smoke or eventual vegetation of -- growth of vegetation, other things that protect the approaches to the runways and the use of the airspace or the benefit of the public using the airport, and the protection of persons and property on the ground.

So we would like to see a more specific exemption. We had discussed -- and, again, I'm not a planner -- a deviation versus an exemption. I do not profess to be the expert in how best to craft that. We're happy to continue to work with the developer and county staff to come up with what might be beneficial to all concerned there.

The other portion of my letter deals specifically -- and do you-all have copies? I did bring hard copies. Would anyone else like a hard copy?

CHAIRMAN STRAIN: I have the electronic one you sent out this morning. Or I think you sent it out last night, but I got it a little before six.

MR. ROZANSKY: I apologize for that. I did bring hard copies.

The other portion of our letter deals with the conditions, developer's conditions of the PUD. Basically, in the letter we took nearly verbatim the conditions that were set forth by my board, and we request that those be inserted into those developer conditions. Thank you.

I understand there might be one or two, perhaps, dealing with the cell tower, and there's a bit of a subjective question regarding noise -- construction materials about noise attenuation, and this project is not within what your LDC defines as the noise zone. But I can tell you that we have flight tracks that shows aircraft as low as 400 feet above the ground over -- nearby the project's site.

And so some of the conditions set forth here, we believe, do protect both developer, the airport, and the public for continued beneficial use of the airport for years to come.

And so we would request that those conditions be added to the PUD, and one or two of them might require a little bit further discussion, and we appreciate the opportunity to speak before you this morning.

CHAIRMAN STRAIN: Well, we're going to discuss them right now so we get it all done, and we can keep moving on.

MR. ROZANSKY: Okay.

CHAIRMAN STRAIN: Bob, from your perspective and your client's, do you have objections to any numbers -- any of the issues from 1 to 8?

MR. MULHERE: I'm going to let Jerry handle that.

CHAIRMAN STRAIN: Because that's the only ones we need to focus on. If you're in agreement on others, we're fine. I have a problem with No. 6, but we'll talk about that.

MR. STARKEY: Number 2, in our discussions previously, this is worded as the developer will file a recorded avigation easement, height restriction, and/or covenants acceptable to the NAA if we go to the 160 feet. If we agree to stay under -- 150 or under, we don't have to do any of those.

As I've stated to the Board and to Chris, respectfully, we would argue to placing a covenant on the height. We would not agree to an avigation easement, which we think is overreaching. It takes away property rights, and I don't think anyone in this room or anyone on the airport board or any other board in the

public, if they read the easement, would want that over their home. And it completely takes away the property owner's right to address issues that interfere with the airspace above.

The FAA regulates the safe operation of aircraft in the air. The Naples Airport Authority has rules and regulations and, you know, future unknown aircraft activity, including drones and others, are specifically waived by this aviation easement. I mean, it's a very thick document. It's not appropriate. It would affect the value. It would affect the ability to obtain title insurance and mortgage -- you know, mortgage financing and, more importantly, and just, basically, it's a fundamental breach of property rights.

So I would object to that but would agree, as I've stated, to filing the height restriction. That's something we will agree to.

COMMISSIONER CHRZANOWSKI: Could I ask a question?

CHAIRMAN STRAIN: Go ahead, Stan.

MR. STARKEY: Sure.

COMMISSIONER CHRZANOWSKI: You said 160 feet above the elevation of the airport.

MR. ROZANSKY: Yes, sir.

COMMISSIONER CHRZANOWSKI: What's the elevation of the airport?

MR. ROZANSKY: Eight feet.

COMMISSIONER CHRZANOWSKI: Eight point zero NAVD, NGVD?

MR. STARKEY: Yes. That's consistent -- we both agree with that.

COMMISSIONER CHRZANOWSKI: Eight point zero NAVD.

MR. STARKEY: Yes, sir.

COMMISSIONER CHRZANOWSKI: Not NGVD? Because there's 1.3 feet in the difference.

MR. STARKEY: Yes, sir.

COMMISSIONER CHRZANOWSKI: And I hate to pick fly crap out of --

MR. STARKEY: Yes. We've worked feverishly since the last meeting to make sure all of the measurements are on a NAVD basis.

COMMISSIONER CHRZANOWSKI: NAVD.

MR. STARKEY: And that's what's reflected on our height.

COMMISSIONER CHRZANOWSKI: So we've got 168 NAVD is the elevation of the absolute top of the building.

MR. STARKEY: Yes, sir.

COMMISSIONER CHRZANOWSKI: Okay.

MR. STARKEY: Okay. And so if I were to continue through this list, the -- so No. 2 mentions that we'll make -- file a public restriction of record. It says, you know, A, B, or C; three options, and/or. We are agreeing with the height restriction. We would object to the aviation easement, which would also then fall into No. 3. So we would file the height restriction.

We are happy to notify the -- any condominium that we build, place it in the document of public record, disclose it as required by the airport and Florida law. It's also a lengthy disclosure, but it's fine with us. You know, the airport's there. We're happy to put it in the documents and track the language you provided.

CHAIRMAN STRAIN: Jerry, to expedite this, what ones do you disagree with? Just 2 and 3?

MR. STARKEY: The sound attenuation is one that we had stated in our discussion previously -- originally and, again, this morning. We'll put sound attenuation materials in as required by our architect.

I mean, we're outside of the noise zone. We think the noise on Highway 41 and Davis is more of an issue than airport noise. So we're not in the airport zone noise cone. We'll address the noise, but it will be to the standards that -- you know, that our studies indicate are appropriate. We want to protect our value, too.

Let's see, No. 7. Of course, No. 7, we have the FAA determination of no hazard. We intend to follow that for sure and, No. 8, the cranes as well, and then I think this No. 6 is an issue that staff may have an issue with, but, you know, it relates to the towers.

CHAIRMAN STRAIN: Okay. Your comments about aviation easements I disagree with. I don't think they're an infringement on property rights. They do exist in Collier County. They do not cause

problems on titles and elsewhere in Collier County. I'm not sure why you think they would for you. They came about because of people moving in next to airports and complaining afterwards about the noise. Now if they move in, they get a notice they have an avigation easement, and the noise is not an issue anymore, and the lawsuits stop. I saw them as an assistance, not a problem.

You're looking at it from a different angle. I'm not sure why you think they're a problem.

MR. STARKEY: Well, you know, the beauty about America is we all have our view of property rights and, respectfully, I think that avigation easement is overreaching. I think there are provisions in there that you wouldn't want, and I don't know that this is the forum. I think it would be better for us to continue to discuss with the airport.

But my understanding is that if we follow the height amendment, I mean, the height limitation, that would satisfy No. 2.

MR. ROZANSKY: The NAA -- although an avigation easement is ideal, we have had this conversation, and the restrictive height covenant would be acceptable as long as the disclosure was also included in those condominium documents.

MR. STARKEY: Yes, which we agree to. I think that's appropriate, and we agree to that.

CHAIRMAN STRAIN: At some point we're probably going to need a refined letter from your department or from your -- from the airport after you and the applicant work out your differences and get down to what your objections are at that point if there are still any.

For example, in No. 2 they talk about the 150 feet, which I thought meant that if you're below 150 feet, you didn't care about an avigation easement. If you're above 150 feet, that's when they wanted it. You just said you're going to be below 150 feet?

MR. STARKEY: No, no. I said -- the point I made was if you're 150 feet or below, you don't need it.

CHAIRMAN STRAIN: Right.

MR. STARKEY: Going up 10 feet seems punitive. I mean, I have an aversion to avigation easements. And, again, I don't think this is the right place to address that but, nevertheless, the 10-foot differential doesn't -- I can't see a rational basis that if you go 10 more feet, you've got to have an avigation easement versus -- 150 versus 140.

CHAIRMAN STRAIN: Well -- and, go ahead, Heidi.

MR. STARKEY: But it's somewhat irrelevant because we've agreed we'll notify in the condo documents, and we'll place the height restriction. So the avigation easement, in our prior conversations and -- as this morning and as Chris just mentioned, you know, it's not an issue. We agree on two of the items that would accomplish the goal.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: I just want to clarify. The restrictive covenant, if that's the route you go, would be in favor of the Naples Airport Authority, correct?

MR. STARKEY: Well, a restrictive covenant on height would be --

MS. ASHTON-CICKO: In favor of the airport authority?

MR. STARKEY: Well, the restrictive covenant restricts the property, and so it's in favor of the world.

MS. ASHTON-CICKO: I know, but do you want to have the ability to release it if it is released by the Naples Airport Authority as opposed to a restrictive covenant that's in favor of all the property owners in the development? That's all I'm trying to get at. And I also need a time frame by which the restrictive covenant would be recorded, you know --

MR. ROZANSKY: So our -- pardon me. Haven't worked through the details with assistance of our legal counsel of that yet and Jerry's team as well.

Our ideal for the airport authority would -- after closing but before any mortgages would be recorded is -- against the property is when we would like to see the covenant recorded.

CHAIRMAN STRAIN: Now, between --

MR. STARKEY: I don't have any objection. We're going to have a zoning restriction. We have plenty of restrictions at 168. We'll put it -- as we have agree, we'll do that.

CHAIRMAN STRAIN: Rather than spend a lot of time at this meeting trying to work out your differences, it seems like you've found a way to agree on quite a few of them. We can expect a revised position from you before the next meeting?

MR. ROZANSKY: Certainly.

CHAIRMAN STRAIN: Okay. Under No. 6, just so you know, that's an issue involving our Land Development Code. That doesn't need to be in -- separately stated. So we already provide communication tower review, and it's certainly for safe and efficient use of the airspace. So I don't see compounding that with a problem by adding No. 6 into this particular PUD.

MR. ROZANSKY: We're not here to make the process more complex. We're here to protect the public and airport operations.

CHAIRMAN STRAIN: I can assure you no matter what you did today, you couldn't make it more complex.

COMMISSIONER CHRZANOWSKI: That's our job.

CHAIRMAN STRAIN: We're already there. Yeah, that's our job.

Okay. Anybody else want to comment on the airport stuff before we move on?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Okay. Ned and then Diane, and then Joe. I'm sorry, Joe.

COMMISSIONER FRYER: My question relates to -- or is in satisfaction of some questions that have been asked of me by neighborhood people in the City of Naples. And this has to do with whether there is any need, present or expected in the future, for the airport to reroute landings and takeoffs more over toward the City of Naples as a result of what is happening with this project.

MR. ROZANSKY: This project will not affect the direction of takeoffs or landings.

COMMISSIONER FRYER: You don't have any plans to alter those -- the takeoffs and landings as a result of this project?

MR. ROZANSKY: No. But as I mentioned, there will be frequent overflight of small aircraft -- and maybe I didn't mention small aircraft. There's a traffic pattern that surrounds each runway. The traffic pattern actually intersects the area of the triangle regardless of which runway is in use. So there will be overflight predominantly by small aircraft, and then the jet aircraft are more in line with the alignment of the runway.

COMMISSIONER FRYER: Let me ask my question a little better. Is there going to be any increase in noise from the airport to the areas of Olde Naples as a result of the mini-triangle project?

MR. ROZANSKY: I'm not sure I understand the question.

COMMISSIONER FRYER: Are there any plans in place or is there any likelihood that there would be a plan put in place by the airport in order for, let's say, safety reasons or out of concern that there's a 160-foot building there; therefore, we need to move more takeoffs and landings over another part of the area.

MR. ROZANSKY: No. As I mentioned initially, the project would not -- it's been reviewed by FAA. We see no reason why there would be a change in traffic patterns as a result of this project.

COMMISSIONER CHRZANOWSKI: All right. Okay. Thank you.

CHAIRMAN STRAIN: Diane, then Joe.

COMMISSIONER CHRZANOWSKI: Can I ask you a question?

CHAIRMAN STRAIN: Let Diane go. She was next. Then Joe, then Stan.

COMMISSIONER EBERT: Chris, could the FAA, at this 168 feet, come in and make them put a rotating beacon on the top?

MR. ROZANSKY: The airspace determinations said that they have to comply with a federal advisory circular for marketing lighting of the building. I haven't reviewed that today to determine what that might entail.

COMMISSIONER EBERT: Because I know at 200 feet you must have a rotating beacon on towers and stuff. I was just wondering, could the FAA -- not you, but could the FAA come in and have them put something on the top of their building?

MR. ROZANSKY: They've already opined on that matter, and that was in the determination that was received back in January 2017.

MR. STARKEY: No impact to airport operations at all. The tower that -- the communication tower that is on site doesn't have a beacon, and it's higher than the buildings that we're going to build.

COMMISSIONER EBERT: Okay.

MR. STARKEY: I don't think any of us can predict future FAA --

CHAIRMAN STRAIN: You're going to build consistent with FAA rules, right?

MR. STARKEY: Absolutely.

CHAIRMAN STRAIN: Okay. There. That's it.

COMMISSIONER EBERT: Well, yeah. You're going to do that except you made a comment just before he came up that you might not build Building 3 because an airplane hit Tower 2, and I'm going, wait a minute.

MR. STARKEY: I said that?

COMMISSIONER EBERT: Yes, you did.

MR. MULHERE: You used a bad example.

CHAIRMAN STRAIN: Okay. Joe?

MR. STARKEY: Oh, in Tulsa, Oklahoma. I was using an example of why the economy went south.

COMMISSIONER SCHMITT: I just want to follow up. Was there a disagreement to No. 4? I lost track of that when they were discussing. The disclosures should be in the documents, correct?

CHAIRMAN STRAIN: I think they agreed to that.

MR. STARKEY: We agree.

MR. ROZANSKY: I don't think there's a disagreement. Mr. Starkey was even gracious enough to, you know, take in the language we've seen used in other projects around the community, both in the city and the county, and I think they said they would, you know, use similar language if not the same.

CHAIRMAN STRAIN: Okay. Stan?

COMMISSIONER CHRZANOWSKI: I'm not a pilot, but it seems to me like when you're coming in for a landing or doing a takeoff, you line yourself up with the runway. You don't kind of turn out real quick or come in at the last minute and turn in real quick unless you're with the Air Force or something. How far away do you have to start lining up on the runway?

MR. ROZANSKY: Woo. That varies dramatically by the type aircraft, the performance of the aircraft, the pilot, the weather conditions.

COMMISSIONER CHRZANOWSKI: A big, heavy -- the biggest one you've got that comes in.

MR. ROZANSKY: They generally will set up seven or so miles out from the end of the runway aligned with the runway. So that's going to put them out over the Gulf of Mexico if they're approaching from the southwest. And you might have seen aircraft approaching, you know, if you're out at the pier, something like that.

COMMISSIONER CHRZANOWSKI: Yeah.

MR. ROZANSKY: Small aircraft don't need near that kind of -- to be out that far, and they do turn within a half mile of the end of the runway. They do make tight 90-degree turns in a rectangular pattern around the end of the runway, and that's what we call the traffic pattern, and that's where the small aircraft will be over the site.

COMMISSIONER CHRZANOWSKI: Okay. Thanks.

CHAIRMAN STRAIN: Okay. Thank you. We'll look forward to hearing from you before the next hearing.

MR. ROZANSKY: If I could just go back to the first point, Mr. Chair, about the section of the Land Development Code. We're happy to work with the staff and the developer in coming up with very narrow language that's mutually agreeable.

CHAIRMAN STRAIN: Well, honestly, no one had objected to that at the first meeting, so I figure if no one was too concerned about it, we're fine.

I understand your concern. When I saw it I thought, well, why didn't they do a deviation but figured if they wanted to do an LDC amendment and if it was tailored sharp enough, it would be fine. But I will now have that question of them. So we'll see if there's still going to be an LDC amendment or possibly a deviation.

MR. ROZANSKY: And, again, I'm not here to opine on the technical approach. Just when you have a broad exemption from all of that section when there's nine or 10 different surfaces, I don't believe that that's a matter of good policy. It probably wasn't anybody's intention. I don't believe it was. It's just how it came about. We deal with these things on a somewhat frequent basis.

CHAIRMAN STRAIN: And it's only someone with your expertise that would notice that, so we appreciate it.

MR. ROZANSKY: Thank you for hearing me today.

MR. MULHERE: Mr. Chairman, may I -- I mean, we had a discussion before the meeting and, yeah, we thought we were limiting it to only the height exemption. But Chris pointed out that there are other types of heights in there. And I think what we can do is tighten it up to refer specifically to the horizontal surface height limitation.

CHAIRMAN STRAIN: But why didn't you do a deviation?

MR. MULHERE: Well, because -- the reason that we did an LDC amendment, at some cost to my client, as opposed to a deviation, which would have cost nothing, was that there was already one precedent set here, number one, and, number two, it allowed for people who may be looking through the code to understand that there is an exemption in this location, which they may not see unless they went over to the PUD and looked at that deviation.

So we thought it was more conservative. We were trying to be helpful.

CHAIRMAN STRAIN: Well, you're going to tighten the language up. You're going to get together with the airport authority before the next hearing, and you're going to straighten out any differences that need to be addressed; is that correct?

MR. MULHERE: Yes, sir.

CHAIRMAN STRAIN: Okay, good. And while we're at a break for outside speakers, why don't we just go right into any public speakers, and if we have time left before lunch, we'll come back to you.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: Thank you, Chris.

Anybody else here from the public -- first of all, Ray, do we have any registered public speakers? Eric or Ray, one of you call them; her.

MR. JOHNSON: Yes. Katie Cole. And we have no other registered speakers.

CHAIRMAN STRAIN: And, Katie, your paralegal's not here.

MS. COLE: She's on the ground.

CHAIRMAN STRAIN: Oh, I didn't see her over there. Okay.

MS. COLE: Good morning. Katie Cole with the law firm of Hill, Ward, Henderson, 600 Cleveland Street, Suite 800, Clearwater, Florida, representing Crown Castle International, the owner of the wireless communication tower on this site.

And I appreciate the receipt of the language yesterday and, pursuant to Ms. Ashton's suggestion, we concur with that. We would appreciate if it was modified further to state that it's an interim permitted use instead of legally conforming, as permitted use is a defined term in the code.

Additionally, we have in our records that the address of the site is 2054. I think the numbers were just transposed in the draft.

So those were our two comments. I also did check on our registration, and this tower is not over 185 feet, so the inspection reports hadn't -- were not formally submitted to the county, although they have been provided annually to the CRA as part of this discussion, so...

COMMISSIONER CHRZANOWSKI: The CRA.

CHAIRMAN STRAIN: Pull your mike down, Stan, if you could. Thank you.

MS. COLE: Just out of -- for information sake to the CRA as part of this discussion, because the code requires, if the tower is over 185 feet, to provide those inspection reports, and this tower's 182 feet. But I do have them with me if you would like them.

COMMISSIONER CHRZANOWSKI: I'm not going to go with the NAVD/NGVD.

MS. COLE: No.

CHAIRMAN STRAIN: Any questions of Ms. Cole?

(No response.)

CHAIRMAN STRAIN: Thank you, Katie. Appreciate it.

MS. COLE: And I think we did speak to the applicant, and they had indicated previously they were okay with Ms. Ashton's suggested modification to incorporate.

CHAIRMAN STRAIN: Yes, they did.

MS. COLE: Thank you very much.

CHAIRMAN STRAIN: Thank you.

Is there any other member of the public here that would like to be heard at this time?

(No response.)

CHAIRMAN STRAIN: Okay. Bob, we'll move back to your presentation. And we left off on the --

COMMISSIONER FRYER: Mr. Chairman.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER FRYER: Before we leave the airport letter, I just want to be sure I understood. The airport raised two concerns; first of all with respect to LDC 4.02.06 and second with regard to the language that would be contained in the ordinance.

We spent a lot of time talking about that second point. Am I correct that you are in agreement that the only exemption you need are from Parts E, F, and G and that you're willing to remain subject to the rest of that ordinance?

CHAIRMAN STRAIN: Well, I think you're going to work that out with the airport authority between now and the time you come back; is that right?

MR. MULHERE: We are in agreement. Yes, we will do that, and we are in agreement that the only exemption that we need is from -- is to allow for a building that's 10 feet taller than the maximum allowable height of 150 feet. We'll get there. Where is Chris? We'll get there.

COMMISSIONER FRYER: But do you still have something to work out on E, F, and G being the only parts of that ordinance that you seek exemption from?

MR. MULHERE: Probably not, but I don't have the ordinance in front of me, so I just, you know --

COMMISSIONER FRYER: All right. Okay.

CHAIRMAN STRAIN: We're okay with it. Bring it back with the summary of this whole project after staff has time to receive and review it, and everything will match up at that time. I think that's the direction we gave, and I think we'll get there if we stick to it.

Anything else?

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Okay. Bob? We're back to that table that we had left off on. Anybody have any other questions from that table?

COMMISSIONER FRYER: Is this on Exhibit B?

CHAIRMAN STRAIN: Yes, Exhibit B, first page.

COMMISSIONER FRYER: Well, I do.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: I remain concerned about the 500-square-foot dwelling units. It doesn't match up with the language in the 2015 document, as near as I can tell. And I don't see -- who do you anticipate wanting to be in that 20 percent, 500 square feet because --

MR. STARKEY: Some people that are just like you and me. You know, there are units in downtown Naples, Olde Naples on Broad Street near Third Street and other examples near Fifth Avenue where the buildings were built in the 1960s and 1970s and those units have between 500 and 700 square feet. They actually go for a pretty significant price per square foot.

If they haven't been remodeled, they tend to be selling at \$600 per foot, and if they have been remodeled with new floors, new kitchens, new bathroom appliances or typically one bathroom -- one-bathroom, one-bedroom units, you know, they sell for 650 to \$750 a square foot.

And so these are people that are affluent, second homeowners. They're from the Midwest. They're from Canada. They're from the Northeast. They come down to Naples, like many other people in Naples, and they choose to spend, you know, 400- or \$600,000 to be by the beach and downtown instead of, you know, a

2 million or \$3 million or 6 million or \$10 million home in downtown Naples.

So in providing -- you know, we recognize that we're an urban environment. We recognize that we are want -- we will appeal to the people that want to be close to downtown and close to the beach but for whatever reason don't want to buy a million-and-a-half dollar condo. And so we think that there's a market because we continually watch the people buy and remodel and live and enjoy these 500- to 700-square-foot units.

And so we don't intend to build many of them. We'd like to have up to 20 percent. And so if you had 200 units, that would be 40 units that might be between 699 and 500, and 180 (sic) units that aren't. And so, you know, at the end of the day when we design a specific building, there may not be any 500-square-foot units. But there is a market for that.

And if -- to the extent you have a -- let's say you have 10 stories above a parking garage in a residential building and if you put a 500-square-foot unit or 550-square-foot unit next to a 700-square-foot unit, you can have 10 of the 500s and 10 of the 699s, so it's under, you know. And as you're going through your marketing process, if there's more of a demand for a -- I'm not good at math -- 1,200-square-foot unit, you can combine those units.

So that's some of the logistics, you know, that you go through as a developer and understanding the market. There will also be people that will be, you know, perfectly fine with a 1,400-square-foot or a 16- or an 1,800-square-foot building -- unit. But that's why. There's a strong market for it. And, you know, we think that a small percentage of our residential component would be under 700 square feet. I don't know if it's 10 units or 20 units, but it won't be much more than that because we've put a limit on it. And at the end of the day, I just want to meet the market.

CHAIRMAN STRAIN: Okay. Anybody else have any questions on the page that's in front of us? (No response.)

CHAIRMAN STRAIN: Okay. You want to move on to the next one, Bob?

MR. MULHERE: I just wanted to point out -- because we didn't specifically discuss it, but, Mr. Strain, you had suggested that we clarify --

CHAIRMAN STRAIN: I saw that.

MR. MULHERE: Okay. I just wanted to --

CHAIRMAN STRAIN: I didn't discuss it because I saw it.

MR. MULHERE: Yeah, okay.

The next page is the PUD master plan. I don't know if you have any questions. I haven't made any changes.

CHAIRMAN STRAIN: I have a question, but I'll defer to the Planning Commission first. Anybody on the Planning Commission have any questions about this plan?

(No response.)

CHAIRMAN STRAIN: My question involves a note that says general location of shared sign. Well, in your PUD you're requesting the sign at that location, and I understand it. It's on your PUD, so it's really not a shared sign for you, but it is for Trio. Are they going to have to do an off-site sign exemption?

MR. MULHERE: No.

CHAIRMAN STRAIN: Okay. Why not?

MR. MULHERE: Because the way we worded the deviation -- I'll have to get to the exact language. If you give me a second, I will. I just want to get to the language.

CHAIRMAN STRAIN: Well, you did a deviation for your property to allow an off-site sign.

MR. MULHERE: It says --

CHAIRMAN STRAIN: But they're to request it.

MR. MULHERE: It says clearly in there that the sign can support either of the adjacent property owners. It can be located on his property and support us or our property and support him.

CHAIRMAN STRAIN: You can't include a benefit or a detriment to his property in your PUD.

MR. MULHERE: It's no detriment.

CHAIRMAN STRAIN: Okay. A benefit then, whatever it is. How do you do that in this PUD?

MR. MULHERE: Because he's going to have to agree to it. We're going to have agreement that if

we do a shared sign, he's okay with it. This just allows it. I mean --

CHAIRMAN STRAIN: Look it, I'm not trying to make it more burdensome, but generally if you have an off-premises sign you need to go through a sign exemption -- sign process for that.

Ray, are you paying attention to this at all? Did you hear the question? I know you're looking at something, but it wasn't this, so...

MR. MULHERE: I just want you to know we did meet with staff on this as well.

CHAIRMAN STRAIN: Okay. Staff has concurred they don't need an off-premise sign for the Trio sign to be on this particular project's property?

MR. BELLOWS: For the record, Ray Bellows.

And in other instances where a PUD is allowing an off-premises sign for another site, there should be language in this PUD to allow for the off-site sign, but the property zoned adjacent doesn't need to have anything special.

CHAIRMAN STRAIN: That's where my question was. Thank you.

Okay. Anybody else have any questions about the master plan -- or the plan following that is the --

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Go ahead.

MR. JOHNSON: Could we go back to the master plan for a second?

CHAIRMAN STRAIN: Sure.

MR. JOHNSON: This relates back to one of the conditions of approval related to the buffers. The master plan shows that you have zero or five feet landscape buffer between the subject property and the surrounding properties. I think if the applicant were to just strike out the zero, then that condition of approval would go away.

MR. MULHERE: No problem. We already have -- we have a five-foot landscape buffer required there, so obviously we can't be zero if we have a five-foot landscape buffer.

CHAIRMAN STRAIN: That's it, Eric?

MR. JOHNSON: Yeah. And that goes for the other side as well.

CHAIRMAN STRAIN: Yeah. I just was going to suggest. They've two of them down there, Bob.

MR. MULHERE: Yes.

MR. JOHNSON: That's all. Thank you.

CHAIRMAN STRAIN: Also, one thing I did happen to note, I don't know why there's a discrepancy. But on another portion of your documents -- and I'll try to find out which one it is. You had a -- in your first submittal you had 57 pages, part of the staff report, and then you went into another section of pages, which was 303. So 157 pages electronically. Go ahead and figure that out.

You have the amount of dedicated driveways. Your internal ID, your internal drives --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- here you're asking for 1.50 or you're stating they're 1.50. That other page says .77. Do you know why there's a discrepancy?

MR. MULHERE: I do not. I know that those were calculated. Barry actually did -- Barry, the civil engineer on the job, actually did the calculation of that acreage. So I'm not sure where the other one might have come from.

CHAIRMAN STRAIN: Well, I can tell you what document it's in, if that will help.

MR. JOHNSON: Maybe it was from the NIM.

CHAIRMAN STRAIN: No, no. It was in a document. That's why I picked up on it. And I thought, well, that's interesting. I'm getting there. Here it is. It's in a subject parcel, Exhibit C, master plan, and it's by your firm, Bob, and it's included after Page 17 of Trebilcock Consulting Solutions P.A.

MR. MULHERE: Oh, it was an earlier site plan submitted, then we revised this plan that was submitted with the original TIS, so...

CHAIRMAN STRAIN: Okay. The roads on that plan are identical in location and shape to the roads in the plan you have on the plan we're looking at today.

MR. MULHERE: I can tell you that that number's the accurate number, the higher number.

CHAIRMAN STRAIN: Okay, we move on.

MR. MULHERE: Did you want to go to the next?

CHAIRMAN STRAIN: Sure. Anybody have any questions from the next plan? It's an easement plan? Probably not.

The next one, Bob.

MR. MULHERE: That's our deviations. I know that's small. I can make it bigger. I just didn't know if there was any questions on it.

MR. JOHNSON: I don't think anything has changed from the last time the Commission has seen this to today.

CHAIRMAN STRAIN: No. No. I don't think so either. So, okay.

MR. MULHERE: This is the exhibit that we prepared in response to the questions related to various measures of height. We have an -- we have a Naples Airport Authority height established, we have an FAA height established and, of course, we have the county's zoned and actual height. Those are reflected in the PUD document and the table that we previously looked at. This, I think, we put in here because we thought it would be helpful for any future reviewer because it translates as I think maybe Stan had suggested; all of the heights are translated to an equivalency in NAVD.

And as you can see on the left-hand side right here, the maximum height that we can -- that we can have is 160 feet above the established Naples Airport Authority which translates to our maximum building height in our zoned document as well and actual.

So we just -- I mean, I know there's a lot of numbers on here, but they're all converted to NAVD, and we're in agreement. As you can see, the FAA height from above mean sea level; mean sea level at this site is an elevation of 2.67 feet. That translates to 170.67 feet NAVD. We're not asking to go that high. We're within the limits, and the PUD zoning document provides for those limits of the Naples Airport Authority maximum height allowance.

CHAIRMAN STRAIN: And you must have a lot of tiny people going in this building, because your elevator shaft is only 2.8 feet high.

MR. MULHERE: No. It will probably end up being below that, but --

CHAIRMAN STRAIN: Okay. So your elevator shafts at their 15 or 12, 10 feet cap, they're going -- you're going to actually not use your zoned height then; is that what you're saying?

MR. MULHERE: We may not use the zoned height to the degree that the elevator shaft, you know, exceeds that.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: Yeah. Doesn't the code allow for certain appurtenances to --

MR. MULHERE: Yeah, the code does, but we're restricted --

COMMISSIONER SCHMITT: You're restricted strictly -- everything is restricted to that FAA height.

MR. MULHERE: Correct.

MR. STARKEY: Someone once said on this board -- I don't know who, this Commission -- the tippy top.

COMMISSIONER SCHMITT: Tippy top.

MR. STARKEY: Tippy top is 160 above 8-foot elevation. 168 NAV (sic).

So that line at the top at 168 is the maximum that would encompass any airport -- excuse me -- any elevator shaft, any mechanical equipment, any FAA --

CHAIRMAN STRAIN: No. The 168 will accomplish it? Your actual height's 162.8.

MS. ASHTON-CICKO: The map -- the drawing they have up there doesn't reflect what they're building, because they actually need to show their building typical is going to 162.8, which is below the NAA maximum. Because the --

MR. STARKEY: The 162 --

CHAIRMAN STRAIN: No.

MS. ASHTON-CICKO: The visual shows it going to --

CHAIRMAN STRAIN: One at a time, please.

And, Jerry, when you speak, you need to use the microphone so we get it recorded.

MS. ASHTON-CICKO: Yeah. But the visual you have here shows it going to 168 is the typical building, which can be confusing for a reviewer, because it's showing it's inconsistent with what's on your chart.

MR. STARKEY: The zoned height -- excuse me. The zoned height and the actual height are the exact same point in the sky. By definition, one is measured from the eight-foot elevation, which is one foot above FEMA, and the other one is measured from the average crown of the road between Davis and Highway 41. So the only reason that the 160 and the 162.8 vary is that they start at the ground at different places.

MS. ASHTON-CICKO: Your drawing of the building goes all the way up to the 168 --

CHAIRMAN STRAIN: No, Heidi. Look on the left side of the drawing and see the arrow over there where the top of the arrow touches the maximum height of 168? Look where it starts. And it's NAVD. It starts at an elevation 8.0 NAVD.

So if you take NAVD from zero all the way to the top of the building, it's got to be 168. But the measurement for the airport is starting at 8 to 168, which is why 160 is their cap.

MS. ASHTON-CICKO: But on their other chart they said they could go to 168 NAVD, but they're only going to 162.8 is what the other chart said.

MR. MULHERE: No. But that's a measurement. Heidi, that 162.8, you have to look -- wait a minute. Just listen to me for a minute. The actual height, please, they're measured from different locations. Look at your own definition of actual height. It's measured from the average center line of the crown of the road.

CHAIRMAN STRAIN: You're right. It starts from a different starting point, so...

MR. MULHERE: That's why we put it on this example.

CHAIRMAN STRAIN: Let's put it this way: You're going to be consistent with the airport's height. At some point you probably should --

MR. KLATZKOW: No. Look, I understand Heidi's confusion because -- and that's on you, by the way, because if she can't understand it, nobody's going to understand it.

MR. MULHERE: Okay.

MR. KLATZKOW: If you go to Exhibit B, your residential commercial development standards, you've got maximum building height not to exceed actual of 162.8 NAVD, and your chart over here that we've been looking at has it as 168 NAVD.

CHAIRMAN STRAIN: It's the point at which we start measuring. That's the problem that's causing the confusion. You may want to add some embellishment to this.

MR. KLATZKOW: You need clarity in this document.

CHAIRMAN STRAIN: Just add some more to it by the time you come back in.

MR. MULHERE: Oh, yes, we will.

CHAIRMAN STRAIN: Okay. Let's move on -- and, by the way, this height thing will -- whenever you finish with it, will be an exhibit to the PUD so we avoid future confusion.

MR. MULHERE: That's what we did. I'm not sure where we are.

CHAIRMAN STRAIN: Well, you're right. We're just moving through it. The one prior to that is a listing of the sheets. There's no issue there. So now you're getting into your various --

MR. MULHERE: Yeah. These are the architectural site plan and then architectural and landscape exhibits. We didn't change any of those.

MR. JOHNSON: No change.

CHAIRMAN STRAIN: You're, actually, probably going to have down to Page 25 before we get into text again.

MR. JOHNSON: So I don't think any of those pages changed, correct?

MR. MULHERE: They didn't. And the legal description didn't change. I'm trying to get to the picture, Mr. Chair. I'm just trying to get to the right page.

CHAIRMAN STRAIN: There you go. This is your deviation page, basically, so...

MR. MULHERE: Yes. I'm just trying to get it so that it fits properly on the visualizer.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I have a quick question for you.

MR. MULHERE: Yes, ma'am.

COMMISSIONER EBERT: You show a lot of people eating outside.

MR. MULHERE: Yes.

COMMISSIONER EBERT: Is it -- you have a 5-foot landscape buffer. So these people --

MR. MULHERE: Not -- the 5-foot landscape buffer is not in that location, not along the major arterials where we show those people eating. The 5-foot landscape buffer is adjacent to the U-Haul and the other commercial development to the south.

So where we show that outdoor dining would be potentially adjacent to either Davis or 41 where we don't -- we don't have a 5-foot landscape buffer. We meet the code provisions. I think it's a minimum 10-foot landscape buffer and 20-foot setback.

COMMISSIONER EBERT: Well, I'm looking at this C1 picture on Page 9, the Davis Boulevard, and it looks like there are cars going by, and there's people just right on the other side.

MR. MULHERE: C1, did you say? I'm sorry.

COMMISSIONER EBERT: C1.

CHAIRMAN STRAIN: Use your mike, Bob. It's not picking up. Thank you.

MR. MULHERE: I'm sorry. So there's the exhibit. And this is exactly what the overlay calls for is a combination of landscaping and hardened, you know, pedestrian areas. They actually want to bring -- let people use this portion of the landscape buffer and setback. Then, yes, this could be Davis or U.S. 41.

As it turns out, we'll probably be elevated a little bit because of the requirements to elevate, you know, to come up to the minimum flood elevation, but this generally depicts what could be one option in some locations. We could have outdoor dining.

COMMISSIONER EBERT: Well, you show tables there and stuff. So I'm assuming that it is.

MR. MULHERE: No. I know. I'm not arguing with you.

COMMISSIONER EBERT: But I'm just trying to figure out -- I don't know about dining outside with all that noise, but...

MR. STARKEY: The overlay allows for an expanded public realm of 20 feet. Instead of the traditional sidewalk and landscape buffer, you can merge them, and that's something that's a part of the existing overlay in the mini-triangle.

And so this simply -- we have two exhibits from the top showing how it might be on 41 or Davis. And so one example is illustrating in the code the public realm so that the code allows you to do a 20-foot hardscape where you might have some chairs. It's not a restaurant operation coming out there. Think of it as a public walkway that has benches and art, maybe some tables. That's allowed.

So in one of our examples we showed that. In the other example we showed the more traditional buffer landscape sidewalk. And so the code allows either, and we were just trying to show examples of both --

COMMISSIONER EBERT: Okay.

MR. STARKEY: -- for it. Yes, ma'am.

CHAIRMAN STRAIN: Okay. Bob, I guess we're back on the deviation page now.

MR. MULHERE: Yes. Okay. There we go.

So this actually may be a better document. This may be a better document to refer to, because it will be a little easier to read.

CHAIRMAN STRAIN: Absolutely.

MR. MULHERE: So that's the list of deviations starting with the architectural standards. And, you know, just let me know if you have any questions, and I'll move through them.

CHAIRMAN STRAIN: Anybody on the first page of deviations? It's all through Page 25.

COMMISSIONER FRYER: We've seen all this before?

CHAIRMAN STRAIN: Yes. Well, last meeting, yeah.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Some other questions may have come up.

Bob, in your -- the only one I happen to have is No. 5, your landscape standards.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Last sentence, royal palm trees shall be 25 feet in height on average at the time of planting. We need a minimum. I mean, on average, you could have one foot high and then you could have 26 feet high or whatever you need to get to an average. So just give us some minimum heights.

MR. MULHERE: I'll talk to Mark -- yes. I'll talk to Mark. I mean, he gave us that language, so...

CHAIRMAN STRAIN: Oh, did he? Okay. Well, he should be able to have a fix for it.

MR. MULHERE: I did want to point out this is the second page of deviations, which includes the sign deviation. And we did have one additional -- I guess that's it. We didn't. Oh, it's in -- I'm sorry. There was one addition, but it's in the development commitments. So nothing changed here.

CHAIRMAN STRAIN: Anybody have any questions remaining with the deviations section?

(No response.)

CHAIRMAN STRAIN: Okay. Your parking, No. 6, and it actually goes to Page 25 bottom, 26 top.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: You're asking for a change in the parking mix to --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- to the cinema.

MR. MULHERE: Yes. Let me put that up there where somebody can see it.

CHAIRMAN STRAIN: And your point is you're trying to get a required space for each three seats, which is different than the gross area, the 40-square-foot seating, because mostly I would expect the common areas. Are you expecting in these kind of cinemas doing anything that would change the abilities of the -- are the common areas any different than what we see in a typical, like, Silver Spot or something like that?

MR. MULHERE: Well, no. They're not any different than Silver Spot. That's one example.

MS. SPARKEY: The Silver Spot phenomenon has really developed since the code addresses cinemas and so, historically, they would provide about 40 square foot per seat, seat and common area. Now the trend is towards 65 to 70 feet.

So when you go to a traditional theater and you sit, you know, in the small chair and the gum under the chair and all that, or you go to a Silver Spot or one like it, and they have the wider recliners that are further set back from the person in front of you. So what that relates to is they have fewer seats per square foot than in the traditional days of when theaters -- this code was written for.

And so the exemption we're asking for is one per three, and then one parking space for the maximum employee count at the peak shift, which is about 50. So if we had a 600-seat theater, which is kind of the area we're talking about -- and that would be anywhere -- one theater would put that in, you know, six screens, one would put it in eight -- you know, eight screens.

But at the end of the day a 600-screen (sic) theater would require 200 parking spaces for the theater and activities and then 50 spaces for the employees. And so that's why we put that in.

The other -- the existing code over-parks for today's theater. You know, the adult-style theater, the active adult boutique theater. It's hard to say "adult theater" with a straight face, right? You know what I mean, leather seats.

CHAIRMAN STRAIN: No. That answers my question. Thank you.

Anybody else?

(No response.)

CHAIRMAN STRAIN: If not, Bob?

MR. MULHERE: Okay. I think we got through the deviations, and now we're at the list of developer commitments.

I didn't know -- we didn't really have much discussion on these the first time around, so I did not -- I think we talked about the transit stop a little bit.

CHAIRMAN STRAIN: Under number -- yeah, go ahead. I'm sorry.

MR. MULHERE: I just didn't know if there were any questions. I'll follow your lead, Mr. Chairman.

CHAIRMAN STRAIN: Anybody have any questions on the developer commitments for the two pages that are offered?

(No response.)

CHAIRMAN STRAIN: The only question I have, and it has to do with No. 4, there was a statute change last year or the year before that requires basically a rational nexus for an exactment. You're not allowed to have illegal exactments. What was the basis for Emergency Management -- other than everybody's scared about a hurricane, which isn't really a good basis -- where they require a 45 KW towable diesel giant running -- quiet running multi-face, multi-voltage generator to be used at other hurricane evacuation shelter seats as a one-time hurricane mitigation effort.

I just want to make sure the justifications are understood for that, because what you require of one project we should be looking at for all.

MR. MULHERE: I mean, I think that's a good question, and maybe it is a little bit subjective. The reason I say that is, what we do -- what I've done with all of my clients who are developing within the coastal high hazard area or otherwise may have an impact on evacuation is to go and meet with the Emergency Management director, Dan Summers, and ask him to take a look at the project and tell us what you think would be most beneficial to address that issue, and this is what he came up with.

CHAIRMAN STRAIN: And in the old -- old days, because I was part of those periods of time, everybody had to get a kind of sign-off from Emergency Management and address the hurricane issues as a result of mostly DRIs and things like that. There actually was a question there; what did you do to mitigate hurricane. So they go to -- not Dan at the time, but whoever was here.

MR. MULHERE: Ken Pino (phonetic).

CHAIRMAN STRAIN: Yeah. Could we do some improvements somewhere nearby in a shelter to meet that requirement of the DRI. And so you'd get new shutters on a school and things like that. Well, that was done kind of loosely for DRIs mostly, and I can't figure out how we're now applying it on a -- if we can, I'm glad of it, but I just want to make sure we're on solid ground in requiring it of a project like this.

MR. BOSI: Mike Bosi, Planning and Zoning director. And, unfortunately, Dan Summers was not available. But within the coastal -- or coastal conservation and management element of the Growth Management Plan, hurricane evacuation is one of the components in the areas where you have objectives and policies, and within the properties that are within the Coastal High Hazard Area where you actually have additional provisions that require, in terms of AFLs, in terms of generators on site.

But we also have provisions that relate to evacuation and sheltering. And based upon those provisions and objectives, we believe we're justified within this request because of where it sits within the Coastal High Hazard Area.

CHAIRMAN STRAIN: So we can be assured, then, that all the projects coming forward in the Coastal High Hazard Area will have some kind of contribution requirement to emergency management to be fair to everybody.

MR. BOSI: We can most certainly be assured that there will be a review by Emergency Management as to what would be an appropriate mitigation for it.

CHAIRMAN STRAIN: Okay. As long as we -- I mean, we've just got to treat everybody the same. And if we're going to start that as a policy, I'm fine with it. I'm glad we are. I'm assuming then we have the rational nexus that can be done and, if that's the case, then great, we know that from now on when these projects come forward, you guys will have something in here after having talked to Dan.

MR. BOSI: Vincentian PUD was another example of a project where we have provided for the same type of review by Emergency Management, and they made the same similar type of request. And, you're right, equal protection is something that we thrive for within each of our petitions in terms of how we treat an individual applicant.

CHAIRMAN STRAIN: Making sure. Thank you, sir.

Bob, that takes us, what, to the last page of this piece before we take a break for lunch?

MR. MULHERE: Yes, sir. That -- I just wanted to point out that we did add there -- you can see it highlighted in yellow there, just to clarify, necessary warranty and manuals, so on and so forth, just a further modifier that, you know, we want to provide the necessary information.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: And then that's it for --

CHAIRMAN STRAIN: Now, Exhibit G will probably go away mostly or change in some manner to accommodate. And then when we break for lunch, what I'd like to do when we get back is try to get through the GMP part of it.

MR. MULHERE: Yes, sir.

CHAIRMAN STRAIN: I'd just like to remind the Planning Commission that we've made a lot of changes that are going to have to be reflected in the GMP. To save time, we don't need to repeat all that. We just need to focus on how the GMP needs additional changes as a result of the ones we haven't already basically discussed.

MR. MULHERE: And it's just two pages, so, really, we should be able to do that pretty quickly.

CHAIRMAN STRAIN: And then anything that this panel has to finish up this project when we get back from lunch is what we'll focus on. Then after that we'll move into the City Gate site plan or the City Gate PUD and sports park.

Okay. With that, we'll take a break for lunch. We'll be back here at 1:00.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Welcome back from lunch, everybody.

We left off with some -- with our discussions with the mini-triangle projects and the three different applications in front of us today.

When we left off, we were going to come back to the Growth Management Plan changes suggested by the applicant for today's meeting. Now, these were done before all the discussion we had this morning. So I looked them over again, and there's quite a few issues there that are going to have to be changed.

MR. MULHERE: Yes, sir.

CHAIRMAN STRAIN: But with that, do you want to present first, Bob, and then we'll go into any -- I know Ned had indicated he's got some questions. We'll go from there.

MR. MULHERE: Yes. And I -- Mr. Chairman, I agree with you. Based on the discussion this morning, we kind of already have a lot of direction, and our thought is -- and I've already talked to the staff. And we're going to get together with the staff probably this coming week, spend a few hours, make sure we've got everything covered, get this right. There's -- various people are not available in your next March meeting, so we probably wouldn't get back to you until April, because we want to make sure the people that have been involved will be here: Heidi and Eric.

So it will probably be first meeting in April. That should give us plenty of time to get this right and get it to you well in advance of that meeting so you have time to review it.

CHAIRMAN STRAIN: I would agree. That's a better time frame. Thank you.

COMMISSIONER CHRZANOWSKI: Can you define "well in advance"?

CHAIRMAN STRAIN: Two days.

MR. MULHERE: At least 10 days.

CHAIRMAN STRAIN: Well, no. You'll get them to staff at least 10 days. Staff doesn't get them to us till six or seven days.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: They've got to be processed by staff, and that's the other piece of the problem.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Now, did you want to go through anything that you are -- entertain questions at this point.

MR. MULHERE: I think so, yes.

CHAIRMAN STRAIN: Okay. Ned, you said you had issues. You wanted to talk about the language even though it's still changing, so let's go right ahead.

COMMISSIONER FRYER: Well, I'm going to defer right now, if I may, because I don't think I have the right thing up.

CHAIRMAN STRAIN: Okay. Anybody else have any GMP issues at this time?

(No response.)

CHAIRMAN STRAIN: I don't have any because it's going to change so radically. There's no sense

of spending a lot of time from my perspective on it at this point. I'll wait till the rewrite comes in, and we'll make sure the rewrite's consistent with the discussions we had today.

MR. MULHERE: And, Mr. Chair, I just wanted to maybe make one point. As David indicated to you earlier this morning, now what is the statutory requirements for a Comprehensive Plan amendment or -- and we have to describe the uses sufficiently that, you know -- although general, because they can be more specific in the zoning, with respect to -- and we have to have maximum levels of either density or intensity, and we will for sure have those. The degree to which we feel like we need some extra information based on this petition, we'll meet with staff, and we'll go over that.

CHAIRMAN STRAIN: The only thing I might want to caution you on is we have a provision that allows you to expand the maximum by going to the Board of County Commissioners for a supermajority. Obviously, you're going to have to have some kind of ranges in the GMP to match up to the LDC --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- but if you expand beyond those ranges and they're in the GMP, you'll be looking at a small-scale plan amendment, just so you know.

MR. MULHERE: Correct. We'll consider that as well. Thank you. Yes.

CHAIRMAN STRAIN: So other than that, unless somebody has anything they want to bring up on the GMP issue, we'll move on.

COMMISSIONER FRYER: When this comes back to us, it will be red lined to what we got on February 15th; is that correct?

CHAIRMAN STRAIN: I don't know. It's almost a full rewrite. I don't see much on what we currently have that's useful. Plus, I think the points that you made, to the extent they can be provided, they may be considering language that may provide some of that information as well if it's not already there.

MR. MULHERE: Mr. Fryer, really, we're -- substantively, we're talking about a two-page document, this GMP. And I don't know, it might be less now because -- you know, based on the direction we've gotten today. But I agree, it would be more confusing to take the previous document, strikethrough and red line it, than it would be to give you a document --

COMMISSIONER FRYER: If it's that small, that's fine.

MR. MULHERE: Yeah, thank you.

CHAIRMAN STRAIN: And we are starting with almost a new effort here based on all the back-and-forths we've had. So I'd rather be able to read it clean and then understand where to go from there if there's something, and we could always go back to our notes and see if there were issues that were missed. That might be an easier way to do it than anything else at this point.

MR. MULHERE: I think so, yes.

CHAIRMAN STRAIN: Okay. With that, then, we'll move into -- do you have anything else, Bob, that you want to bring up? Norm is anxiously waiting to try to explain things better than he did the first time around. And since the conversion table's off the table, he may be able to do that.

MR. MULHERE: I'm good.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Do you want to go to your PowerPoint?

MR. TREBILCOCK: Yes.

MR. MULHERE: Okay. So we need to go to the visualizer. I mean, the -- excuse me -- podium computer. And there you are. You can cut that -- close that one. Just close it. And you should be somewhere on here. There you go.

MR. TREBILCOCK: So good afternoon. Again, for the record, my name is Norm Trebilcock. I'm a certified planner and professional engineer and our firm, Trebilcock Consulting Solutions, prepared the traffic impact statement or analysis for the project.

And I'm going to -- what I was planning to do is cover some of the points that you-all had made the last time. I obviously won't do the conversion stuff, I'll skip through that; but wanted to cover some of the points that you-all had made and to better define things.

And that was really the trip distribution and assignment. There were some questions about if we -- to use a link analysis information in trying to show that, and then also you had some questions about site access

to look at surrounding projects and to see the consistency with access, so that's what I'll plan to cover for you here.

Again, the development program, no change there from what we presented, and this is also information in the Traffic Impact Statement, but it's based on this highest-and-best-use scenario here, and that establishes the trip cap for the project, which, again, is an adjusted number in the far right-hand column. The 875, that's the peak hour p.m. trips, two-way trips, that was used for the project.

CHAIRMAN STRAIN: And, Norm, do you want us to talk and ask questions as you go along, or do you want to wait till the end? What would you prefer?

MR. TREBILCOCK: Okay. If it's okay to wait to the end, would that be --

CHAIRMAN STRAIN: What slide number is this?

MR. TREBILCOCK: Or we can go through it each time, if you'd like. That's fine. Whatever is best for you guys.

CHAIRMAN STRAIN: I didn't know what the preference was; if you had a concern. So if that's what we're -- I certainly have a question with this particular document. I don't know if anybody else does. I'll defer to the Planning Commission first. Anybody have any questions?

COMMISSIONER EBERT: Let you do it.

CHAIRMAN STRAIN: In this trip generation, you're using 875 as the p.m. peak hour cap for the project.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: But to get the 875, you're relying on total internal capture and total pass-by capture so that you have a net external impact of 654. So if your external impact is not supposed to exceed 654, where are we using 875? That's the cap that you have in the PUD. So why wouldn't we be using 654 as the cap? Because that's the net-net-net. I mean, that's like boiling down to the bottom line, right?

MR. TREBILCOCK: Correct. And you can, but that's more of a policy that -- in transportation planning, I believe what you've established. And I've seen it go both ways, quite frankly. But this way it's just the gross trips, and that's it. You can certainly do a net-net as well --

CHAIRMAN STRAIN: Well, my concern is with the mix that this project could go.

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: And we're looking at all kinds of swings. By the time we get done, we've got to figure out how many particular uses. You may not have uses that have -- you could have a conservation uses (sic) of higher-end traffic counts.

You may not get the pass-by and internal capture rates that you're talking about here, and we would have no way of controlling that if they were irrelevant to the number that was used to peg the site's total impact of 875. That's why 654 may be a better number for the county to use in this regard. And between now and when you come back in April, you might want to consider that, and we'll listen to arguments either way.

MR. TREBILCOCK: Sure. No, that's a good point. And we just make sure the language is specific that it's the net new trips, exactly.

CHAIRMAN STRAIN: Right. And that's that --

MR. TREBILCOCK: Yeah. I've seen it done that way as well, so that's a good point. So I'll definitely mark that down as a point to work out with staff then, too.

Okay. And as mentioned, you know, we use -- we looked at internal capture, and then also -- so that comes up to an external. So the internal capture are uses that are interacting with each other so that you really have less trips on the highway totally.

The pass-by trips, again, that's somebody that's on the road network anyways, and they're going to pass by. And they're going to stop in and leave.

So when we do the link analysis, we subtract the pass-by trips, when we do the link analysis, because those are trips that are on the road network already for that.

But when we do the design for the site access, though, we include the pass-by trips because those trips are actually coming across our driveway, so they have an effect on the access.

And just as a note for you, we did look at the 10th edition overall for the project, and it came out to

865 vehicles per hour for the gross unadjusted, which is, you know, very close to what we did with the 10th -- the ninth edition that this was based on, because when we did the original study for this project, it was back in March of last year, and the 10th edition hadn't come out yet. So just, you know, informational for you.

CHAIRMAN STRAIN: Okay.

MR. TREBILCOCK: Skip through the conversions there.

The other part we covered before was this is the distribution, and this is the trips per hour, and this is the number that I used in the link analysis. And so I think the questions you-all had last time is how do these trips really come into the site. So I've got this other exhibit that I'll show you where the trips will come in and out, and that's what this is reflective here.

So, for instance, you're going to have 142 trips that are going to come back to the link to -- on 41 to Goodlette-Frank, and so some of those trips are identified here, and then a hundred -- some of the trips are identified here as well, and those added together will give us the 142, the link volume there.

Then the 119 that's coming from this same link splits off, and some of those go on Davis, and then the others will take a left turn into the site off of U.S. 41.

And so this kind of adds up to all those link trips, where they come from, where they go to. U-turn movements, those kind of things. But from an operations standpoint, we don't really use these numbers for sizing turn lanes or anything like that. What we, in fact, use are the higher trips that we've identified in this exhibit where we'll show a greater amount of trips, and also, just so you understand, too, when we were looking at the site here, we've been coordinating with the site next door, the Trio site, which is right here to the west of us.

So coordinating with them, we've used, in the traffic study -- and I provide this to you in the traffic study -- the turning movements that they provided for their site, we use those and added those to our turn lane needs for our project as well. So the numbers that I'm showing you here are reflective of our site traffic as well as the adjacent site that may use the site, the shared driveway here.

CHAIRMAN STRAIN: Well, while we're on that plan --

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: -- what numbers did you use for Trio?

MR. TREBILCOCK: Okay. For Trio?

CHAIRMAN STRAIN: Yes, because if you added Trio to what you've got here today, you obviously had to use their numbers.

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: And what they show for existing trips on their latest conversion was 14 new p.m. peak hour; proposed trips 111, with a net new trips of 97. At least that's on Table C of their TIS report, Page 5.

MR. TREBILCOCK: Yes. In our traffic study report, what we provided to you in there on Page 41 of the study that we provided is their exhibit Figure 2B that shows their trip movements. And I can put them on the visualizer here.

CHAIRMAN STRAIN: And also, Norm, when you deal with hotels, on a hotel room, is the trip higher or lower than a multifamily? Yeah, that's -- now, that's the old one. That's not the newest one because --

MR. TREBILCOCK: I'm sorry. But that's the one of record that was provided to us, so that's what we've used. We've been in coordination with them, and that's what was provided to us from them, so...

CHAIRMAN STRAIN: Well, their latest effort is 84 total rooms and 12 residential, and that's up from 48 hotel -- what?

MR. TREBILCOCK: No, no. We can definitely look at that and use that if that's been submitted as --

CHAIRMAN STRAIN: That's why I'm telling you, yes.

MR. TREBILCOCK: No. Thank you.

CHAIRMAN STRAIN: It was submitted to staff within the last couple weeks as a ZVL request for conversion to add the -- or not conversion -- for ability to add those additional hotel rooms.

Do hotel rooms have more of a traffic impact than multifamily?

MR. TREBILCOCK: Yes. Based on the conversions, yes, they would.

CHAIRMAN STRAIN: Okay. Well, then the reason I'm asking is because when you come back, I'd like to see how the latest effort of Trio has on that entrance on 41. I think that would be important to know.

MR. TREBILCOCK: Sure, yeah. As long as we can get that information from them. Again, I can only work off of what is provided, and this was the last --

CHAIRMAN STRAIN: If you can't get it from them, email me, and I'll send you what they asked for.

MR. TREBILCOCK: Thank you. Okay. Appreciate it. Thanks. Awesome.

CHAIRMAN STRAIN: Okay.

MR. TREBILCOCK: Okay. So we'll update that.

So based on those trips, at least I just wanted to cover for you, and then this is kind of an overview, again, of the accesses that we've proposed on the project. Another item that you wanted to look at is kind of nearby accesses and driveways. And I just wanted to kind of run you through.

You know, a big part of, you know, whether or not you do turn lanes or not -- and in this case it's really -- it's both Davis and U.S. 41 are FDOT roadway. And so they will do the analysis. We provide them traffic studies when we're actually developing.

We've had preliminary meetings with them and provided my initial studies, but they'll ultimately make the determination of need. So they'll independently review everything we provide to them.

But I just want to provide you this exhibit so you can kind of see and -- one of the items you had talked about. But if we look at the segment of 41, this is Airport Road down to Davis, okay, and we look along this segment of roadway here. It's along that length of roadway, which is 1.2 miles of road. If you're heading westbound or northbound, there's 40 drives, and there's seven public streets. There is only one turn lane in that segment of roadway, that 1.2 miles of roadway, and that right-turn lane is at Davis, okay.

So from a driver expectation standpoint, there isn't expectation to have turn lanes and, from a consistency standpoint, turn lanes would be inconsistent in this area.

And one of the things to understand is when you don't have turn -- turn lanes are great in a suburban design. Promote them. And that's why we have them, because they help maintain that mainline capacity of the roadway.

The negative is is they -- you'll tend to have higher operating speeds as a result. You look at, you know, Livingston Road, well-controlled roadway, turn lanes everywhere. You have a higher operating speed.

In an area where you're trying to create an urban environment in a bit of maybe a downtown area that isn't quite in downtown Naples, you may have some other interests, and that's really what's identified here.

Now, again, if you take it a point further -- and I'm going to go on U.S. 41 between four corners, which is Fifth Avenue South, and Golden Gate Parkway; that section of road. That's 2.11 miles of roadway. There's 34 driveways when you're heading north, 18 public roadway streets, and there are zero right-turn lanes along that segment of roadway.

When you head southbound on that same segment of roadway, there's 27 driveways, 14 public roads, and there's one right-turn lane. It's at Fifth Avenue South, okay.

So when we look at consistency, driver expectation, there isn't an expectation to have a right-turn lane in these -- especially these urban type areas that we have. Okay.

Again, though, we'll tend to rely on the DOT for making those determinations for us, because they use different criteria than Collier County. But I just, you know, wanted to address at least that point you-all had made to us, you know, to give you kind of good examples and kind of a setting of, you know, consistency or no consistency with what we're proposing. And, really, what we're proposing is consistent with the standards.

In the conclusions of our analysis, you know, the project, as we talked about, is exempt from concurrency, but it is also not an adverse traffic generator because there's no level-of-service issues.

The surrounding roadways will be operating at a satisfactory level of service. We do have what we call significant impacts, because we're above 2 percent of the link, but they're not adverse, because there's not a level of service.

The existing nine drives serving the site will be consolidated to two on Davis Boulevard and two on U.S. 41. We also plan to have interconnects to adjacent parcels and west.

And understand, too, when I looked at the preliminary numbers for turn lanes and stuff, just -- I didn't include an interconnect to the parcel to the east, and I think that's going to be significant down the road when it develops, because that gives you a connection to Commercial Drive which has access to a signal. So I think that will be a bit -- you know, so our numbers are conservative; i.e., high.

Again, right-turn lanes, based on our preliminary analysis and what we've presented to the department, aren't warranted based on their criteria. They have a range, actually, of 80 to 125. Just because you hit 80 doesn't mean they're going to say you need to do a right turn lane. It's -- within that range, they're tend to consider it.

Left-turn lane extensions, they are warranted on both roads, so I would look to anticipate needing to extend turn lanes in both cases.

And then, again, there will be an independent review by the Department of Transportation based on actual traffic.

And, you know, it's a good point about, like, the latest data as we move forward so we incorporate that, and that's heightened when it comes to the Site Development Plan. That way you have as of record. And the Department of Transportation would look at that. And what we're proposing, again, is to consolidate a drive which is something that they desire us to do as well.

A transit stop accommodation is proposed and coordinated with CAT as well, and mitigation is site improvements, interconnection, and payment of impact fees.

So with that, I'm available to answer any questions or things that I may not have covered that you wanted me to cover.

CHAIRMAN STRAIN: Okay. Questions from transportation perspective. Anybody? Any issues? (No response.)

CHAIRMAN STRAIN: Norm --

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: -- you have four entrances, and --

MR. TREBILCOCK: Yes, yes.

CHAIRMAN STRAIN: -- and exits. Two of them to the east aren't used as much as the front two. The one off Davis has a higher traffic count than the one off 41. By the next time you come back, I just want to make sure we've got the 41 one covered.

MR. TREBILCOCK: Yeah. Thank you.

CHAIRMAN STRAIN: When this project began, you-all said you'd put decel lanes in. And while the other exits aren't as important from the perspective of volume, that one on 41 is. What would be the chances of being able to fit a decel lane for that one on your project?

MR. TREBILCOCK: To put a turn lane in along that frontage?

CHAIRMAN STRAIN: Decel just for that main entrance, because that's going to have all the activity.

MR. TREBILCOCK: I understand, and that's something we can address more closely with you when we resubmit, you know, to see if the warrants are met, here's how we would -- how we would accomplish it.

CHAIRMAN STRAIN: Oh, no, no. Let's not talk about the warrants.

MR. TREBILCOCK: Oh, okay.

CHAIRMAN STRAIN: Let's just talk about if it should be done immediately --

MR. TREBILCOCK: Oh, irrespective.

CHAIRMAN STRAIN: -- so that you don't have to deal with moving buildings or not. I know you wouldn't.

MR. TREBILCOCK: Plan for it.

CHAIRMAN STRAIN: But you need to plan for it. Originally you planned for it. Now I'm just trying to say, okay, if you originally planned for it and now they're not needed, why would they be needed originally? And if they're not needed, then fine. Did you have something from DOT that says they don't want

them there?

MR. TREBILCOCK: Yeah. I don't recall -- we hadn't ever identified that we need to do turn lanes for the site, so...

CHAIRMAN STRAIN: You don't, but your client did.

MR. TREBILCOCK: Okay. Okay. I understand.

CHAIRMAN STRAIN: So I just would like to get that vetted out because it is a concern expressed by the City of Naples folks both in that one permit we got from Gregg, and then I think City Council person, Ms. Penniman, was here.

MR. TREBILCOCK: Sure.

CHAIRMAN STRAIN: And I'd like to put that to bed; either they should be there or not or especially this one.

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: So if you could do a study to take -- someone of you could take a look at your plan and see if that can fit in if needed --

MR. TREBILCOCK: No problem.

CHAIRMAN STRAIN: -- that would be a better way to approach it. Now, if the DOT says we don't like the idea, we don't want it, I'd like to see that, too. And that would take the question out of play then.

MR. TREBILCOCK: Sure, sure. That makes sense. I'll do that.

CHAIRMAN STRAIN: Yes, sir, Ned.

COMMISSIONER FRYER: I'm looking at the 2017 AUIR, and this part of the East Trail that we're talking about is projected to have a 5 to 10 percent -- well, it had a 5 to 10 percent increase over 2016 and, presumably, it will increase again in succeeding years.

Conversely, the part of Davis Boulevard that is in question is in green, which means 5 to 10 percent decrease from 2016 to '17.

My question is, is there any way to incent more traffic to use Davis?

MR. TREBILCOCK: You know -- yeah. You know, people take the path of least resistance, so if there is lesser traffic, they'll tend to migrate towards that area. I mean, that's -- you know, there's not any, say, specific design element. I think we've got pretty evenly our driveways set up. So I think, all things being equal, somebody is going to take the path of least resistance, you know. And so that's what I think will really help with that.

I mean, beyond that, I don't see any, say, engineering things that we could do with the project per se to change things, but I think we offer access on both sides so that folks could take Davis if there's less friction. So it's a good point.

COMMISSIONER FRYER: But there are no engineering things that you could see doing to create a greater incentive to enter from Davis?

MR. TREBILCOCK: Nothing hits me offhand. I can think about things, but I don't really -- nothing comes to me to say, hey, how can we really encourage folks to use one access versus another. I mean, short of, you know, closing an access, but that's not really -- wouldn't -- I don't think would be recommended here, you know.

COMMISSIONER FRYER: Okay.

MR. TREBILCOCK: Thank you. Any other questions or --

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: No, I think we -- we wore you out last time, Norm.

MR. TREBILCOCK: No. It's good guidance.

CHAIRMAN STRAIN: Thanks for all your information. Appreciate it.

MR. TREBILCOCK: Thanks. Okay.

CHAIRMAN STRAIN: That takes us to any other remaining questions of the applicant by the Planning Commission. If not, we'll go to staff report.

(No response.)

CHAIRMAN STRAIN: Eric? Eric, in your staff report now, you've heard a lot of changes being

suggested. I just want to make sure that staff feels they have adequate time to review them and write a new report and get us a concise document that we can use at the next meeting.

I'd stress to the applicant that after the document's distributed, don't give us any more paperwork. Let's just live with the document and try to deal with that.

So with that, I'll turn to you two guys.

MR. JOHNSON: Sure, Mr. Chair. Eric Johnson, principal planner.

I'm prepared to write a supplemental staff report. It seems like the dates that the -- or the date that the applicant chose would give us sufficient time. It wouldn't be on our normal time schedule, but given what this project is and where it's going, absolutely, I feel we can get that accomplished.

CHAIRMAN STRAIN: Okay. And do you have anything to add as a result of today's conversation, or is staff still fine with what they need to proceed with and --

MR. JOHNSON: I just would want one part clarified --

CHAIRMAN STRAIN: Sure.

MR. JOHNSON: -- because I don't think it was -- there was any definite direction.

On Page 4 of your handout -- on Page 4 of your handout we talked about reductions below the minimums and a majority vote of the Board of County Commissioners.

CHAIRMAN STRAIN: Well, actually, it would be supermajority vote.

MR. JOHNSON: Okay. So what type of application are we talking about? Is this going to be --

CHAIRMAN STRAIN: It would have to be a PUDA to get to the Board, yeah.

MR. JOHNSON: PUDA. All right. That's what I wanted to know. That's good. Thank you.

CHAIRMAN STRAIN: Okay. At the same time, if -- and I'm more -- the GMP will probably address maximums. I'm not sure it will address minimums. So if they get to a maximum threshold that has to be modified, it may take two levels of changes at the -- but I mentioned that to Bob, and Bob's going to -- their client will talk about it, so...

MR. JOHNSON: And also, based on what I said before, I will ask, you know, Cary Keith at the airport authority -- I don't see his --

CHAIRMAN STRAIN: No, he's not here at this point.

MR. JOHNSON: But, obviously, I can control, you know, from a staff perspective, but anyone from outside of staff, we'll try our best to pester.

CHAIRMAN STRAIN: Ask him to get his information to you so it can be distributed timely to us because it came in last night. So it would be helpful to have it with your staff report.

Bob, did you have something you wanted to add?

MR. MULHERE: I did mention I talked to him, and he and I --

CHAIRMAN STRAIN: "Him" being?

MR. MULHERE: Jerry. We'll get together, we'll resolve the language regarding the land code amendment. The PUD amendment, that comes out. It's the normal process. We don't need that language in there. It's the normal process.

CHAIRMAN STRAIN: Good point. Okay. I agree with you.

MR. MULHERE: And we're not asking to increase any of the maximums, so we just have to have the right ranges in there that we've discussed here.

CHAIRMAN STRAIN: Okay. Anything else, Eric, you want to add?

MR. JOHNSON: Nope, that's it. Thank you.

CHAIRMAN STRAIN: Okay. With that, are there any members of the public here who wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Bob, for everybody's starting points, I've made notes as we've worked along. I'd just like to read those off so you-all make sure -- I don't want this to have to be continued again. So let's just make sure everything -- all the T's are crossed and I's are dotted for the first of April.

You're going to review the decel lane at U.S. 41 westbound. You're going to have two or more multistory buildings three floors or greater with a mix of commercial, including retail, restaurant, and offices. Now, I would suggest you pick up square footages, minimums for those, as part of the issue. I'm not worried

about maximums in those buildings as much as minimums to start with.

You're going to limit surface parking. That was from last time. You're going to have no stand-alone commercial, must be paired with at least two other commercial uses. You're going to remove -- you're going to have -- your flexibility is roughly the ranges that we've talked about today. You might want to consider combining the commercial for a range but then break out the minimum amount of office within that range or something like that so you don't have office and retail. They're both commercial. Something to consider.

Modify the conversion tables to be consistent -- well, that's gone now, so, yeah. That's my note from last time.

You're going to have -- your storage areas will be air conditioned, inside storage, of no greater than 60,000. Your dealers -- car dealer will be air conditioned inside with no greater than 30,000. You're going to address the warrant bays and repair bays and how they're going to be secured or not secured but at least treated within the internal project.

The minimum residential component of 20 percent will be between 500 -- maximum residential component of between 500 and 700. It will be 20 percent.

The height, you're going to use the -- not a -- you're going to use the LDC language modified to the extent you work it out with the airport authority. You're going to provide that -- a little more clarity to that exhibit --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- based on the discussions with Heidi.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: The uses that you -- that remain in the project, I didn't check to see if you've corrected those from the time we talked last time, but that will need to be done if it hasn't already been done.

MR. MULHERE: Consistency is what we're talking about, right?

CHAIRMAN STRAIN: Yes, that's right.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Take a look at the traffic count net trips versus gross trips. And Norm said he would look at that, and that's something we ought to consider, and we'll have more talk on that next time.

MR. MULHERE: Net new, yes.

CHAIRMAN STRAIN: Yeah. You're going to have a minimum of three tracts on this project, and the first and second phase will have to have criteria in it as to what your mix will be. I think the concern is you're going to wait and deal with the mixed something -- all of it -- try to do it all at the last one, and you could walk away on the last one. Just suggest what you -- look at parameters for the first two tracts so we know that there's something going to be there.

The airport letter that came in, No. 6 is not going to work. It's inconsistent with the LDC. We're going to just leave that with the LDC, so when you discuss that with the airport authority, that's probably something that will go away.

Last -- oh, the last building. When you -- to meet the minimum requirements, the requirement language in the last building, it was upon the building of -- building after you got a building permit. I think the requirements are only met upon CO, because you may build square footage that you haven't decided how it's going to lease out yet, and that may have an impact on how you eventually meet that minimum requirement.

So on that third parcel, you might want to take a look at how that could work in from a CO perspective instead of a building permit perspective. And I believe that's all the issues.

I'm turning to the Planning Commission. Has anything been missed that you guys can think of?

COMMISSIONER FRYER: I'm still somewhat frustrated over an inability to come up with language that fulfills expectations that I think were set some time ago. Another way possibly to approach it would be to find objective language, perhaps, that describes finishes or other construction criteria that, when they are added up, would yield -- well, would come as close as possible to conforming to these wonderful pictures that you've submitted to us. They're -- surely there is language so that no matter what uses are ultimately determined the market will bear, from the outside it's going to look real nice.

And I challenge you, again, to try to come up with language that would get us there. It would make

me a lot more comfortable.

CHAIRMAN STRAIN: And just so -- Bob and Jerry, we have done that before in other projects. So if there's some elements of this project that are improvements over some standard construction that you feel you're going to use, then maybe a range of them ought to be in there, or something to that effect. That might help.

MR. MULHERE: Architectural design.

CHAIRMAN STRAIN: Right. And that's all I've got. Do you guys have anything?

MR. STARKEY: I just wanted to address two points that you made.

CHAIRMAN STRAIN: Sure.

MR. STARKEY: And one was you said there will be three tracts. We have a requirement to build two or more buildings, so we could actually combine tracts and wind up with the tracts and still meet all the minimums.

CHAIRMAN STRAIN: Okay. The concern that I have -- and the only reason I said that is, I realize you can re-plat and changes tracts. If you do that and this whole thing's linked to the last tract, and all of a sudden the last tract becomes 10 feet by 10 feet, we've got a problem. You know what --

MR. STARKEY: Well, of course. It's a building pad. So, obviously, in that case, if we had it re-platted and we were coming in for the second and the last building, right, then that last building would have to meet all the criterias of the minimum, or you wouldn't issue a building permit.

CHAIRMAN STRAIN: That's right. And --

MR. STARKEY: And if there's three pads, the last buildable pad we can't get a building permit until we either have CO'ed all the minimums or we have a combination of CO'ed and under construction all the minimums or CO'ed and under construction, and the new last building permit would complete all of the minimums.

CHAIRMAN STRAIN: Well, the CO would -- at the point of CO, the last building, we would acknowledge all the minimums, yeah. That would give you time to change tenants if you needed to.

MR. STARKEY: Or you could hold up the CO if somebody decided, you know, you need this office, and they want to switch it to retail, and you say, no, that's not what we agreed to.

CHAIRMAN STRAIN: The only thing I wanted to make sure, why I said the tracts is if you start changing around the tracts a bit, that last tract has to have the capability of functioning like we're intending for it today.

MR. STARKEY: Absolutely.

CHAIRMAN STRAIN: And that's the piece I'll be looking at when it comes back.

MR. STARKEY: Absolutely; yes, sir.

CHAIRMAN STRAIN: That's what I'm thinking. Thank you.

Anything else?

MR. STARKEY: No.

CHAIRMAN STRAIN: No. Okay. We're good. Anybody else?

COMMISSIONER EBERT: Now, this is going to be pushed till April?

CHAIRMAN STRAIN: So, basically, yeah, we're not taking -- we're not doing a motion today on this. We've just read everything in the summary, we've talked to staff, public participation. So I'll read off the three items that we were discussing, and I believe we can make a motion to continue them all jointly. We haven't got to do it separately.

So the first one is the small-scale plan amendment. It's PL20160003048/CPSS-2016-3, PL20160003054, and LDCA-PL20160003642. We're looking for a motion to continue those to April -- the first meeting in April, which is April 5th.

COMMISSIONER FRYER: Question.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER FRYER: When they're continued, when they come back, are they coming back as consent items where we only address --

CHAIRMAN STRAIN: No, sir. We haven't voted on them yet.

COMMISSIONER FRYER: Whole thing.

CHAIRMAN STRAIN: They can't hit consent until we vote first, and we're not going to vote first on these.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: And we'll do our best to wrap the two of them up, consent and everything in that one meeting. My assumption is, after the two meetings we've had, you guys should know what everybody's looking for, and we'll try to get it as close as we can.

COMMISSIONER FRYER: I'll make that motion then.

CHAIRMAN STRAIN: Motion made by Ned to continue to the April 5th meeting.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Seconded by Diane.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Thank you. Ray?

MR. BELLOWS: I just wanted to make a note that if there is readvertising, we'll do that as well.

CHAIRMAN STRAIN: Okay. Thank you, sir.

***Okay. With that, now that we've been warmed up, we'll turn to the next two advertised public hearings for the same project. They'll be discussed concurrently, voted separately. Most likely -- well, almost assuredly they won't be voted on today.

The first one is 9E. It's PL20170002330. It's the City Gate Commerce Park Planned Unit Development MPUD. The second one is PL20170002634, and it's the City Gate Commerce Park DRI.

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

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

CHAIRMAN STRAIN: Make sure everybody noticed Nick Casalanguida's here, and he stood up to talk. This will be entertaining.

Nick, I couldn't pass it up.

Disclosures. We'll start on the end with Stan.

COMMISSIONER CHRZANOWSKI: Just some correspondence from the engineer.

CHAIRMAN STRAIN: Okay. Ned?

COMMISSIONER FRYER: Conversation with the applicant.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Nothing.

CHAIRMAN STRAIN: Nothing, okay.

I have had numerous meetings with staff and with the applicant over long periods of time on various aspects of this project in both applications.

Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: And, Joe?

COMMISSIONER SCHMITT: Just other than saying hi to the applicant out in the hallway, that was it, before the meeting.

CHAIRMAN STRAIN: Okay. One thing I'd like to point out, when our packages came out, all 1,500 pages, they did not include the TIS. TIS came in it was either Tuesday or Wednesday. I have not

reviewed the TIS against the project. That is something we'll have to talk about today as far as filling in the blanks, and we'll go from there.

So with that it's -- oh, by the way, this is a split application between -- I shouldn't say split. But this is an application by both the owner of the -- the applicant is City Gate, and the other one is Collier County in regards to how -- who's going to answer questions?

You guys run -- Roger and Josh, you guys are answering issues pertaining mostly to the DRI and the PUD as it involves City Gate, and those issues specific to the sports park, we're really going to be turning to the county's representative to answer those; is that a fair statement?

MR. RICE: Correct.

MR. FRUTH: Correct. For the record, Josh Fruth. We'll go through our presentation and then introduce Mr. Casalanguida if there's questions and stuff on the county's side.

CHAIRMAN STRAIN: Okay. And because you had such a voluminous amount of information, I probably, like Ned and those of us that are doing electronically at least, and others, I have everything in order of which it was presented in our staff report. So we may have times when one of you will have to come up behind the other or back and forth because it's -- I haven't sorted them out between the two entities. I've just put them all together.

Okay. And with that, it's all yours.

MR. FRUTH: Thank you. For the record, Josh Fruth with Davidson Engineering. With me today from my office is Jessica Haroldson; Mr. Roger Rice, attorney representing City Gate; City Gate's president, Mr. Ron Rice; and Mr. John Steinhauer; Don Pickworth, also attorney with City Gate; and as mentioned, with Collier County, is Assistant County Manager Nick Casalanguida.

City Gate is located at the intersection of I-75 and 951, and Davis is right in the area. That is Exit 101, near Exit 105, which is Golden Gate, Pine Ridge Road, Exit 107, and Immokalee, Exit 111. It's within an eight-mile radius to the west. City Gate touches the beaches; to the north, Immokalee Road; to the east is just west of Everglades Boulevard, and to the south it goes down to U.S. 41.

The neighboring properties, if you look at the aerial I have a laser on, Collier County owns to the northeast known as the Resource Recovery Business Park; the 305 parcel; the landfill to the south of City Gate is White Lake Industrial Park; the I-75 interchange; to the west is Golden Gate High School; Golden Gate City; and to the north is Estates land.

If you see on this map here, there's also additional hotels within the Beck Boulevard and Davis area as you go down south on I-75.

This aerial shown is shortly after the 2011 completion of the 951 expansion by Collier County. You can see the four lanes, divided boulevard right immediately in front of City Gate, pointed out here with my laser. This is the South County Regional Water Treatment Plant and the hotels, the Marriott hotels out at City Gate.

In 2010 the intersection of City Gate Boulevard North and 951 was completed for current 951 conditions. It allowed for a left movement. When the 2011 construction that was completed on the prior aerial that I had just shown was done, those movements were removed to allow for a right-out only and the future signalization of City Gate Boulevard North. And we'll get into the Developer Agreement that dictated the items laid out for City Gate Boulevard North in a minute.

Again, you're looking east towards the landfill, the top of your screen. The treatment plant is at the bottom of your screen, the Golden Gate Main Canal is to the left, and the future sports complex, which is part of this discussion today, is in the area shown here with the laser pointer.

The regional -- South County Regional Water Treatment Plant, as mentioned, is highlighted on your screen. It's a 26-acre complex which was part of an eminent domain in the early '80s. On City Gate's property the county has two raw water wells highlighted by the stars that are along the Golden Gate Main Canal and a series of raw treatment transmission lines, fiberoptic, that feed the plant. The plant is award-winning and can process up to 28 million gallons of reverse osmosis on a daily basis.

That's another picture of the treatment plant.

South Florida Water Management District and the Big Cypress Basin purchased the property at City Gate highlighted by the rotating star. This is their field station and maintenance facility. In conjunction,

before -- prior to purchasing the field station, the Water Management District constructed a weir that cost around three-and-a-half million dollars, as highlighted with the arrow on the screen. The weir is in conjunction with several weirs that were constructed over the past five years to help with the control of the Golden Gate Main Canal and alleviate water-management issues for citizens of Collier County.

There's a completed weir along the north buffer of City Gate. Public advertising of items and the complete -- the construction and media advisory.

Collier County Landfill, as I mentioned, and the Resource Recovery Business Park are east of City Gate. Landfill, Resource Recovery Business Park.

The landfill's been in operation since the '70s. It was originally permitted for 108 feet in height. It was amended to go up to 200 feet; the top portion for 22 feet of future structures. This is the landfill here. You can see it in the foreground in this photo as well. Again, just east of City Gate.

The Resource Recovery Business Park came before you in 2017 for an amendment for several items: Access points, but also the height of some of the tracts were revised.

Tracts B and C, shown on your screen, were revised to 50 feet in height. Again, the Resource Recovery Business Park is northeast of City Gate and is part of the reason -- and we'll get into this -- that the first amendment of the developers agreement was completed for the extension of City Gate Boulevard North.

Big Cypress field station is also key. Again, this was constructed -- permitted and constructed in 2014, 2015. The key item here is more for a general location. The height that it was permitted for is consistent with the current PUD, and it's 26 feet, eight inches.

Looking southeast towards the future sports complex you see the Golden Gate Main Canal. In 2009 we talked about the weir construction. You can see portions of City Gate here along the canal, the Phase 2 buffer that was completed. There is a 150-foot drainage easement over the residential properties for the Golden Gate Main Canal.

And in 2009 the South Florida Water Management District started the construction, as previously mentioned, of this weir shown here with the laser pointer, and they started the clearing of the canal banks for ease of maintenance and access and proper drainage. This is another photo of the construction.

And then here's a year later, approximately, in November of 2010, the final product. You can see that the District has completed the weir, they have completed the clearing of the canal through their contractor, and here is the well that was previously pointed out in the prior diagrams with the star that feeds the South County Regional Water Treatment Plant.

Additional photos. You see the final product is much better than what was existing.

This photo's from March of 2016. You are actually looking west in this photo. This cleared piece of ground represents 40 acres on the Resource Recovery Business Park. It is part of the FEMA debris lay-down site for Collier County. It's a certified site, and after Hurricane Irma it was a pretty important site.

We're before you today for, part of the reason, we're going to the Developer Agreement for the extension of City Gate Boulevard North to gain access to the resource recovery.

This is a recent photo from February 17th of this year. The debris processing is near completion. All of the hauling in is done. The hauling out is what Collier County is doing now. And access is along -- temporary access is along the canal, and City Gate provided temporary access to Collier County to assist with these relief efforts.

This is just showing the truck haul routes right now. Trucks come in, go out towards the canal, they drive along the canal and use an access easement along the Big Cypress Basin that I previously pointed out, and it is around-the-clock operation from in the mornings to typical nine-to-five operation. I believe it's operating Monday through Saturday right now.

I have a short video, and I'll explain it as we go.

You're looking to the north towards the Big Cypress Basin. There was some audio. I don't know what's wrong with the computer. But you're looking north, and in the foreground there is the fire from 2017 in April. That fire nearly jumped a portion of City Gate and went near the treatment plant.

Now looking towards -- heading towards looking to the west, City Gate Boulevard South. Again, this is to give you a perspective of where the lay of the land is for the future complex, the sports complex, and City Gate flying west.

Looking west at the hotels, the Marriott hotels, panning across the South County Treatment Plant, and now you're looking at Brennan Drive looking towards the north where the Golden Gate Main Canal would be located.

Panning across where the fire was. Starting to look to the northeast and to the east. In the foreground will be the land that the contract purchaser, Collier County, is looking at purchasing for the sports complex, the 61-acre area lies right here, and now we're heading towards the south. You're looking at White Lake, I-75. You can see the towers in the back.

This is the cleared section of right-of-way for City Gate Boulevard North that runs parallel to the Golden Gate Main Canal. This is the original reason why this PUD application was coming towards you was for -- to add the access point to the east. And, again, we'll get into that with the Developer's Agreement after this video.

The property's cleared, the right-of-way's cleared, and the contractor's on site actively working on the extension of City Gate Boulevard North, which will provide access to Collier County's Resource Recovery Business Park and now, moving for you today, the sports complex in the future.

Looking north/northwest over the Golden Gate Main Canal at the northeast corner of City Gate, you're looking at the residential estates-zoned properties. Now you're looking west on City Gate Boulevard North back towards the Phase 2, the area that's already been completed by City Gate in 2010, and panning around toward the Estates properties, Golden Gate Main Canal.

Corner here is coming into the site. This is the Resource Recovery Business Park again. You'll see the FEMA debris processing in the background. You can actually see the fire that also hit the county's resource recovery site last April.

Debris operations continue, and in the top foreground of the screen there's the Collier County Landfill.

The drone is at about 200 feet in height, probably raising from 180 to 200 by the end of this video here. But the perspective is so you can see the processing, you can see the landfill, the height of the landfill, the height of the vegetation, and the process of what is happening out at City Gate for general location.

And there's the landfill, as mentioned.

Again, 75, just for a perspective; 75 and 951. The four lane on each side in front of City Gate. I'll turn my laser pointer back on in case we need it.

This is the ultimate FDOT buildout scheduled for 2021 interchange improvements; 75. Notice the north arrow. North arrow is to the right on this image, 951 north is this way, south is over here. For perspective, here's the Walmart, this is Toll Gate, and this is Davis right here.

The 2021 interchange improvements include a flyover at Davis and two cloverleaf interchange -- I'm just going to walk you through this for an understanding and -- the understanding of this ultimate interchange buildout and the reason why.

Again, a flyover over Davis. If you are traveling northbound on 951 and you wanted to go northbound on 75, you would be part of the new cloverleaf, and you'd come around and go north on 75.

If you want to go towards Lauderdale, it would be no different than what you do now. You'd get on the interchange ramp, go past the toll plaza. Same ramp; no changes.

Coming off of 75, if you're traveling south on I-75 and you want to go south towards Marco Island, you would be part of the flyover. You'd get off, there's your change, and you would fly over Davis and continue.

Coming south on 951 and you want to go north on I-75, no different than what you do today. And going south on 951 and you want to go towards Lauderdale, you're part of the new cloverleaf to go around the ramp and towards Fort Lauderdale.

Getting off and going north on 951 is the same condition as today. And this side is just simply highlighting the fact that it is an ultimate interchange because of the fact that the White Lake Boulevard sometimes is called -- referenced as Landfill Access Road. It's limited DOT access. There's no further expansion or push to allow further buildout, so they call it the ultimate buildout.

MR. RICE: For the record, Roger Rice.

As Josh mentioned, the original impetus on why we are here is the extension of City Gate Boulevard

North in our Developer's Agreement in 2009. The original PUD had a master plan that had no connection to the east. The county approached us in 2004/2005, and we developed our Developer's Agreement, and that was a planned connection of Wilson -- Wilson Boulevard extension/Benfield Road eventually would use City Gate Boulevard North to connect to County Road 951.

In our 2015 amendment we extended City Gate Boulevard North to the eastern boundary. It will connect and serve as, if you will, a driveway access for the Resource Recovery Park until the long-term range plans come to fruition. So we had that master development plan change to make.

In 2016, or 2015, the idea of the sports complex came into being, and in 2012 the Board approved a contract between City Gate and the county for the purchase of 61 acres. So we have identified that parcel on our new master development plan.

We have a 30-year-old or a 1988 PUD and DO. So we also chose to take this opportunity to update it, clarify, and clean it up.

Back in 2015 Collier County staff determined that there was a shortage of playing fields for local and regional sporting events. In 2015 the county hired Hunden Strategic Partners to do a market study, in 2016 there was a site feasibility study, and then at the end of 2017 the Board approved a contract.

There were also a number of board meetings. This has been a very public process. As you can see at the very top center, Naples Daily News considered it the number four story of the year of 2017.

So on our map here, we've identified the parcel. In the PUD amendment, we have defined a sports complex project. Now, the reason for that is twofold. The parcel that they're under contract to purchase is 61 acres. They have the right to -- during design, for one year, they have the right to either expand it or contract at it by two-and-a-half acres, so we added that to the definition of sports complex parcel. So if the county does add an acre, the property would expand at that time.

Then also the parcel, I think that's in pink, that's a parcel that the county is going to lease with an option to purchase. It's a five-and-a-half-acre parcel. So if the county -- so long as the county has it under lease or control and it's used as part of the sports complex or purchased, it would be part of the sports complex project.

This gives you an idea of about where the property line between City Gate and that parcel that Josh talked about is the county-owned 305.

This is a fit-study concept plan, but you can see that the county is on City Gate's parcel. Its initial concept plan was for a small 3,000-seat stadium, a field house, and eight multiuse purpose fields, and then eventually would expand into the county -- county property 305.

Now, over on the -- just pointing out a couple other parcels out at the front. Josh referred to the hotels in City Gate as Marriott hotels. They are Marriott flags. It's the Fairfield Inn and Suites and the Springhill Suites. You can also see the Shell gas station. There's a car wash just to the south of the Shell gas station. And on the other side of the -- it's not in this aerial, but on the other side of the hotels is a parcel that's been developed as a mini warehouse.

Part of the cleanup -- to give you an example of the cleanup that we're doing, if you look on the right-hand side in our original ordinance it said that we would be known as City Gate, two words, but then on the next page it's CityGate one word. So part of our cleanup is we're going to be consistent throughout the document. It's City Gate with two words.

We also are cleaning up -- well, actually, updating based on changes. We're going to update our acreage. Back in 2002, or at the time of the PUD, Collier Boulevard was a two-lane road. To get to the landfill, you had to do almost a 180-degree turn on what was then called Access Road No. 1, Landfill Road and then eventually known as White Lake.

The county, for safety and traffic operation, asked us to move -- relocate that to as far east as possible, which is abutting the South County Regional Water Treatment Plant, which was done in our improvements in 2004, and the county has since deeded that parcel, and it has become -- you can see it's become actually part of our Lots 7, 8, 9, 10, 11, and 12.

Now, also we mentioned -- how do I get that out of there?

We mentioned a little bit ago the county had some long-range transportation plans or studies done back in 2005, the Wilson Boulevard, and then the Wilson Boulevard extension/Benfield Road extension.

Thank you.

MR. FRUTH: Don't tough.

MR. RICE: I won't touch it again.

You can see the preferred alternatives were Alternative 3A and Alternative 3B. Both of those use City Gate Boulevard North for access to 951. A few years back we applied for and received from the county a determination of vested rights.

As part of our 2009 Developer's Order agreement where we -- development agreement where we were agreeing to share City Gate Boulevard North, we did do a PUD amendment. This is the first PUD amendment. And all we changed was, instead of streets were to be private, we changed it to streets to be open to the public.

We've done one more Development Order amendment, and that was done in 2010, and that was -- you can see on our initial master development plan it had an RCW area, or red-cockaded woodpecker area. We have -- and we'll go into more detail, but we received a federal wildlife permit. We did a habitat conservation plan. This was approved over in Vero Beach and then in Atlanta and went -- okay.

And also noted in red our roadway, as you can see, it doesn't extend to the east. It just -- go ahead.

This shows our 2011 development -- Developer's Order amendment and our PUD amendment, both of which were done to take out the existing red-cockaded woodpecker plan and supplant it with our HCP.

This is a copy of our biological opinion and our fish and wildlife permit. City Gate also mitigated for Florida panther. We were the first -- first HCP to ever address Florida panther.

I just have a couple of slides with regard to our environmental. We relocated over 24 pairs of juvenile red-cockaded woodpeckers down to the Picayune Strand on state lands where we created artificial clusters to try to create a viable colony of red-cockaded woodpeckers on lands that were publicly owned.

We also built a panther crossing on County Road 846. And in addition to building the panther crossing, we built the associated fencing, which you'll see here in a second. Unfortunately, and recently, I read in the paper today, a panther perished on 846 east of Immokalee. And that doesn't mean that our panther crossing isn't working, because it is. We have photographs of panthers using it. It just means that there's more panther crossings needed. I understand that the county has committed, when they redo some of the bridges in that area, to build additional panther crossings and fencing.

We actually received an award from the Florida Wildlife Federation. It was the 74th Annual Convention. And as far as I know, we're the first and only developer to ever be awarded by the Florida Wildlife Federation.

In 1980, as you can see, it was -- you can see Davis Boulevard was there, or Alligator Alley was there. We have -- in 1985 you can now see White Lake has been -- the lake itself has been dug as a borrow pit for the expansion of 75.

You can also see the South Collier Regional Water Treatment Plant, or South County. It's only using a small portion of the 26 acres that it acquired at that time.

1993, I believe there was -- that was the year that White Lake Corporate Park -- or White Lake Industrial Park was permitted.

This is in 2002. In 2001 the county started expanding the South County Regional Water Treatment Plant. You can see they started doing some clearing to the south and to the north. It's kind of obstructed by the line, but they cleared all along the north boundary of City Gate and into the property to the east -- northeast.

This is in 2005. This just shows the City Gate Phase 1 improvements have begun and the beginning of the relocation of White Lake Boulevard.

This is 2011 after we completed our improvements for our Phase 2. And then -- '17.

As we mentioned before, this is in 2009. We entered into a Developer Agreement with Collier County. Essentially, a key component of that was the shared use of City Gate Boulevard North. We, as Josh will show you, way overbuilt City Gate Boulevard North in anticipation of traffic from the east.

MR. FRUTH: For the record, again, Josh Fruth.

Yeah, as Roger mentioned, thanks to Mr. Nick Casalanguida, we have asphalt conditions that exceed most roadways in Collier County. We have 10 inches of concrete.

This slide here is to illustrate a little bit of this turnaround for you. It was designed to help and assist with the stacking at the intersection. And what it does is it forces a driver on White Lake Boulevard, if you're heading north, to go east and then go around the well that feeds the treatment plant before you go back to the intersection to allow for a certain amount of stacking again.

This is for the future signalization. The anchors for the mast arms are in the ground. They were installed during the 2011 Collier County project. And if you're coming from the east, if you think about one of the slides we previously showed you with the Wilson/Benfield, you would just come down the roadway and approach the intersection. And in the future the gored out area would be removed as the signalization comes online at City Gate Boulevard North.

The plan is to move the signal from City Gate Drive or have time signals in an interim period. It's all contingent on items related to the property across the street, Collier County, and, of course, the school's property off of Magnolia Pond Drive.

(Commissioner Ebert left the boardroom for the remainder of the meeting.)

Part of that Developer's Agreement, we identified multiple access points and turn lanes. This was key because of the boulevard-style roadway. The amount of detail, design, construction material, everything that went into this, we needed to identify the locations for the future properties and landowners, whether it's City Gate as a developer or, again, you take Big Cypress Basin for an instance.

In 2009 and 2010 when the Phase 2 boulevard -- City Gate Boulevard North improvements were completed by City Gate, City Gate installed a left movement here, a future left here, and a right movement onto Brennan Drive south.

As part of the 2015 improvements completed by Big Cypress Basin, an additional left-turn lane was installed for a future shared access between the Big Cypress Basin and, as of right now, this lot right here yet to be determined. But you could see how the key -- this turn lane here, it feeds two parcels, and it lays out the future roadway of City Gate Boulevard North as it expands to the east.

Development Order amendment, master plan is exactly the same as the master plan that you will see presented soon for the PUD amendment. We are clarifying/cleaning up the old items, as Roger mentioned. As you can see on this here, you see the lot's called out as the sports complex lot here, eastern property line; give you a point of reference, City Gate Boulevard North, the road we were just looking at.

The key to the Development Order amendment is the Regional Planning Council approval. Believe it or not, this is what we get for an approval. We get an email. It says that you are approved. We were approved on February 15th, and it's as simple as that for this one.

The master development plan from the '88 resolution is shown. And, as I mentioned, we did clean up; clarified the plan.

In 2009 and 2010 one of the items mentioned in the Development Order -- this is key. But in 2009, 2010 City Gate went through South Florida Water Management, Army Corps, U.S. Fish & Wildlife Service permitting for environmental and engineering and, on the engineering side, the stormwater.

The box in front of you highlights the mitigation that was completed for the wetlands on City Gate's property.

I mentioned that Jeremy Sterk is available. We'll go through the presentation. If needed, he could speak further on this.

But the wetlands -- City Gate purchased property in the Picayune, and the wetlands that remain were actually already previously eliminated. In fact, I had a meeting with the South Florida Water Management District this week, and moving forward with the permit applications that we are working on in conjunction to this, construction permits, they will no longer be referencing the wetlands in their future staff reports.

MR. RICE: For the PUD amendment, on the left-hand side we've identified what we're here to do. We want to clarify the permitted principal and accessory land uses for the lots east and west to the FP&L easement. We want to specify permitted principal and accessory land uses for the sports complex. We wanted to specify permitted accessory land uses for the lake and recreational tract, which is in the center, create development standards for the required buffer along the northern PUD boundary. And I guess that's a misnomer. We wanted to refine the development standards.

Provide language for landscape requirements within the public and private right-of-way. This

became necessary because of the Developer's Agreement and the shared use of City Gate Boulevard North. It may at one point become a public road.

We wanted to provide language and calculations for native vegetation within each phase of the PUD. I mentioned a while ago that we got a vested rights determination. Part of that vested rights determination was an exhibit called a required yard plan. This was in lieu of the current vegetation preserve standards, and it was essentially set up for Phase 2 and created so that it could expand to Phase 3, and since we're now talking about expanding to Phase 3, we wanted to update the required yard plan and, so that there wasn't any confusion, we wanted to add it as an exhibit to the PUD.

And then with regard to the sports park and the -- we're requesting some deviations with regard to signage, flagpoles, grass parking, native vegetation preserves, water management, and caretaker residence -- residences. Update the master development plan to show the current street arrangement as versus what was shown back in 1988. And, again, back in 1988, all that was required for a master development plan was that you generally conform to it. It wasn't strictly -- strict conformance was never required back in '88.

And then clarify -- all the way down, to clarify the current name is City Gate with two words, and update the legal description to accurately reflect the acreage and the changes that have happened over the years.

With regard to the legal description, the legal description in the PUD was the north section, the north half of a section, less the 951 right-of-way, less the South County Regional Water Treatment Plant, less the I-75 right-of-way, less the Access Road No. 1.

So as we mentioned a moment ago, the county has deeded Access Road to us in exchange for relocating White Lake and, as part of a 2005 agreement with the county, a small portion of the South County Regional Water Treatment Plant was deeded to us. That's that in purple.

There was a calculation error that occurred back in 1988 when calculating the acreage. It was basically due to a mis-monumentation on our eastern boundary, and we are correcting that as well.

But the legal the description is essentially the same. It's the north half less these parcels. The only ones we're adding are the little triangle from the South County Regional Water Treatment Plant and the parcel that -- for road number -- Access Road No. 1.

And you can see it better here on the master development plan, which was hand-drawn, and we kind of superimposed it over our legal description.

Go ahead.

In 2015 we did a first amendment to the developers -- 2009 Developer's Agreement for the extension of City Gate Boulevard to our eastern boundary where it will have a turnaround. The county is going to gate it on the eastern side, and it will provide -- in the near future provide access to the Resource Recovery Business Park.

Just coming back again to the master development plan.

MR. FRUTH: The master development plan, again, I previously mentioned that with the Development Order slide. It's actually four pages. The key is -- this first page here, it's the clean version. The second page there was part of your packet. This page identifies the deviations that we'll be discussing here shortly, the locations of those deviations, then it goes into detail on the deviations on Pages 3 and 4.

The maximum development intensity for City Gate Section 2.4.A, Table 12.B.3, which we will touch on here coming up, the key element here is that the amount of building development devoted to various land uses which occupy the project may vary from estimates incorporated in the ADA.

But aggregate amount of building development indicated, again, as I mentioned, Table 12.B.3, which we'll get to, may not be exceeded.

The overall key item to understand with the application before you is that, walking away, City Gate is traffic neutral. The intent of the PUD as identified here is to be traffic neutral. In other words, the PUDA application will reduce the intensity of the general office and general light industrial.

Nothing materially alters the use, intensity, or density in this application. That is a key point to understand with the application before you today.

You've all heard the thing about conversations this morning. For the sports complex, the conversion -- we're going to go over it because it's in the packets before you. The sports complex is

presented -- and, again, Mr. Norm Trebilcock is representing City Gate on the traffic side, and we'll get into details --

CHAIRMAN STRAIN: Before you do, did you watch long enough this morning to see how that resulted?

MR. FRUTH: I did.

CHAIRMAN STRAIN: Okay. I think this board, as a whole, commented we'd rather not see the conversions.

MR. FRUTH: Okay.

CHAIRMAN STRAIN: If we can build standards for you and ranges for your different operations and you have a cap on traffic, we really don't need to get into the conversions. We can eliminate those. They're becoming problematic just to understand how they apply. Actually, the simpler will be better for you, too. So I'd like you to consider that as we move forward today and whenever we have to continue to.

MR. FRUTH: Understood. I'll pass by these slides. We actually have some material to present after the fact based on the conversation this morning, so...

CHAIRMAN STRAIN: Great. Thank you.

MR. RICE: This is the original Table 12.B.3. We have cleaned it up so that you can read it, but it's essentially -- it's the same. Some of the notes have changed, but this face sheet has stayed the same.

Now, again, going back to Paragraph 2.4 of the PUD with regard to maximum development intensity, it was giving -- given the latitude to vary the development so long as you didn't exceed the aggregate. Now, in hand with that also is the concept you can't exceed the traffic that this mix of development would create as well.

But the PUD doesn't go into that, but the Development Order and the traffic studies, we are, again, trying to be traffic neutral here.

Now, the 1988 PUD had principal uses. They weren't listed with SIC codes, not even a two-digit SIC code. They were just listed in broad terms, like retail sales and personal service businesses. Now, there was some qualifying language on that one, but light manufacturing and/or processing was stand-alone language in the PUD along with things like medical uses and services.

Going back to our ADA on Question 12.A, essentially, City Gate might have been painted as an industrial park, but it really wasn't an industrial park. It's much more like a business park. We don't have any heavy industry, and we're very much like the definition of an office park. We have a high amount of office. If you go back to that 12.B.3, the estimate for office was 836,000 square feet. So we're much more like a business park than an industrial park.

Now, back in 1987, in our response to Question 37.A, we listed some two-digit SIC codes, and that's what the question asked for, only two digits, which are major groups, which we thought, or the then project thought, were assured or likely candidates, and those groups go on for a couple of pages.

Now, the divisions of the SIC codes, you can see there's 11 divisions, and you can see on the right-hand side, the 2012 version is a heck of a lot thicker than the 1987. The two-digit major codes, there are 99 two-digit major codes.

So what we tried to do, because staff, since the early '90s has been in a four-digit SIC code world, what we tried to do was take what was written in broad terms and melt that down to what would be in SIC codes, four-digit SIC codes. Then staff also went through our SIC codes for consistency as well with the current comp plan.

MR. FRUTH: Another part of the --

CHAIRMAN STRAIN: Josh, before you start, how much more of the presentation? I have to -- we have to give the court reporter a break soon, and I just wanted to make sure we're somewhere close.

MR. FRUTH: We have roughly less than 10 minutes.

CHAIRMAN STRAIN: Okay. We'll finish up, and then we'll take a break after that before we go into the rest of it.

MR. FRUTH: Okay.

CHAIRMAN STRAIN: Thank you.

MR. FRUTH: Another part of the cleanup of the application is the north landscape buffer. And the

north landscape buffer was defined in the 2005 settlement agreement with Collier County.

The county installed utilities, it required City Gate to agree to a split 20-foot buffer, 10 feet county easement, and an additional 10 feet on the south side. That split buffer, again, we are clarifying this as part of this application. We'll be part of Development Orders, Site Development Plans for growth management moving forward.

There's the settlement agreement. There's some pictures of that north buffer as it's developed in the Phase 2 construction that we previously mentioned that was completed in 2010.

You can see the roadway which acts as the control berm for City Gate. It's an access roadway for Collier County to access the raw water field. It's vastly improved. Again, the weir, going back to the beginning of the presentation.

But all of the material is on the south side in that 10-foot buffer, and it's staggered and meets the code requirements for vegetation. We did not remove any material. It's just all of the vegetation is part of the southern half of the buffer, because in 2009 it was determined that the county did not want us running utilities like irrigation, things like that, across their easement because of the value of this raw water transmission system.

Again, just another picture of the completed buffer. And same thing here; you're looking to the west treatment plant as in the foreground. Looking to the west you can see the completed buffer, the straightened roadway, and the cleanup that the Water Management District completed in 2009/2010.

The deviations are a key element to this application as well. And I broke the deviations between the PUD, which is City Gate, both parties, the contract purchaser, and City Gate, the contractor purchaser being Collier County, and then just for the contract purchaser, which is Collier County, for the sports complex.

We'll start with the PUD items. Deviation No. 3. This deviation has to do with the directory sign along 951. It sits here. This is City Gate Drive. Here's the treatment plant. The reason we have to apply for a deviation is because this particular platted lot here is already allowed a monument sign, and the separation by code would not be available for this directory sign to be installed, which this directory sign would be for use of the businesses throughout the business park.

Deviations 19 and 20; 19 and 20 have to do with internal landscape buffers. It affects nothing outside of the PUD. It's all internal. Basically those landscape buffers are completed at time of site development, and the main reason is because of the -- as Roger mentioned, City Gate's required yard and retained vegetation requirements.

Shared deviations between the PUD and the sports complex, Deviation No. 6. Deviation No. 6 and 7 relate to directional signage, as you see here on the laser pointer.

It's used throughout the PUD for way-finding purposes. The PUD can use it. The sports complex can use it to give users direction. And once they enter the 291-acre campus, it helps them find their way to different parts of the business park.

Deviation No. 11 is a monument sign along -- at the intersection of City Gate Boulevard North and 951. It is within -- this is key. It is within the City Gate Boulevard North right-of-way. The reason this deviation is important, as Roger mentioned, with the Developer's Agreement and the extension of City Gate Boulevard North to the east, Collier County reserves the right to take over portions of maintenance of this roadway.

This deviation is just solidifying City Gate's right to put a monument sign within an existing traffic separator, which was basically a concrete island, and to reserve that for future rights.

Deviation 22 is for caretaker residence. We have six listed here. I believe we agreed that it would be five because of the PUD documents that you received in your packets. We are okay with that and, if we need to discuss it, we can talk about that later.

Water management. This deviation is for the offsite relocation of future water management. What that is boiling down to is the purchase agreement between the county and City Gate allows for, within a three-year time period, up to a certain amount of water management to be relocated off site onto the county's 305 parcel. This was done to assist with a few items, but the key element is that we need a deviation. Future engineering would be set up for this water management to be taken off site onto the parcel.

Now we're to the deviations that relate only to the sports complex for Collier County. Deviation No.

1 is related to temporary events and signs, and so is 2. Kudos to you, Mark; we have decided that 2 was too intense, so we are axing No. 2 right now. We don't even have to discuss it.

CHAIRMAN STRAIN: Good.

MR. FRUTH: I'm showing it just because, so everybody's aware of it and it's on the record. Again, the locations of Deviation 1 and 2 are along the internal right-of-ways and along 951, so that is why we primarily are limiting Deviation No. 2, but this is the type of examples you would see for that deviation.

Groundbreaking. Collier County actually used a similar sign for their groundbreaking for their sports event this year in December.

Deviation 8, 9 and 10 has to do with the pole-mounted sign with display for the sports complex. This is the location. Again, City Gate Boulevard North, intersection of 951. That sign would sit in this location here as shown by the laser pointer.

Here's an example. Approximate example with a display area, 25 feet in height. Collier County Sports Complex, City Gate Commerce Park, as identified. Give you a relation, a six-foot-high person, 25 feet again, and the width is shown as well.

A few examples. This sign at Jet Blue Park actually exceeds that sign, so we are doing better than this sign, but I wanted to give you a perspective of what we were looking at. And this is Hammond Stadium. This is the Twins. For perspective, there is a light pole in the background. That light pole and that sign are similar to the height of what we are discussing today for the sports complex and that deviation.

On-premise signs. On premise, in this particular instance, means within the sports complex parcel. Deviation No. 12, it's actually pretty simple. It's related to the signage as you see here along an outfield wall. This is in Lee County, but it gives the county the ability to do advertising, put name rights, things like that up without any restrictions.

Here's another example. It's a smaller version of the sign we talked about, but it's internal to the project.

Flags and flagpoles. Deviation No. 4 relates to the maximum height of a free-standing flagpole and the extension above any proposed building structure, and the unlimited flagpole is separated by a minimum distance of 100 feet within the sports complex project. Again, we're talking about within the sports complex, 61-acre boundary for deviations No. 4 and 5.

Examples. These are local examples. You can see the flagpole is a separation off in the distance here. Again, the flagpole's for different elements, depending on what the county does, but it also is used for way finding. And here are them at -- the flagpoles at a distance. This is at the Hammond Stadium in Lee County.

But the flagpoles are also important for the auxiliary fields within the sports complex, because the fields can be used as identification markers. You can have a number on a flag. You also have, you know, the federal flag for the events at the individual field for prior to that game and things like that.

Parking. 13, 14, 15, 16, and 17 are related to grass parking for the sports complex. Again, these items are, for the most part, pretty straightforward. I have a picture here, but what they're relating to is to allow Collier County to do a grass parking lot similar to what's in front of you. Again, these are stadiums in Lee County. It allows for an ease and a little bit more flexibility for the county to do what they need with the open grass parking lot.

Landscape buffers on the east boundary. As mentioned, we previously showed the fit-study that was completed. Obviously, the landscape buffer on the eastern boundary is -- the request is to eliminate the eastern boundary landscape buffer so we can have a joint and unified plan, and that's what this deviation covers.

There's the location of that eastern buffer, the red line shown and, as you remember, there's the sports complex, same location; eastern boundary.

Retained vegetation deviation is important for the sports complex and for Collier County. The main reason of this deviation request is to allow up to 50 percent of the required yard, the retained vegetation that Collier County would need to place on their parcel because of the sheer size of the purchased lot.

When City Gate was originally conceptually laid out, a 60-acre parcel was not in the thoughts. Just a quick item for thought, too, so -- give you guys some justification and reason behind it. Just take away the

eastern buffer that we have to eliminate to create a unified plan. That's a loss of around 1.26 acres of retained vegetation alone.

And take this site plan for reference. This site plan is a conceptual plan that was prepared prior to the thought of a sports complex coming online. If we have multiple lots instead of one large 60-acre lot, we have required yards, rear, front, 50 feet, and side yards, 25 feet, plus now proposed before you, open space areas that could total up and meet the requirements.

When you eliminate these side yards and create one large cluster, one large lot, those side yards disappear; thus, the reason to assist with the retained vegetation relocation. Again, the key is that it's retained vegetation, and the relocation to unified control plan off site is used, but it's a unified plan to an abutting parcel.

Architectural review. The deviation is to assist with the proposed field house/events center to assist with the 5.05.08 and the requirements that are typical of the Land Development Code.

Required yard plan. I touched base on the required yard plan just a little bit ago in detail. In front of you you can see Phase 1, Phase 2, and Phase 3. Phase 1 is not part of the required yard plan. It is a separate retained vegetation requirement. What we did here is we, through working with the Growth Management Division and staff, walking away from this PUD application, we're helping Growth Management establish a tracking mechanism to help on each lot that gets developed at City Gate and how the retained vegetation is calculated.

The requirement is shown in between each phase, Phase 2 and Phase 3. City Gate is required X amount of acreage for each phase, but what we're giving to Collier County is the vegetation per acreage of development. For instance, in Phase 2, .083 acres is required per one acre developed. Growth Management can then take that to make sure the retained vegetation is part of future Site Development Plans. Phase 3, same way. Different calculation because of the size. But moving forward it would be solidified and clarified.

Example for you, the only piece that's developed in Phase 2 is the Big Cypress Basin lot. We hit on this already. With today's application before you, the open space that gets counted totals up to .42 acres of retained vegetation. These buffers meet all three levels of the strata.

And the calculation, as I mentioned on the previous slide, is the acres developed times .083 for Phase 2, and there's the total required, which meets the total that was retained.

Again, this is for today's application. The open space is a new item to the required yard plan, so these items would be counted with today's application.

And that concludes the presentation, and go for questions.

CHAIRMAN STRAIN: Well, we're going to take a break first, but I appreciate the insight through the graphic. It will help answer questions, so...

COMMISSIONER SCHMITT: Very well done.

CHAIRMAN STRAIN: Yeah. Thank you.

At the same time, make sure, Ray, that this panel, between now and the time this comes back, we get a copy of that ahead of time so we can review it for further refinement, understanding of things.

MR. BELLOWS: Will do.

CHAIRMAN STRAIN: With that, let's take a break. But we'll come back at 3:00, and we'll resume and finish up at 4:00.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay, everybody. If you'll please take your seats, we'll resume the final hour of the meeting. And as we had said earlier today when we started out, we're going to wrap this up by 4:00. And Nick Casalanguida's standing at the microphone for something.

Nick, did you want to jump in before we have a question? We may not have any -- can you imagine us not having questions of you today?

MR. CASALANGUIDA: They did a good job.

For there record, Nick Casalanguida.

I'd like to thank our team internally, Nancy and Ray and Mike and his team for the review of this project, along with the folks from City Gate.

I think the Sports Council folks left that have been contributing quite a bit as well, but the process has

been a real good partnership between staff and the developer. And we've worked with the folks from City Gate for the last 10, 12 years, so we've got a good relationship with them.

But I'm here to answer questions about -- as the contract buyer, representing the contract buyer. Other than that, what you've seen, Mark, if you have questions for me.

CHAIRMAN STRAIN: I have quite a few, but I've got to take them in order because you -- you were part of this 1,500-page compilation that came to us, and that's a lot of pages to sort through. So I did sort through them, and I'm sure others have too. So we'll probably just go through like we normally do and start asking questions of the applicant as we move through the staff report.

MR. CASALANGUIDA: Sounds good.

CHAIRMAN STRAIN: Okay. So with that, staff's presentation is completed. You didn't have anything, right, Josh? Okay. I mean, I don't know if you had anybody else you wanted to have speak and make a presentation, but I think yours is pretty thorough, so...

MR. FRUTH: Yeah. Presentation is good, but we're available. We can answer questions.

CHAIRMAN STRAIN: Okay. With that, I'll turn to the Planning Commission members to start with their issues. And, Ned, you go first.

COMMISSIONER FRYER: I have a few, mostly just to make a record of questions that were answered to my satisfaction by the applicants in a telephone conversation I had.

It was indicated in response to my question about how much land the Brennan family is beneficial owner of out of the 291 acres, and roughly 255 acres, so a significant portion, majority, if you will, of the acreage belongs to that family.

The question that then followed that answer from me was the extent, if any, to which there were any problems being harbored by the other property owners, any issues that they had with the MPUD. And it was indicated to me that there are not; that they are -- that they are good to go on this; is that a fair statement?

MR. RICE: Correct. Again, Roger Rice. As part of our cleanup -- I forget the section number, but one of the things that we wanted to do was make the master property owner association responsible for the PUD monitoring reports.

So when we held our master property owners association's annual meeting in December of last year, the amendments were brought up, and there were no objections. And from conversations that I and my father have had with the owners in City Gate, I can say that there's overwhelming support.

COMMISSIONER FRYER: Thank you.

My next question goes to the statement of uses. And as I mentioned in our telephone conversation -- and it's not, certainly, your fault that this is where we are, but we're trying to compare apples and oranges; 1988 apples with 2018 oranges when uses were described in pros and then in two-digit SIC codes and now four-digit.

I made some effort to try to match things up to see the extent to which the permissible uses was being expanded, and I was not at all successful in comprehending that.

But let me make a couple of comments here. First of all, on Page 62 of the electronic copy, it lists the principal uses first, you know, west of the easement and then east. And in each case it refers to Exhibit A-3. Subsection A at the top of Page 62 says, principal uses and then, parentheses, see Exhibit A-3, comma, permitted uses, dash, SIC codes.

I assume that what you're attempting to do is to incorporate by that reference all those uses into this Page 62, right?

MR. RICE: I think what we were trying to do -- or what we were trying to do was this: We had broad language that was problematic in that every time a purchaser wanted to ask a question of staff, staff's looking for four-digit SIC codes. So what we started to do was -- first thing we did was we addressed. Say, for instance --

COMMISSIONER FRYER: You're answering a question that I haven't asked yet but I'm going to.

MR. RICE: Okay. Go ahead.

COMMISSIONER FRYER: But go back to, it is your intention by that parenthetical to incorporate by reference all of the uses that are permitted on Exhibit A-3, correct?

MR. RICE: Right. And we would state that what's on Exhibit A-3 is less than what would arguably

be --

COMMISSIONER FRYER: Well, that's the next thing I want to talk about. But the point I'm trying to take make here is that by -- I don't think the parenthetical accomplishes your objective. I think it needs to be a numbered use that then incorporates, by reference, A-3. You just -- you've referred the reader to see something, but you haven't said that, by the way, we want all those uses as well. Just a thought.

Then -- okay. You were about to answer what was going to be my next question, so please go ahead.

MR. RICE: Well, just taking them in order and giving an example of the thought process. For west of the FP&L easement, Principal Use No. 1, it says agricultural services, but those SIC codes correspond to veterinarian, which we would say business and professional offices would -- that's the language in our PUD -- would equate to a veterinarian's office. We don't have any of the other agricultural SIC codes.

And that also came from, you know, staff -- staff's review of what was in, you know, business parks and in industrial parks currently under the LDC.

COMMISSIONER FRYER: And it's fair to say that, with respect to the west of the easement, those are exclusively commercial uses?

MR. RICE: Correct.

COMMISSIONER FRYER: And then east you've got mix of industrial and commercial?

MR. RICE: Correct.

COMMISSIONER FRYER: Okay. I'm sorry. Go ahead.

MR. RICE: For No. 2, amusement and recreational services, it has a few SIC codes. There it was our belief that that was a -- what we had under recreational. The PUD talks about recreational.

Apparel and accessory stores, it has 5611 through 5699. And, again, if you went back to when we talked about what was in the ADA, the two-digit 5600 was covered under that response one, what was likely to be in the project.

COMMISSIONER FRYER: Those four-digit SIC codes that end in 99 were pretty broad catch-alls, aren't they?

MR. RICE: Yes, they are.

We attempted to go through staff, and we've eliminated a number of uses. You know, we have the broad statement of personal services. And I think we took out a number of potentially objectionable -- for instance, I don't care we have massage. There was a lot give and take between staff and City Gate to try to -- we were looking for certainty, and they -- so we were willing to take some scratch-offs, like massage.

COMMISSIONER FRYER: Okay. To reach a point of satisfaction for me so I don't need to continue down this road, if you are saying, and if staff confirms, that to the best of your ability of matching apples and oranges -- and I realize that's what we're doing -- that the quantum of new proposed uses is equal to or less than, not greater than, the older uses.

MR. RICE: Yes. But we'd be willing to -- this is going to get carried on, so we're willing to provide you with exactly the list of all these SIC codes and what they exactly are and, if there's any questions, we'll resolve it at the next meeting.

COMMISSIONER FRYER: So it's your --

MS. ASHTON-CICKO: The issue here, if I could interject, that I don't think has been clearly stated to you is that those uses in Exhibit A-3 are uses that are really already allowed under the current language and they're providing it as --

COMMISSIONER FRYER: Under the classification of zoning?

MS. ASHTON-CICKO: These are not new uses, that's at least their position, that all these uses on here are not new uses. These are things that are already allowed.

COMMISSIONER FRYER: Okay. That was going to be a question of mine.

So on the west side, which is strictly commercial, C1 through C5, these uses would match up to -- are permitted under those commercial classifications?

MS. ASHTON-CICKO: Well, that was the analysis that the applicant went through with the zoning and Growth Management staff, and that's what they were doing is they were clarifying uses, not at adding new uses.

COMMISSIONER FRYER: Okay. Well, if everybody's comfortable that there are no new uses

here, I don't think I have anything to complain about.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: Let me see what else I have, though. I'll get away from uses. That's been answered.

Oh, on Page 44 of the thumb drive, the electronic page, is a general description of property area, and great pains had obviously been taken to bring this up to date with scratch-outs and add-ins, but there's reference here -- it says, the property is zoned A2 agricultural. That should have been stricken, shouldn't it?

MR. RICE: In the PUD document?

COMMISSIONER FRYER: Yes. Yeah.

MS. ASHTON-CICKO: You're probably looking at existing text.

COMMISSIONER FRYER: Well, I'm looking at exhibit text that had been red lined to show all the updating -- for instance, the document that includes the definition for the sports complex. But to my surprise, you left in the reference to the A2 agricultural, in 1.4, general description of property area. You see, you've corrected the acreage from 287 to 291, but you didn't correct the agricultural zoning.

CHAIRMAN STRAIN: Could you use the mike, Roger, when you speak, please.

MR. RICE: I apologize about that oversight. We'll correct that.

COMMISSIONER FRYER: Okay. All right.

And let's see. Oh, on Page 102, it says, up to 50 percent of the required native vegetation for the sports complex project may be retained on the abutting county-owned property. That's the 300-acre?

MR. RICE: Correct.

COMMISSIONER FRYER: Okay. Utilized for the expansion of the sports complex within a unified Site Development Plan. I guess my question -- and you got at this somewhat in your presentation, but how would that work timing-wise?

MR. CASALANGUIDA: One of the commitments we've made, sir, is that as part of this project we'll develop a master concept plan as part of the first SDP for the City Gate side of the project. So we'll have an over-encompassing site plan, and we'll identified the required yard plan on that site plan.

COMMISSIONER FRYER: So as this project goes forward in phases, at that point in time, timing-wise, that's when the vegetation would be provided for.

MR. CASALANGUIDA: That's correct, sir.

COMMISSIONER FRYER: Okay.

MR. CASALANGUIDA: Both compliant, for this piece and the Collier County 305 piece.

COMMISSIONER FRYER: Got it. Okay.

MS. ASHTON-CICKO: And, Mr. Fryer, we would not make the change under 1.4.B, because when the property was originally rezoned, it was zoned A2, Agricultural 2 PUD. So that's existing text that we're not touching. So it kind of reverts back to the, you know, '80, '90s.

COMMISSIONER FRYER: But it could have said the property was zoned or -- well, all right. It's not a big point. It just stuck out, because when I looked at that document, it seemed as though a great effort had been made to put in all of the updating changes and yet there was a reference that the current zoning is A2.

MS. ASHTON-CICKO: Well, I think they are changing things that are, like, incorrect or, you know, that need to be changed in order for them to go forward with the project as they're proposing.

COMMISSIONER FRYER: Okay. Then on Page 137, wetlands, you answered that in your presentation. Thank you.

It brings me to the gentleman by the name of Mr. Carmichael, the neighbor who wrote a critique of the project and, apparently, he's one and the same person who does a lot of shooting in his backyard. You mentioned that he was at the NIM, and you also mentioned that as far as the project is concerned -- and I guess I'd like the county to weigh in on this as well, that you're not -- that the county's not troubled by the noise of the shooting that's going to come from the people along 31st Avenue Southwest.

MR. CASALANGUIDA: I'm troubled by the shooting, not by the noise. In fact, I think on the record he said he does about 2,000 rounds a year.

CHAIRMAN STRAIN: He said 200,000, which is 565 rounds a day. And, I mean,

that's -- that's -- I mean, he's -- that's his right right now. The state allows that to happen, so I don't know why anybody would that troubled by it because it's all legally defensible. He's going to have to have back barricades. He has to do all that. And if he -- interesting.

MR. CASALANGUIDA: "Trouble" is good choice of words. I can't do anything about it. I wish I could.

COMMISSIONER FRYER: Yeah. Well, that was -- you can't, I guess, because it's a -- I mean, it's a use that preexisted this request --

MR. CASALANGUIDA: That's right.

COMMISSIONER FRYER: -- and -- okay. So --

MR. CASALANGUIDA: We're aware of it and, you know, I'd hope at some point in time -- and based on what we've seen the last few weeks that we'll be a little more concerned about where people shoot and what they shoot, so...

COMMISSIONER FRYER: But, I mean, obviously the safety is going to be dealt with, is dealt with by rules that are in place now, berms and the like. But the noise, you're comfortable with --

MR. CASALANGUIDA: I'm not concerned about the noise, sir.

COMMISSIONER FRYER: Okay.

COMMISSIONER CHRZANOWSKI: It doesn't violate the noise ordinances?

MR. CASALANGUIDA: I don't think it would. And even if it did, I think it's preempted by state law.

COMMISSIONER CHRZANOWSKI: Oh, okay.

MS. ASHTON-CICKO: That's correct.

COMMISSIONER FRYER: Okay. And also, just to establish this for the record, the houses on 31st Avenue Southwest were built after the 1988 City Gate PUD. So they came in with some level of awareness, or should have, of what the potential was for this property.

And that's all I have.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: Thank you.

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

COMMISSIONER SCHMITT: No, my only -- well, my only comment is, thanks for the update, because I'm well aware of this project from my time with the county staff, of course, with the City Gate, and I was not aware that they finally had a -- I was worried about the RCW but advised that you already had a take permit and they were already removed. And I saw some of that in the document, but thanks for the update on that. That was my only concern, because I knew that this was formerly an RCW habitat to the east in between that property and the county landfill.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: Did I misunderstand before? Did you say you were going to get us a copy of that presentation?

CHAIRMAN STRAIN: Well, it's public record, and staff will provide it to the Planning Commissioner as I asked.

COMMISSIONER CHRZANOWSKI: How are you going to get us a copy? Because that's got to be a big file. Dropbox or what?

MR. FRUTH: Yeah. I can send a link to whoever needs it, and then that link can be shared.

CHAIRMAN STRAIN: Well, make sure you send a copy to staff. They'll put it on the internal drive, and then staff can distribute it with the next flash drive to the Planning Commission, or Planning Commission can ask for it sooner, or they can go to the Dropbox link if you have something like that.

COMMISSIONER SCHMITT: Just add it to the flash drive.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER SCHMITT: I think these flash drives hold about -- a lot of -- a lot of gigs.

CHAIRMAN STRAIN: Yeah, they do.

COMMISSIONER CHRZANOWSKI: Sixteen.

COMMISSIONER SCHMITT: Sixteen gigs, yeah.

CHAIRMAN STRAIN: Okay. First of all, before we use up all the time -- I have hours -- is any member of the public here to speak on this item here today?

(No response.)

CHAIRMAN STRAIN: Okay. So with that -- and I apologize. I don't know how -- I read 1,500 pages. I can't walk away from this without asking a considerable amount questions from those 1,500 pages, so -- and it will go past today.

And I'll just start in with the Page No. 4 of the staff report. On Page No. 4, you have an acreage total of 291. You actually started out at 287. How did you get to 291? What pieces and parts make up that additional acreage?

MR. RICE: Again, the parent parcel is the north half of section -- I think it's 35. The original legal description in the PUD is the north half less 100 feet for right-of-way for 951, less the South County Regional Water Treatment property, less I-75 right-of-way, which is in green, less the parcel in red.

Now, at the time that they calculated the acreage back in 1988, the calculation was incorrect. So we added back the parcel in red, which is the portion of Access Road No. 1, which was deeded back to -- back to -- or deeded to City Gate when we relocated White Lake Boulevard to the east.

The parcel in purple, that was deeded by the county to us as part of a settlement agreement in 2005. It's about 1,600, 1,700 square feet, so it's a small parcel.

The error that was made in the calculation of the acreage back in 1988 was made along the eastern boundary, which is a section line between Section 35, and I think it's 36 to the east.

We discovered this relatively recently and addressed this in our contract with the county. This area is approximately two acres. The county, when it purchased the 305, purchased just the west half of Section 36, and so we have this sliver of land.

And during our negotiations, we settled it by splitting it in half. We agreed to sell the county 61 acres for the price of 60, so they get one half of it, and the other half will be, as it always was. It was just a miscalculation. It doesn't change what is the north half.

CHAIRMAN STRAIN: Okay. So that -- those three parcels total about the four acres that we're talking about?

MR. RICE: Correct.

CHAIRMAN STRAIN: Okay. In the piece that the county split with you -- and they got one half as part of the 305 property, I would imagine, to the east, and you kept one half within the PUD; is that how it works?

MR. RICE: Well, the two acres come into the PUD, but they get one -- they got one acre for free. They're getting 61 acres for the price of 60.

CHAIRMAN STRAIN: Okay. So of the two acres, you charged them for one acre and you included the other acre in the purchase price of the original conception?

MR. RICE: Correct.

MR. FRUTH: It's built into the sports complex lot that's in the PUD.

CHAIRMAN STRAIN: Okay. Just wanted to understand where it all was.

Okay. On Page 4 on that same master plan that we're talking about, you have a sports complex height of 75 feet zoned and 85 feet actual, but you've asked for flagpoles to go on top of one of these sports facilities. Those flagpoles are estimated -- or asked to be at 40 feet. Well, as we learned in the previous discussion this morning, as well as most of us who deal with the code, actual is to the tippy top, including flagpoles. So is that going to change how you want to refer to the 85 feet? Do you want to asterisk and just say accept as allowed by deviation so and so? Have you thought that out?

MR. CASALANGUIDA: Yes, I would. And I'll clarify, not on the field house building itself but on the stadium.

CHAIRMAN STRAIN: Yeah. I don't care as long as if, wherever it's at it breaks the 85 feet, it could cause an interpretation issue because that would then be actual height, and actual height's supposed to be 85 feet.

MR. CASALANGUIDA: I want to clarify. The building is limited at that number, and the flagpoles are above that height.

CHAIRMAN STRAIN: Okay. So at some point we'll reference the deviation.

Nancy, would that probably be the easiest way to accomplish it?

MS. GUNDLACH: It would be.

CHAIRMAN STRAIN: Okay. Over to the right underneath the land-use table, Parenthetical No. 1, a footnote to the bottom, total required native vegetation to be retained within lots, 30.57 acres.

Again, we have a deviation that's going to allow a provision of some of that 30.57 acres to be moved off site. It's actually going to be moved in the future SDP unified plan, which will be outside the PUD.

I think we need to have an asterisk again referring to the deviation that we're not going to end up with 30.57 on site within the PUD, unless you're going to make it up, Roger, elsewhere in your property. I think he'd probably say no to that.

MR. FRUTH: That is no, and, yes, that is fine.

CHAIRMAN STRAIN: Okay. Which brings up another question. The two-and-a-half acres or five acres -- I've heard two numbers mentioned about the county can expand to a five-acre tract and then to a two-and-a-half-acre tract. Which is it and where is it? You showed one in pink on one of the plans, and I thought -- or orange. That was two-and-a-half acres, was it not?

MR. RICE: No. The orange is five-and-a-half acres.

CHAIRMAN STRAIN: Okay. So that's the county expansion tract?

MR. RICE: That is a tract that the county initially will be leasing, and they have an option to purchase it.

CHAIRMAN STRAIN: Okay. In one of your land summaries, you have a total -- you have changes to the land uses within the property. Of course, you got into your right-of-way, and that went from 32 to 16 or vice -- something like that. And you have one that has a plus 250 or a minus 250. You have two of those. What is that referring to?

MR. RICE: In the purchase agreement, the 61-acre parcel that the county is purchasing, can -- the county has the right to vary that within one year of the closing by up to 2.5 acres. They can either go larger or smaller; it depends on what the final design team, if they need to move a -- or extend the property a little bit to the east, they could.

CHAIRMAN STRAIN: Okay.

MR. RICE: But they're capped at two-and-a-half acres.

CHAIRMAN STRAIN: Okay. That helps a lot. So then the five-acre parcel to the north and that one in orange, let's say, that's where they -- the county may want to use that for a temporary whatever.

Since that is going to be part of the sports park, just like the property to the east is going to be part of the sports park, how would you address the changes you would need to the yard plan potentially and the buffers between the orange parcel and the other crosshatched parcel?

I know you've got deviations for the eastern line, but I didn't see any for that parcel. Would that come in as, like, a PDI or something in the future to clean it up, or how would you do that?

MR. FRUTH: Actually, if you look in the PUD doc, we define the term "sports complex project." Sports complex project was defined as any owned or leased parcel by Collier County abutting each other. So that would mean the parcel in the orange and the 305 parcel for abutting. So when we use the context of sports complex project in the deviation, it would apply to that parcel as well if the county did move forward with -- even if it was just leased, or if they moved forward with purchasing it.

MS. ASHTON-CICKO: But it doesn't apply -- I'm sorry. I need to interject. But it doesn't apply to Parcel 305 because that's not within the PUD.

MR. FRUTH: That is correct, yes.

MR. RICE: Correct.

CHAIRMAN STRAIN: Okay. If that's -- so the removal of the buffer on the east side, because you're going to have a unified plan of development, you specifically asked for it over there, but you didn't ask for it for those parcels. So if you thought you had that in the general language because the county would end up bringing that property in to the unified plan, why wouldn't you want to make you sure you -- why didn't

you have specific language to address the common buffers on this one?

MR. RICE: That's already there.

MR. FRUTH: Yeah. It is -- Roger's correct. It is there.

CHAIRMAN STRAIN: What's where?

MR. FRUTH: Go ahead, Roger.

MR. RICE: The required yard plan has language that allows the elimination of side yards when you're -- when you're working with two properties in the PUD.

CHAIRMAN STRAIN: Oh. So if the county wanted to expand, say, 15 or 20 acres on the south side in those bigger lots -- say they wanted to buy bigger lots there, they -- because it's within the PUD, they wouldn't need buffers between them?

MR. FRUTH: Correct.

MR. RICE: I mean, that -- that would be correct, but their deviation for the required yard off site or on the 305 is limited to what's defined as the sports complex project.

CHAIRMAN STRAIN: Okay. And the sports complex project is defined as something that basically can expand.

MR. RICE: But only by that 2.5 acres. That's the maximum expansion.

CHAIRMAN STRAIN: Okay. So just for clarification, Ray, if they came in -- if we had to get some change or -- some change to buffers between tracts on this property, it still could be accomplished by a PDI? They wouldn't need to come back through a major rezone or anything, would they?

MR. BELLOWS: That is correct, a PDI.

CHAIRMAN STRAIN: Okay. That's all I wanted to clarify.

The piece that's the county's up top, though, that little orange piece, the yard plan preserve percentage, the piece that would be counted as your 30.57 acres, that now couldn't be moved off site, could it, because they've capped the off-site at whatever the four-something is that they've asked for in the deviation?

MR. FRUTH: That is correct. They're only allowed to move up to 50 percent of their required retained vegetation.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: So whatever acreage the -- when the county moves forward with architectural and engineering, whatever acreage that, ultimately, that lot becomes -- let's just -- for all intents and purposes, let's just say it is 60 acres, it would be 60 acres times the calculation that I showed in the presentation, and then up to 50 percent of that could be relocated on the 305 parcel.

CHAIRMAN STRAIN: Okay.

MR. RICE: Or if it was 67 acres, 67 acres times 15 percent.

MR. FRUTH: No. Whatever percent is shown in the calculations.

CHAIRMAN STRAIN: Well, I think the deviation had a cap, but we're going to get to the deviations one at a time anyway fairly soon.

In the requested action by staff in the staff report, it says you're going to develop the Collier County's Sports Complex without increasing the overall originally approved buildout traffic.

Now, I've seen your new TIS. It came in late. I haven't read it yet, but I will by the next meeting, but I need to have that compared to the originally approved buildout traffic. I don't know what document you're going to use for that, because I haven't seen, necessarily, that document.

So when Norm has to make that comparison, I would like you guys to send me whatever document he's using as the original TIS on this project, because that was done back in '88 or so. So I'm just asking for that. I haven't -- we don't need it today, but it's something I'd like to see.

MR. RICE: What we may use -- in 2000 there was a Development Order amendment, and a traffic study was done in 2000, which does also refer to the original.

CHAIRMAN STRAIN: Then I'll still need the original before that, Roger.

MR. RICE: Well -- all right.

CHAIRMAN STRAIN: How are we establishing the baseline if no one's established it? Someone should have established it whether it's our traffic department or you guys. But at somewhere along the line we just should have established it. I'd just like to see how it was established. That's all.

MR. RICE: Understood.

CHAIRMAN STRAIN: In the staff report on Page 5, and probably this is a -- Nancy, just a comment. It said, a key impetus of the PUD amendment was to confirm that Collier County plans to construct an amateur sports complex which initially envisions eight general-purpose sports fields and a small championship amateur stadium. Editorially wise, those kind of adjectives to describe something, just take them out and don't include those anymore.

MS. GUNDLACH: Will do.

CHAIRMAN STRAIN: In some people's mind, this may not be small. I know it's 70 million bucks, but that's still more than small.

I'm moving -- I've got to go in order, so -- oh, one of the items noted, you-all are going to abide by -- the sports park is -- the developer shall follow International Dark Sky Association's IDA outdoor lighting basics. See attached Exhibit F.

I saw some of that, and I just want to make sure that those are what you expect to be tied to. They'll be exhibits to the -- they're exhibits to the PUD. Is that what you were intending?

MR. CASALANGUIDA: It is. It's a guideline, and we expect -- and we'll put it on the record. We're going to use full cutoff optics for this thing, and the technology has gone way above what it used to be. So we will make sure that we have no light pollution off site.

CHAIRMAN STRAIN: Okay. In the next page, just a sentence that started on the previous, it said, the proposed sports complex project is a unique project that will provide a public benefit to the residents of Collier County and will attract regional visitors. It will provide athletic fields for residential and amateur athletic play and competition. What did you mean by "residential"?

MR. CASALANGUIDA: I think we probably mean local. You know, when you say residential, it could be used by anybody in Collier County. And, you know, league play that we normally have at North Collier, our residents would be able to use that as well, too.

CHAIRMAN STRAIN: I know you're going to put some caretakers' residences on it. I wasn't sure what you were trying to get at with that, but that's fine.

COMMISSIONER CHRZANOWSKI: Maybe they should say "community" instead of "residential."

CHAIRMAN STRAIN: But just in the final drafting.

For the staff's -- a question of staff under the rezone findings, No. 5. Nancy, you said the proposed PUD amendment is not necessary. In talking with you separately you said that that "not" should have been not there.

MS. GUNDLACH: Yeah. Please strike out "not."

CHAIRMAN STRAIN: Okay. Now we get into the deviations, which are the next in line. We'll eventually get to the PUD language. But you've got 23 out of -- 23 deviations. There's a listing for 24, but you dropped one in the middle, No. 10. You're now dropping No. 2, so I will move -- I'm on Page 17 electronically. That's got all of the justifications, so it's a little more elaborate than what's in the PUD, so it's easier to work from.

Under Proposed Deviation No. 1, you're looking for a temporary event time limit removal, 5.04.05.F.1. "Maximum number of events, days allowed for each temporary-use permit and the maximum event days allowed per calendar year" to instead "remove the limitation for the maximum number of days allowed for each temporary-use permit."

Now -- so that means any temporary use will be a permanent use 365 days a year? What is -- you have no limitations. How do you -- how do you think that's -- where have we done that before?

MR. CASALANGUIDA: Well, and I wonder at what point in time we're pulling temporary-use permits if we're not going to put additional signage in the right-of-way. I think at some point in time we envision, similar to when you do a yard sale or -- not yard sale -- farmers market, they pull a temporary-use permit. They have limitations on how many times they can pull those. If we were to pull those on a regular basis, we would be able to apply for them. You know, if there was a staff concern, they could comment on the permit.

I don't know even know where it's going to come into play with the fact that a lot of these

temporary-use permits allow for signage off site, directional signs through these temporary-use permits. In other words, if you've seen these events where it says, you know, a mile away this event, turn here. You would pull a temporary-use permit to do that. So if we --

CHAIRMAN STRAIN: And I understand you want to make it a little easier. The problem I have when we get into deviations that request the removal of complete limitations I generally say, okay, do you want 1,000 events? Do you want 10,000 events? Do you want a million events? And we get back to a limitation somewhere.

Between now and when it comes back -- I'm going to put a bunch of these in discussion today. Maybe we could think about it. If there is a limitation you could live with that's easier than unlimited, that would be kind of nice, because what the county is able to do everybody should be able to do unless we can uniquely classify it, which brings in Mr. Weeks' comment that he made, and maybe it's a good time now to put it on the record.

In my questions of David in his consistency memo that went to -- is included in this packet, he had said something about this being an essential service. Now, that's helpful in making this unique, so I'd certainly like, David, you to describe why you consider that an essential service, and I'll get Ray to -- or Mike to concur. And if we get this as an essential-service designation, that does make it rather unique, and it does help a lot of issues.

MR. WEEKS: For the record, David Weeks of Comprehensive Planning staff.

And, Mr. Chairman, there's a provision in the Land Development Code for essential services, and one of those identifiers is for additional essential services that are allowed for industrially zoned lands, and this property is designated as industrial in the Future Land Use Map and does allow some industrial uses; therefore, staff, at least Comprehensive Planning staff, considered that this would fall under that category.

And that essential service for those industrial lands includes governmental facilities and goes on to say including recreational services, and I think it's facilities and uses or services and facilities, something to that effect, which I believe would include a sports complex such as proposed here.

In my view, this would be equivalent to a regional park similar to the North Collier Regional Park off Livingston Road.

CHAIRMAN STRAIN: So as long as the county retains ownership, it fits into the essential service. Now, if this project were -- say, the county got tired of it and a new group of elected officials say, you know, we don't want this anymore. We want to sell it to the Braves. Would that now be an essential service?

MR. WEEKS: In my view it would not.

CHAIRMAN STRAIN: Good.

MR. WEEKS: It would be similar to if the county were to sell off the water park at North Collier, I think we would then cross over into a commercial operation.

CHAIRMAN STRAIN: That's what I needed to hear, and that helps out a lot. Thank you very much.

And, Ray, from a zoning perspective, do you have any disagreement with what David's saying from Comprehensive Planning's position?

MR. BELLOWS: For the record, Ray Bellows. I had a discussion with David about this, and I think we're on the same page about essential services and how it would apply in this case and as well as the PUD language that talks about recreational facilities.

CHAIRMAN STRAIN: Okay. Thank you, sir.
Joe?

COMMISSIONER SCHMITT: If, in fact, they did want to sell it, wouldn't they have to -- David, would you not have to come back in for a plan change? Would it still fall under the Comp Plan? And, Ray, would they then have to do an amendment?

MR. WEEKS: Viewing it then as a commercial operation, it would require a Comprehensive Plan amendment.

COMMISSIONER SCHMITT: Okay, good.

CHAIRMAN STRAIN: Okay. That's what I was trying to get to. That's why the manner in which this is being done is unique. That uniqueness helps us with consistency and deviations.

MR. WEEKS: Let me re-think that.

As an essentially service, it would no longer fall under that definition, so it would be viewed as a commercial operation. Then the question would become, does the existing PUD allow for this use.

CHAIRMAN STRAIN: And we have a ZVL that's already part of the record that questions -- that answers that question, so I think we're fine with that.

COMMISSIONER SCHMITT: I mean, never say never but, I mean, it would change -- they would have to do a Comp Plan amendment, yeah.

COMMISSIONER FRYER: Would there be a finding in the ordinance that this is an essential service?

CHAIRMAN STRAIN: Well, it's in the record under the consistency memo written by David Weeks. That's part of the DOA and part of the PUD so, I mean, we're there.

Other issue I'd like to bring up, whoever wrote the petitioner's justification for Deviation No. 1, the last paragraph of that doesn't have anything -- doesn't seem to have anything to do with this deviation, so you may want to look at -- it looks like it's a cut-and-paste from somewhere else. But take a look at it by next meeting. It's a cleanup item that we might want to consider.

MR. FRUTH: Will do.

CHAIRMAN STRAIN: Deviation No. 2 we're going to move by because you guys -- it's not on the table anymore.

Deviation No. 3, there's a reference to a Lot 7 that's in the plat book. We'll soon learn why things that aren't attached to the PUD during zoning might be hard to locate. Can you just locate No. 7 on your master plan so that we have a reference.

I know what lot you're referring to. You're referring to South City Gate -- no, I mean the well treatment site right there.

MR. FRUTH: This is Lot No. 7, Phase 1. I apologize.

CHAIRMAN STRAIN: Can you put something on that lot on the master plan so we know that's the lot that we're talking about in that reference?

MR. FRUTH: Yes; will do.

CHAIRMAN STRAIN: Okay. Deviation No. 4 talks about the flags and flagpoles. The extension up to 40 feet is in this particular one, and it's 100 feet from grade. So the -- it's intended that the 40 feet extension would be greater than 100 feet?

MR. CASALANGUIDA: It would. If the building height is 85, and 40 would be 125, so...

CHAIRMAN STRAIN: Right. So that is the intension?

MR. CASALANGUIDA: Right. This is a stand-alone flagpole.

CHAIRMAN STRAIN: Oaky. And is that the flag -- the 40 flagpoles, they have to be separated by 100 feet but you can have an unlimited number?

MR. CASALANGUIDA: Yes.

CHAIRMAN STRAIN: So are you going to have 2,000 of these flags?

MR. CASALANGUIDA: 1,997.

CHAIRMAN STRAIN: Okay. Then we'll -- I'm looking for a cap. We always do caps, Nick. We've been doing that for years.

MR. CASALANGUIDA: Below 100 flags, if that's okay.

CHAIRMAN STRAIN: Just put a cap on there, and then everybody knows what we'll expect to the maximum amount.

You also are going to provide six flagpoles at each entrance, three flagpoles at each side. So that's six and 12. You've got two -- how many entrances do we have?

MR. CASALANGUIDA: There are two entrances that are off the City Gate Boulevard. One off City Gate Boulevard North, one off City Gate Boulevard South, and then potentially we have entrances that will come in off Collier 305; not part of this, but contemplated.

CHAIRMAN STRAIN: And they'll all be at 100 feet or up to 100 feet?

MR. CASALANGUIDA: Up to. And --

CHAIRMAN STRAIN: And they could be stepped or something like that.

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: Since they're talking about this, the only problem I had with the flags issue, Nick -- and, you know, it's been a long history in this county with signs and flags and the appearance. It's only the appearance now that the county -- because it's a county facility, they're trying to take advantage of as many flags as they can put up when we were -- it used to be very strict, especially in front of commercial entities how many flags that could be put up. I believe it's still three.

MR. CASALANGUIDA: Three.

COMMISSIONER SCHMITT: Yeah. So I'm just saying we're now opening a door.

CHAIRMAN STRAIN: No. It's an essential service. So if someone comes in and they're an essential service and they want an equivalent amount of flags, then, yes, we have a consistency.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: But I'm not sure -- the only essential services in Collier County besides the school system and us may be the utilities, and I'm not sure many of them are going to want stadiums with flags on them.

COMMISSIONER SCHMITT: Yeah. And the fire districts.

CHAIRMAN STRAIN: Yeah. But fire departments I'm not -- yeah. Just their maintenance on those may not be --

MR. CASALANGUIDA: I'd envision, you know, Commissioner Schmitt, we're going to do this in good taste. If we put an upward limit, I don't think it's to pollute the area with flags.

COMMISSIONER SCHMITT: No. Well, I realize, a sports park. You need flags.

MR. CASALANGUIDA: Right.

COMMISSIONER SCHMITT: They're going to fly something. If they have an international event, you know, it's -- I fully understand that.

MR. CASALANGUIDA: That's the idea. So probably around the stadium, more or less, some of the concepts we've seen is, you know, 20 flags around the top of a stadium, and at least at one end. That's why we -- so a flexibility in that.

CHAIRMAN STRAIN: And your Deviation No. 8, Josh, do you have more of an -- do you have one of your graphics specifically to this? It talks about the off-premise directional signs. Is this that roadside sign that was green with the little pole?

MR. FRUTH: Yes.

CHAIRMAN STRAIN: Is that the one you're talking about?

MR. FRUTH: Yes. I'll slide to it right now. It's right here.

CHAIRMAN STRAIN: Okay. That's fine. Then that's all I needed to know.

When we get down to Deviation No. 9, an off-premise directional sign. Now, this one is a little different. You want it not to exceed 350 square feet, 25 feet high. Is that that great big one that's going to go in one location just on the northwest corner of the property?

MR. FRUTH: That is correct. That's the pole-mounted sign.

CHAIRMAN STRAIN: Well, it should be located not more than 4,500 -- that's almost a mile from the sports complex. Are you a mile from the sports complex at that location?

MR. FRUTH: Yeah. City Gate Boulevard North is about -- from 951 to the eastern property line is about a mile long.

CHAIRMAN STRAIN: Okay. And this one will be within the PUD, though?

MR. FRUTH: That's correct.

CHAIRMAN STRAIN: Okay. Could we just make a note it will be within the -- it's not going to be outside the PUD boundaries?

MR. FRUTH: Yes. We can add it to this exhibit before you right here.

CHAIRMAN STRAIN: That's fine.

MR. FRUTH: It shows the location, and we'll add a note to it.

CHAIRMAN STRAIN: Okay. In Deviation 11, that's the one with the sign then traffic separator, and that's there because future -- the county may take over that in the future, and you want to already be

grandfathered in, basically?

MR. FRUTH: Correct, shown on the same exhibit in front of you. It's a monument sign.

CHAIRMAN STRAIN: Okay. Deviation 12 talks about to instead allow directional, advertisement, and promotional display and sponsorship signage without limitation for the type, location, size, or number within the sports park's complex.

Now, is that those perimeter field ones up against the handrail, or which one is this now?

MR. CASALANGUIDA: It's actually more than that in truth in advertising, no pun intended. This would be on buildings, this would be way-finding, this would be parking areas. We talked about what we're bringing to the Board in a few months, a naming and sponsorship ordinance amendment so folks can sponsor facilities.

So, basically, on site we're going to try and market and sell as much as we can and advertise and way-find and directional sign internal to the site.

CHAIRMAN STRAIN: Well -- but see the picture here?

MR. CASALANGUIDA: I do.

CHAIRMAN STRAIN: That doesn't bother me. I think that would -- it would bother nobody. It's basically right there in the arena. But now you're saying without limitation as to type of, which means you could have LEDs. You could have whatever you want; location. They could be on the top of the building, ring on the top building, flashing off and on to the residents to the north; size. They could be 1,000 square feet; or number.

Again, can we get to some limitations and, more specifically, where you're trying to put these? Because I'm not sure it's limited to the sports park site if it's going to be of a magnitude that's going to be flashy well beyond the site. That's the piece.

MR. CASALANGUIDA: We will do that before the next meeting. No LEDs, obviously. That's not --

CHAIRMAN STRAIN: That's a prohibited use. But I just would like to rein it in a little bit if we can.

And, Josh, I'm good all the way down to No. 21, but I think we may -- oh, this is the off-site. We already talked about that, so that's fine.

Now -- oh, part of that off-site issue -- and Ned started touching on it. The response was it would be a unified SDP. I had suggested another way.

First of all, before you're going to get an SDP on the site next door, you're going to be wrapped up in a Corps permit process that Joe will make sure takes four years.

COMMISSIONER SCHMITT: That was my old --

CHAIRMAN STRAIN: I know. I know.

COMMISSIONER SCHMITT: -- government days. Now I'm in the process of expediting them.

CHAIRMAN STRAIN: It will take six year now.

You may never really have the ability to get that SDP done in a manner that allows this to happen so we have a unified plan in place. I'm suggesting that you let the SDP overlap into the 305 property next door, encompass enough of that natural vegetation that meets your needs, and then do an SDPA when you do the expansion of the sports park and you get your Corps permitting.

MR. CASALANGUIDA: It's actually as you just stated. It won't be an SDP on the 305 site. It will be a master concept plan because, obviously, we won't be able to come in and get an SDP approved.

So we'll do an SDP concept layout. We will show where the preserve or native vegetation requirements would be located. And so we would lock that down at the time we come in for the permits for the City Gate site. So we would identify and say, the native vegetation requirements would be located here, this is the amount, and that would cover both the 305 site and this site.

CHAIRMAN STRAIN: Okay. But you won't know if those vegetated areas will be allowed until you finish with your Corps and your South Florida permitting, will you?

MR. CASALANGUIDA: You won't know 100 percent, but you'll have a pretty good feel, because we'll have the maps developed in terms of the vegetation on site, and we'll have discussions with Water Management District as well, so...

CHAIRMAN STRAIN: So you're going to have all that done before you get your Corps permits and South Florida permits?

MR. CASALANGUIDA: No, not on the east site. On the Collier County 305 site.

CHAIRMAN STRAIN: Okay. I think what we're trying to do by this deviation is qualify the project to move ahead without the yard plan by allowing that area to be allocated to the 305 site.

MR. CASALANGUIDA: Yes.

CHAIRMAN STRAIN: So you're going to go in and you're going to clear out and everything, and you're not going to have the yard plans in place, and then we're going to hope that in the future we can combine it in a unified plan on the 305 site?

MR. CASALANGUIDA: Well -- and the idea is to give the designers, the team, the palette to work with.

So if they say, look, you're going to have a pavilion -- and we talked with Summer about can you have passive uses in this native vegetation area, and she said, yes, you can. So we want to have an area defined. It might overlap the two sites.

So the answer is, yes. It might not be till later. It might be all on the 61 acres.

CHAIRMAN STRAIN: Who in the organization is in charge of this particular deviation?

MR. CASALANGUIDA: Are you saying staff?

CHAIRMAN STRAIN: Well, who can I talk --

MR. CASALANGUIDA: I think Matt or Summer --

CHAIRMAN STRAIN: I mean, I don't -- I'll discuss this with -- not now, not now. I just want to get together with Matt then and try to figure out how this could apply so that by the next meeting we can wrap it up.

MR. CASALANGUIDA: Sure.

CHAIRMAN STRAIN: That's the only thing. I don't want to waste everybody's time today.

Because, basically, we're going to be binding another property outside the PUD for PUD dedications and requirements. So I just want to make sure we've got a way to do that that meets the time frames.

And then Deviation 22, this is the caretaker's issue. You've dropped that down to five. Is that -- because it is in the PUD at five. I guess the -- so that's -- Deviation 22 goes to five, right?

MR. FRUTH: We're okay with five.

CHAIRMAN STRAIN: Okay. And Deviation 23, the water management requirements. Now, let me try to understand this one. I thought the water management pieces were going to be in the south side of the site as temporary water management until the county got the permission to put some water management over on the 305 site.

One of the slides you showed showed all the water management along those properties along the north. So you're going to be clearing out all that north property. Is that what you're going to do now?

MR. FRUTH: No. We're not clearing. What this is simply showing is in the purchase agreement it allows for those -- that acreage to be treated off site. This is not a clearing exhibit. It's just identifying acreage that will be part of a water management system outside of the City Gate MPUD.

CHAIRMAN STRAIN: Well, why would we -- no. Why would you want -- what's driving the boat for you guys to benefit from off-site management for your property when you're not the essential service? I don't get that.

MR. CASALANGUIDA: It's price. When we --

CHAIRMAN STRAIN: What do you mean "price"?

MR. CASALANGUIDA: When we did the negotiation of the City Gate project, they said, you're getting an amazing discount on the property, and what could I do later on for them to recapture some land? Because if they're going to do the first flush, the pretreated on the 44 acres on site, I'm going to take the water into the remaining water quantity onto the 305 site, which will free up some development land for them.

CHAIRMAN STRAIN: But they're taking the lake size and cutting it down substantially. So why are they cutting their lake down if they can use that lake to do the water management on site?

MR. CASALANGUIDA: When you say "cutting the lake a down" --

CHAIRMAN STRAIN: It was a larger lake, at least -- Josh is nodding his head yes. So the lake is

being --

MR. CASALANGUIDA: Right.

CHAIRMAN STRAIN: That's part of the reason why we've got a reduction in water management.

MR. CASALANGUIDA: Right. When we went in front of the Board for the purchase and sale agreement, we said the reason we're getting such a great discount as part of the price, 200- an acre versus appraised 225- versus their asking of 400,000 an acre is because they're going to recapture several acres when the county takes some of the water management, the water quantity off site onto the 305 site.

I've got plenty of lake capacity within the 305 site when I do my own water management there. I'll have a little bit extra. So by taking in water into the 305 site, it frees up some development space on this site that's here.

CHAIRMAN STRAIN: Okay.

Well, Josh, when I met with you and Roger, you guys told me about some this temporary water management you're going to allow the county to use for two years. And I said, whoa, wait a minute. Two years, then what happens? Well, then it's going to move to the 305 site. Well, you're not going to have Corps permits in time for that to happen.

Now I'm told a different scenario. How does the first one match with the one I'm just seeing today?

MR. FRUTH: It's the same scenario. The difference is I probably explained it a little bit more technical to you than what Nick did. But let's be clear, we're not reducing the water quality standards.

CHAIRMAN STRAIN: I'm not suggesting you are.

MR. FRUTH: Okay.

CHAIRMAN STRAIN: I'm more concerned about the timing, because your property -- if you're going to be counting on the county to provide you with water management for those crosshatched areas and you expect that to be done before we can get the permitting done on the eastern property that we own, you're looking at years; not a couple. You're looking probably a good four years before you're going to get that accomplished. And I'm just wondering how that links into the agreement in the sense that are we going to be -- by accepting this deviation, does that open us up to damages if we don't get it done to a manner that matches the timelessness that you need to develop those sites.

MR. CASALANGUIDA: Mark, it's good questions. The Board -- that's already in the purchase and sale agreement, the time limitations.

We know that going into the 305 site, the first thing we've got to do is handle the water and that lake issue. So we're going to do the master concept plan. I think we can permit a lake treatment area on the 305 site faster than two years.

We have to start it, you know, at the end of the two years and build it by the end of the third year, and we're allowed to get time extensions working with City Gate.

So while we intend to move quickly on 305, probably the first thing we will do is identify that water management. We also have a pod already defined in that little 40-acre tract at the northwest corner of 305 that's already been part of -- gone through Corps. We've got room in there. So we've got enough time and, I believe, acreage over there to at least do a temporary treatment system within the three years, if not the full treatment system.

CHAIRMAN STRAIN: So you're staying away from the wetlands, Corps jurisdiction?

MR. CASALANGUIDA: Yes.

CHAIRMAN STRAIN: Okay. Well, if you can do that, that's fine. I thought -- I had heard previously that that property had a heavy amount of wetlands in it.

MR. CASALANGUIDA: On the southern side of 305. The northwest corner's already been mitigated, and we can also take it in the resource recovery park as another option.

CHAIRMAN STRAIN: Okay. Well, that's fine. I just needed clarification.

I've got a series of questions in the PUD, and the PUD is rather lengthy. I'm willing to wait and start on it when we can resume. Break at this point, and then pick that up at the upcoming cleanup. I wouldn't -- it might be more than a cleanup meeting, but we'll do it at the meeting that we're going to be continued to. That may be the best solution for today.

At this point, anybody else have any followup questions that they want to ask at this point?

(No response.)

CHAIRMAN STRAIN: Nancy, did you have anything you wanted to add?

MS. GUNDLACH: Yes, I do. Thank you for asking.

We have a few of our staff recommendation stipulations that have been updated, and I'd like to share that with you.

CHAIRMAN STRAIN: Okay.

MS. GUNDLACH: I will put it on the visualizer.

CHAIRMAN STRAIN: Use your microphone, please.

MS. GUNDLACH: Actually, we just changed our mind. We're going to do a little more work on it and present it to you later.

CHAIRMAN STRAIN: Okay. Well, that was quick.

Okay. And at this point I don't have anything else that we need to start on today that we're only going to break in three, four minutes for.

So, Josh, I appreciate your presentation. It was very helpful. I'm going to --

MR. FRUTH: Thank you.

CHAIRMAN STRAIN: -- go through this between now and that next meeting and try to eliminate all the questions that I don't need to ask after I get your graphic so I can make sure they answer as many as possible, and that hopefully will keep my part of the next meeting short.

And with that, I guess we've -- that's the last issue we need to discuss on this unless anybody else has anything.

COMMISSIONER FRYER: Is this being continued to the first April meeting?

CHAIRMAN STRAIN: That's what I'm going to ask next. I'm going to read off -- this involves two issues. It's PL20170002330 and 20170002636. Both are the City Gate Commerce Park. We've had a request -- we're going to be continuing this to the April -- no, to the March -- what is it -- 15th, March 15th meeting. Is there a motion to do so?

COMMISSIONER FRYER: So moved.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Seconded by Karen.

All those in favor, signify saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

COMMISSIONER FRYER: What else do we have on that?

CHAIRMAN STRAIN: That's what I'm going to discuss now. The only thing we have on the 15th, I believe, is this, because the Sand Banks or Box, whatever the name of it is, and the other than one that started this morning, the mini-triangle, both have been continued to April 1st.

So at this time this will be the first one up, and we'll stay at it all day. I would suggest to staff, if you have a lot of other big issues for the 15th, you may want to take a look at that, because this will probably finish up in the morning on the 15th.

With that, I have nothing else.

New business. We don't have any listed.

Old business.

And is there any members of the public here for comment?

(No response.)

CHAIRMAN STRAIN: Seeing none, is there a motion to adjourn.
COMMISSIONER FRYER: So moved.
CHAIRMAN STRAIN: Made by Ned.
COMMISSIONER HOMIAK: Second.
CHAIRMAN STRAIN: Seconded by Karen.
All those in favor, signify by saying aye.
COMMISSIONER CHRZANOWSKI: Aye.
COMMISSIONER FRYER: 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.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 3:59 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 4-5-18, as presented or as corrected _____.

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