

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, March 15, 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
Patrick Dearborn
Diane Ebert
Edwin Fryer
Karen Homiak
Joe Schmitt

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Nancy Gundlach, Principal Planner
Jeffrey A. Klatzkow, County Attorney
Scott Stone, Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, March 15th meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance, and after we do the Pledge of Allegiance, if you could stand for just a moment for another announcement we have to make.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: If you don't mind, the past weekend we had a long-time planner who passed away from Collier County. He was going through some medical challenges for a while, and this weekend he passed away. His name was Fred Reischl. So we won't be benefited by his presence anymore. He did a great job for Collier County. I'd just like to ask a moment of silence for Fred.

(A moment of silence was observed.)

CHAIRMAN STRAIN: Thank you.

Roll call by the secretary, please.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Fryer?

COMMISSIONER FRYER: Here.

COMMISSIONER EBERT: Mrs. Ebert's here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMAIAK: Here.

COMMISSIONER EBERT: Mr. Schmitt?

COMMISSIONER SCHMITT: Present.

COMMISSIONER EBERT: And, Mr. Dearborn?

COMMISSIONER DEARBORN: Present.

COMMISSIONER EBERT: Thank you.

And addenda to the agenda. The first item is we're going to be continuing 9F indefinitely, the request by the applicant. That is the Lawmetka Plaza PUD. It's on U.S. 41 and Wiggins Pass Road. I don't know what the applicant intends to do, but they asked for an indefinite continuance. They may have to readvertise for it to come back.

But with that in mind, is there a motion from the Planning Commission to continue 9F, PL20160002106, indefinitely?

COMMISSIONER DEARBORN: So moved.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: Made by Patrick, seconded by Ned. 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.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Another item for the -- I just need to know if we have a quorum for the April 5th meeting. Anybody know if they're not going to be here?

(No response.)

CHAIRMAN STRAIN: Well, good. We have a quorum then.

And as we have typically done, today's meeting will have a break at around 10:30, wherever a good break point is for the court reporter, we'll have an hour break around noontime. Again, if -- we're as close to that as possible, and then an afternoon break.

We will finish today, to whatever extent we've reviewed everything, by 4 o'clock, and then we'll resume at our next meeting, which is the April 5th meeting.

And with that, we move into the approval of minutes. We had a set of minutes distributed electronically, the April -- I mean, February 15th minutes. Is there either changes or corrections?

COMMISSIONER FRYER: Move approval of the minutes.

CHAIRMAN STRAIN: Approved by -- made by Ned. Seconded by?

COMMISSIONER EBERT: I'll second.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: 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.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Ray, BCC report and recaps?

MR. BELLOWS: On March 13th the Board of County Commissioners heard two land-use petitions: The Eagle Creek PUD amendment and the rezone for the Old U.S. 41, and they were approved on their summary agenda.

CHAIRMAN STRAIN: Okay, thank you.

That takes us to chairman's report. The only thing I'd have -- I want to stress, and I just want to make sure the issue's been resolved, Mr. Schmitt's delivery of his packet for the Planning Commission apparently drove past his house to Everglades City and drove past his house to get back to this building and never delivered it last week, so -- and by, I think, Tuesday or so I found out he hadn't gotten it.

I don't know how that happened, but I'd like to ask staff to make sure that doesn't happen again. I mean, I know if we have people driving down there -- and his house doesn't run as business hours, so on our way back they always could stop by and drop it off.

I mean, I don't know that he doesn't run on business hours, but I'm assuming he doesn't run on business hours.

MR. BELLOWS: We can have Code Enforcement investigate.

COMMISSIONER SCHMITT: It was rather frustrating not to get it. I mean, I spent most of Tuesday and Wednesday with a pretty significant packet.

MR. BELLOWS: Would you prefer an electronic submittal?

COMMISSIONER SCHMITT: I get it in an electronic version, and they typically put it in an envelope and just shove it in the front, stick it in the door, and for some reason they didn't deliver it until I contacted Judy and notified her, and finally Tuesday afternoon I got it.

MR. BELLOWS: Well, we'll definitely check that process.

COMMISSIONER SCHMITT: It's simply just a jump drive. That's all they deliver. That's what I want.

CHAIRMAN STRAIN: The only -- with this amount of data, especially, we had, what, at the time,

six cases scheduled. We still have five. They're pretty intense. So hopefully whatever happened is fixed and it won't happen again, but I just wanted to make note of it so we pay attention to it in the future. Thank you, Ray.

Consent agenda, there are no items.

***And that will take us directly into our first advertised public hearing. It's Item 9A. And it's also part of 9B. It's a combination. We'll hear them together, vote on them separately. This item was continued from our March 1st meeting.

We have a new packet that came out last Thursday, and I believe there's more information today. But I'll announce them first, and then before the applicant speaks, I'll clarify some things with this panel. Item 9A is PL20170002330, and Item 9B is PL20170002634.

Both are for the City Gate Commerce Park. One is for the Development of Regional Impact document, which is a DO, and the other is for the Planned Unit Development, which is the MPUD.

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

CHAIRMAN STRAIN: Okay. And disclosures from the Planning Commission; let's start with Tom.

MR. EASTMAN: No disclosures.

COMMISSIONER CHRZANOWSKI: No disclosures.

COMMISSIONER FRYER: No disclosures in the last two weeks.

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: Well, I'm going to go last on this one.

Karen?

COMMISSIONER HOMIAK: Nothing. Joe?

MR. SCHMITT: Nothing.

Patrick?

COMMISSIONER DEARBORN: Nothing.

CHAIRMAN STRAIN: Okay. Well, it looks like I'm the only one that had a lot of disclosures.

I met with the applicant -- well, there's two applicants. I met with both sides of the -- both applicant teams multiple times, had multiple conversations with them.

As you may recall, last time this came forward, the Planning Commission had asked its questions. I normally allow -- ask you--all to go first as a courtesy, and then I will wrap up with anything that's left on my list. We only got a little bit into mine before we quit for the day.

I have met with the applicant trying to help get the items cleaned up as much as we could for today's meeting, so that should save us some time.

But I did meet with Josh and Roger -- Josh and Roger Rice and Nick Casalanguida. I talked to the County Attorney's Office and staff numerous times, and I think that's about it. But we did have quite a bit of work and time put into this, and with that we'll move right into the presentation by the applicant.

And, Josh, I know you've got a lot of new information that's not the same as we got in the packet. So we'll have to follow along page by page as you bring it up if that's okay with the Planning Commission.

Okay.

MR. FRUTH: Okay. For the record, Josh Freuth with Davidson Engineering.

I'm just going to walk you through the few items, as Mark mentioned, that have changed in the last two weeks.

One of the items that came up, I think, two weeks ago, I just wanted to clarify for the Commission, in the deviations, the difference between off premises and on premise for the signs. I broke it down between the deviations and the LDC in the definition. The off-premise signs, as it relates to this PUD, relates to Deviation No. 8, No. 9, and No. 11.

Off-premise signs for the sports complex project will be located within the property abutting the MPUD boundary but off the sports complex project site. Off-premise signs for the sports complex project and MPUD combined is only related to Deviation No. 11 and the future monument sign within the City Gate Boulevard right-of-way. It simply means off the platted lots or off the sports complex project site.

On-premise signs, as related to this PUD, Deviations No. 3, 6, 7, and 12. As it relates to the sports complex only, "on" it simply means it's on the sport complex or within the sports complex boundary. As it relates to the MPUD, it means within the MPUD boundary or on a platted lot.

And for both combined, if the deviation affects both the PUD and the sports complex project, it means that it's on platted right-of-way.

Going through the changes, the Commission --

CHAIRMAN STRAIN: Let's just go to the pages first. So that's page --

MR. FRUTH: Page No. 10.

CHAIRMAN STRAIN: Okay. I want to make sure -- I mean, the Planning Commission, for the most part, asked some of their questions last time. I'll make sure we don't have any other questions and I checked mine as well so we'll get them all wrapped up.

MR. FRUTH: No problem.

CHAIRMAN STRAIN: Anybody have any other questions all the way to Page 10?

(No response.)

CHAIRMAN STRAIN: I did on Page 7, 1.6. It's the new language entered in that says the original PUD ordinance 88-93 was found consistent with the Comprehensive Plan in effect at that time. And I asked for the original Comp Planning memo. And I know that you-all answered it. Maybe you can rephrase it for the Planning Commission since it was brought up last time.

MR. FRUTH: Consistency was determined for the 1988's ADA. We were unable to gather information that you requested.

Go ahead, Roger.

MR. RICE: Roger Rice, for the record.

That language was in the original PUD. We're just leaving it unchanged.

CHAIRMAN STRAIN: Well, it's underlined. Generally if it's underlined, it's new language. That's why I was questioning it. If it was in the original, we wouldn't have an issue. That's why I don't know why you needed to add it.

MR. RICE: Well, yeah. That language was only there -- staff asked for that language to be inserted to clarify the language which is unchanged, which is the next paragraph, that "development of City Gate Commerce Park as a Planned Unit Development will comply with the planning goals and objectives of Collier County as set forth in the Comprehensive Plan," et cetera. That was just a clarification.

CHAIRMAN STRAIN: Well, the only reason I brought it up to find out how -- originally, like today, you get a Comprehensive Planning memo. In fact, you've got one attached here for today's request. If one of those existed in the past, I just wanted to see if. If this is -- the purpose of it was to rephrase that second statement or strengthen it, that's fine, too, as long as Nancy is on page with that.

MS. GUNDLACH: We're fine with it.

CHAIRMAN STRAIN: Okay. Thank you.

Moving on, does anybody have anything else up to Page -- and up to and including Page 10?

(No response.)

CHAIRMAN STRAIN: Okay. Josh, let's move to Page 10 then.

MR. FRUTH: Okay. I'm just going to go over the items. What you'll see here in yellow was part of the CCPC packets. In green are the changes I've changed that the Commission did not receive, and they were changed and coordinated with staff over the last week or so.

In yellow, to Item D, "Notwithstanding the foregoing, the sports complex project as defined herein will not include the lake and recreational tract." And then at the bottom for 2.3.A, "Project development PPLs and SDPs shall generally conform to the approved master development plan."

CHAIRMAN STRAIN: Okay. This is some new language, so if any of you have a question on it, it's a reorganization of that last sentence is all it is.

COMMISSIONER FRYER: What does "generally" mean?

CHAIRMAN STRAIN: To the effort it wouldn't be a substantial deviation to the code, which is under your insubstantial deviation section of our Land Development Code.

MR. FRUTH: That's correct. I was going to say everything follows the Land Development Code.

COMMISSIONER FRYER: The Land Development Code uses the word "generally"?

CHAIRMAN STRAIN: No, it does not.

MR. FRUTH: Not specifically.

COMMISSIONER FRYER: Okay. I would be looking for "in all material respects."

MR. FRUTH: Okay.

CHAIRMAN STRAIN: That's fine. The previous version had "generally" in it. That's the only reason I think it was left in.

MR. FRUTH: Okay. Noted.

CHAIRMAN STRAIN: Next page.

MR. FRUTH: Page 11. Under 2.4, this is related directly to the traffic discussion from two weeks ago.

CHAIRMAN STRAIN: Can you make that larger. It's real hard to see for us up here.

COMMISSIONER EBERT: I cannot see.

MR. FRUTH: I'm sorry. I can't -- hang on for one second.

CHAIRMAN STRAIN: Do you see that bar on the lower right? There you go.

MR. FRUTH: I don't know if it's going to pull through on the presentation.

CHAIRMAN STRAIN: It probably won't, no.

MR. FRUTH: Nope. I'm sorry.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: I will read what it says. "The MPUD's total trips shall not exceed 5,999 net externally two-way p.m. peak-hour trips as calculated in the approved ADA, parenthetical, approved trips. In any development scenario, the MPUD's total trips shall not exceed the approved trips based on the use codes in the ITE manual on trip generation rates in effect at time of application for SDP, SDPA, or subdivision plat approval."

And 2.4.B is related to hotel and motel, and the sentence below that says, "The proposed hotel and motel rooms in Section 2.4.A may be increased to a maximum of 950 rooms subject to the traffic cap in Section 2.4.A."

CHAIRMAN STRAIN: Okay. And the 5,999 comes from the original ADA approval for the intensity of this project; is that a true statement?

MR. FRUTH: That is correct. I have a slide that covers that as well, but that is a correct statement.

CHAIRMAN STRAIN: Okay. My concern is -- Jeff, I thought you were going to be late this morning.

COMMISSIONER EBERT: He was.

CHAIRMAN STRAIN: I didn't see you come in. We've got to take a pause here.

MR. KLATZKOW: Oh, no.

CHAIRMAN STRAIN: Guess whose birthday it is today. Congratulations, Jeff. Happy Birthday to you. He thought nobody would know, but I happened to hear the scuttlebutt this morning. So he's in for a day of surprises, I think.

Okay. Now, back on the more serious issue. Do you have your traffic engineer here?

MR. FRUTH: He is not because of spring break, but I have a statement --

CHAIRMAN STRAIN: Wait a minute; he's that young?

MR. FRUTH: He's on spring break with his children.

I have a statement from him that I prepared to put in -- a letter from him to put into the slide show and presentation.

CHAIRMAN STRAIN: Okay. Is it something you can put on the overhead now or --

MR. FRUTH: Yes.

CHAIRMAN STRAIN: Okay. I'd like to -- but the question that I had asked the applicant to resolve before today's meeting is if the traffic impacts as configured in the original PUD, which is back in the '80s, was -- the methodology was consistent with the same methodology that compares it today so we have an apples-to-apples comparison. And if he responded to that, that's what we're looking for.

MR. FRUTH: Yeah. So this slide here is what we were talking about. Table 2.A within the Traffic

Impact Statement is the original ADA calculations, 2.B is the approved ordinance, and 2.C is the projected buildout. I'll hit on these slides just because we're on them. But the key here is, as we talked about before, traffic neutral, and the projected buildout, as you can see highlighted in green, is less than the original 1980 ADA, total trips and net external.

COMMISSIONER FRYER: Question?

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER FRYER: On the 2017 AUIR, how many trips are left before we hit deficiency?

MR. FRUTH: Staff?

CHAIRMAN STRAIN: Now, I notice some other applicants in here today were smart. They brought their, let's say, the children who are not in -- are on spring break, they brought them with them, which is a good exercise, because they can see how government works.

And the young lady, Reagan, actually, President Reagan was named after her, so she's here today to hear what we're doing. So Norm couldn't bring his children?

MR. FRUTH: I think he might be on a cruise boat.

CHAIRMAN STRAIN: Lucky him. Okay.

Is there anybody, then, that's county side, though, that can talk to the detail of the traffic, then, since your expert is not here?

MR. SAWYER: Good morning. For the record, Mike Sawyer, transportation planning.

Bear with me. I have the 2017 AUIR numbers. I'm going to be looking at Collier County -- sorry, Collier Boulevard basically; 75 and Davis. The capacity on that roadway system is 3,600 peak-hour and the remaining capacity is projected to be four twenty -- yeah, 421.

CHAIRMAN STRAIN: Okay. Isn't this a vested project?

MR. SAWYER: It is.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: Now, when that is said, does that mean that your 5,999 trips are included in the AUIR?

MR. SAWYER: Yes. For -- when we've got projects like this where those trips were already anticipated, those trips are automatically built into the projection of what we are projecting in the system itself.

COMMISSIONER FRYER: So the 3,600, was that the number? What's the remaining capacity? I'm sorry.

MR. SAWYER: I believe it was 421.

COMMISSIONER FRYER: Four twenty-one. So 421 would not encroach upon the 5,999 because that's already in; is that correct?

MR. SAWYER: Yes, yes.

COMMISSIONER FRYER: Okay. Thank you.

CHAIRMAN STRAIN: I'll let it go.

I could belabor that point, but it's not going to -- it doesn't -- at this point it's a vested project, so it doesn't matter, so I'm not going to get into the statements just made.

Okay. And then that gets us to the hotel/motel issue, which is raising the number of hotel/motel units up to 950, which is above what's in 2.4, because what's in 2.4 is consistent with the original PUD. But you're just raising the hotel as the only one, and that's still going to be subject to the same cap that the rest is because you're not raising the cap, so that actually makes it neutral in regards to impacts on the system.

MR. FRUTH: That is correct. We wanted to put a cap on it, and the cap still shows that we're traffic neutral. We're actually less than the original ADA.

And then, Mark, for the original question, for the record, this is the letter from Trebilcock Consulting from Norm Trebilcock. What this letter outlines is the consistency between the ADA, Table 2.A through Table 2.B and 2.C, the projected buildout that the calculations are done the same.

CHAIRMAN STRAIN: Were the internal capture rates the same back in those days as it is today?

MR. FRUTH: It changed because of the ITE manual. The '88 ADA was done with the third manual. We're on the tenth. But, yes, in general the internal capture is the same. The changes are the technology

changes, so the way calculations are done today versus in '88 changes some of the traffic counts.

CHAIRMAN STRAIN: Okay. Let's move on then. We'll be probably going back to Page 12 of the PUD.

MR. FRUTH: Page 12, Item 2.5.B, this was simply cleanup of text. You can see strikethrough, some items highlighted in green and underlined. What it now says is prior to the issuance of the building permits for a structure or structures on any development site, Site Development Plan approval must be obtained in accordance with the Land Development Code.

COMMISSIONER SCHMITT: Question.

CHAIRMAN STRAIN: Go ahead, Joe.

COMMISSIONER SCHMITT: That statement is sort of a matter of the LDC anyway. Why is it even in there?

MR. FRUTH: I agree.

COMMISSIONER SCHMITT: I realize it's old language, but --

MR. FRUTH: Yeah. We were simply cleaning up. Previously it said Chapter 10 of the Collier County Zoning Ordinance. We were cleaning it up to be consistent and update it to today's standards. But because it follows the LDC, I understand your question.

COMMISSIONER SCHMITT: Yeah. I mean, you have to do this anyway. I don't know why it has to be in the PUD. The entire sentence could be -- the entire paragraph, essentially, could be eliminated.

MR. FRUTH: Yeah. And I'll defer to staff if they agree.

COMMISSIONER SCHMITT: It's not a big deal. I just found it to be a repeat of existing requirements.

MR. FRUTH: Agreed. It's redundant.

CHAIRMAN STRAIN: Well, new PUDs we would have that language struck. We wouldn't have it in it. Because it was an old PUD, I think staff reviewed it. And it's up to the staff at this point.

MR. FRUTH: We were trying to simply clean up and be consistent with the original PUD. I think that's one of the reasons why applicant and staff agree to simply clean it up.

COMMISSIONER SCHMITT: It's essentially the same as Paragraph 13, the next Paragraph C, it's nothing more than a repeat of the requirements of the code. I realize it's -- again, it's an existing PUD, but it's language that is redundant.

MR. FRUTH: Agreed.

COMMISSIONER SCHMITT: I'm fine with leaving it in if that's what staff wants to do. It's just, as Mark said, you know, we can -- if it's a new PUD, it could be cleaned up and eliminate a lot of this language.

CHAIRMAN STRAIN: Is this an amendment or a repeal and a replacement; do you remember?

MR. BELLOWS: Amendment.

CHAIRMAN STRAIN: Okay. Well, it's probably cleaner -- I mean, we try not -- on an amendment we don't make as many as if it was a repeal and a rewrite.

MR. BELLOWS: That's correct. Sometimes the language might impact other land holdings within the PUD not subject to this amendment so we can't change it in that regard.

CHAIRMAN STRAIN: Okay. Let's move on, then, to the next page.

MR. FRUTH: Page 13, which is part of the packet. It was a strikethrough. "Sidewalks shall be required on at least one side of all internal project streets." The strikethrough simply is through, as shown on the master development plan.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: Page 14. We're into the deviations. Deviation 1 and 2 were intentionally omitted per the hearing two weeks ago. Those were related to sign deviations.

Deviation No. 3, the language that was added to the end of 3.A says, as shown on the attached master development plan, Exhibit A-1, Page 2 of 5.

Page 15, Deviation No. 4, Item C, at the request from the last hearing, we clarified the number of flagpoles, and it now reads "up to 100 flagpoles."

CHAIRMAN STRAIN: Well -- and that was something that -- Nick's involved in that, not so much you guys. This is going to go on the sports stadium, right?

MR. FRUTH: That's correct. This is directly related to on site for the sport complex and the contract purchaser.

CHAIRMAN STRAIN: Not all of those 100 flagpoles are the ones on top of the building. They could be just anywhere on the site?

MR. FRUTH: That's correct.

CHAIRMAN STRAIN: And including the entries and things like that.

MR. FRUTH: That is correct, yes.

Item D, under the same deviation, No. 4, the word "project" was cleaned up since your CCPC packets, but the overall statement reads, the actual height of future structures on the sports complex project shall be equal to the actual structure height plus the flagpole height. For example, the maximum actual structure height of 85 feet plus the maximum flagpole height of 40 feet equals an overall maximum height of 125 feet.

Page 17, Deviation No. 8 --

CHAIRMAN STRAIN: Question on Deviation No. 6. The last line of the introductory paragraph on No. 6, I'll read the sentence, or at least it says, off-premise directional signs which require that directional signs be limited to 1,000 feet from the building structure or use for which the sign is displayed to, instead, allow combined off-premise and on-premise directional signs for the MPUD and the sports complex for the MPUD's internal public or private right-of-way or abutting thereto but more than 200 feet from Collier Boulevard as follows.

So you have -- this is for those, I think they're green poles or street signs you showed one of the exhibits with street names on them or directions to the various facilities?

MR. FRUTH: Yes, correct.

CHAIRMAN STRAIN: So none of those will be within 200 feet of Collier Boulevard?

MR. FRUTH: That is correct, as it reads.

CHAIRMAN STRAIN: Okay. I don't know why you chose 200 feet, but that's fine. I just didn't understand that. I wanted to make sure I understand it. Thank you.

Oh, and on number -- you went to 8, so No. 7. The deviation is to apply to on-premise directional signs along public or private right-of-ways throughout the City Gate Commerce Park. This deviation does not apply to directional signage on the sports complex. See Deviation 12. And I think you probably answered my question when we met, but just so I understand it now because I still have the note, Deviation 12 is not necessarily about directional signage, is it? It's sign exemptions located on -- this is not a -- this isn't directional. It seems like it's the fence and wall signs that they attach around the inside of a stadium; is that correct?

MR. FRUTH: Yes, that is correct.

CHAIRMAN STRAIN: So the reference to Deviation 12, is that still accurate in No. 7?

MR. FRUTH: No.

CHAIRMAN STRAIN: Okay. I think that's the point I needed to make sure we --

MR. FRUTH: No, we'll strike through and remove that.

CHAIRMAN STRAIN: Okay. Now let's go to 8.

MR. FRUTH: Okay. Number 8, again, is related to the sports complex project, the pole-mounted sign. The language that was changed at the end now reads, "Within the Collier Boulevard, parenthetical, 951, right-of-way with future Board of County Commissioners approval of the location." And the language that was removed was "or off site along lands outside the PUD." That was removed.

Deviation No. 9 --

CHAIRMAN STRAIN: Well, back up. So you said -- you took out the word "Board" on No. 8 as we have it in our packet, and you replaced it with Board -- and you had added "of County Commissioners" on the end of it, and in front of it you put the word "future," right?

MR. FRUTH: That is correct. "Board" remains, and we clarified what "board" meant, because it's not a defined term in the PUD.

CHAIRMAN STRAIN: Approval of the location. Okay. And then instead of "future board," wouldn't you mean further Board of County Commissioners approval? Because the current board could have

that question come to them.

MR. FRUTH: Yeah. I guess it should -- if it's stated, it would be current or future Board of County Commissioners.

CHAIRMAN STRAIN: Okay. Either way.

MR. FRUTH: Okay.

CHAIRMAN STRAIN: That's it in 8. Then let's move to 9.

MR. FRUTH: Okay. Number 9 is related to the same item. It's the sign related to the sports complex along the right-of-way.

E was added and clarified at the end. It now reads, "Shall be abutting to the MPUD boundary."

CHAIRMAN STRAIN: And that takes out the issue of it could go -- actually, I think there was a reference where it could have gone substantially off site. You have D -- that was the concern there. So it's still got to be adjacent to the site, but it could be in the right-of-way if the Board of County Commissioners approved right-of-way signage.

MR. FRUTH: That is correct, yes.

CHAIRMAN STRAIN: Okay. Now, under the third -- well, let's start out with the top line. Deviation 9 seeks relief from the section of the LDC. "Off-premise directional signs which allows no more than two one-sided or one double-sided off-premise directional sign to be permitted for building, structure, or use," and then it says, "which is not visible from the roadway serving such building."

So what you're asking to do is have this on the roadway so it would be visible from the roadway, and you're asking it to be substantially changed in size, and the basis for that has been, from what I could see in the packet, that it's typical to what other communities have for their sports parks.

MR. FRUTH: Correct. And I can pull that up. But from you two weeks ago we had a slide that showed typical sign detail that's actually part of the PUD package and exhibit.

CHAIRMAN STRAIN: Yep.

MR. FRUTH: And if needed, I can pull it up.

CHAIRMAN STRAIN: No, I'm familiar with it.

MR. FRUTH: But that's the reason why. Okay.

COMMISSIONER EBERT: I have a question on that.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: I missed part of that. I tried to -- can you show that -- was that like the Hammond Stadium and the -- so that size?

MR. FRUTH: Yeah. Those were the slides that we showed two weeks ago, that's correct. I'll pull it up right now.

CHAIRMAN STRAIN: There; right above you. That's it. Good. No, that's one to the -- there you are.

MR. FRUTH: Well, this the exhibit that's within the packet. It's Exhibit 7 or, sorry, Exhibit A-5, Page 2 of 2, and then we gave examples of Jet Blue and Hammond, as Commissioner Ebert stated.

COMMISSIONER EBERT: But this is not a commercial -- are we getting the Atlanta Braves or somebody in there?

MR. FRUTH: No. This is essential service.

COMMISSIONER EBERT: Those are awfully big signs.

CHAIRMAN STRAIN: Well -- and that's part of the issue we probably need to discuss a little bit. You're asking for 350 square feet area, and really what you mean, you need a 9-by-15 on each side, which is a total of 350 square feet.

MR. FRUTH: That is correct.

CHAIRMAN STRAIN: It would be better if we broke that sentence down to say, a total of 350 square feet with display area not to exceed 9-by-15 on either side or to whatever dimension you need to so you get to the 350, and that would help understand the sizing of it, first of all. Second of all, you're not going to be using any animations or other issues that the code would not allow typically on signage like this; is that a true statement?

MR. FRUTH: Correct. The Code of Ordinances, anything prohibited, we can't change that.

CHAIRMAN STRAIN: Right. Okay. So it's a static sign. Basically, it's going to be whatever it is. Does that help --

COMMISSIONER EBERT: A rolling sign.

CHAIRMAN STRAIN: Yeah. That helps understand it? Okay.

So let's move on. I think we have -- Page 18 is the next one.

MR. FRUTH: Page 18, Deviation No. 12. We added -- since the CCPC packets went out, we updated the language. It simply reads now, "The projection of light from signs to the north shall be prohibited." That's the last sentence of the deviation.

CHAIRMAN STRAIN: I still have questions about that. Now, let's start, first of all, with what you mean by the "projection of light." How do you not project something that's lit? If you see it, you're projecting something that wasn't there before. I know you're looking for Nick.

MR. FRUTH: Yeah. I'm going to ask the contract purchaser to weigh in on this. But I have my theory, but I'll go with Nick.

MR. CASALANGUIDA: Good morning, Mr. Chairman, Commissioners.

I think, Mark, when we talked -- I don't know if we conveyed it to Josh.

CHAIRMAN STRAIN: It doesn't look like it did, no.

MR. CASALANGUIDA: Limited to 25 feet in height to the north that's lit. Anything above 25 feet would not be lit.

CHAIRMAN STRAIN: But you'll still have -- it won't be projected, but it will be lit. Lighted signs can't be higher than 25 feet.

MR. CASALANGUIDA: That's right, sir.

CHAIRMAN STRAIN: And above that you can still have signs, but they won't be lighted?

MR. CASALANGUIDA: That's correct, sir.

CHAIRMAN STRAIN: Okay. And the other piece was -- we talked about this. You have a statement in here which we don't normally allow in any deviations or PUDs because we always like limitations. It says, "without limitations for type of, location, size and number," and I just -- when we talked you had some parameters you wanted to make sure you got, and that's the kind of criteria I'm looking for.

MR. CASALANGUIDA: Yeah. And I think the discussion we had was the signs are not higher than the top of the building that might be seen from a far distance away.

CHAIRMAN STRAIN: Right.

MR. CASALANGUIDA: Internally, I need to keep that "without limitation" because you're going to have way-finding, advertising, promotional, things that are going to be on the fields directing to different fields. When you get above 25 feet, I think the limitation we had, or we talked about, was to the east, south, and west we'd have a box of maybe, say, 15-by-40 that we could have a sign, because it would be lit, non-animated, not LED, but we expect to have a sponsor for one of these facilities, and they'll probably want their name on it. They'll probably want to be seen close to from I-75, but it would not project to the north and it will not be animated and it would be in that box. So those are the three directions we talked about.

CHAIRMAN STRAIN: So it would face the landfill to the east.

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: And I-75 to the south and 951 to the west.

MR. CASALANGUIDA: That's right.

CHAIRMAN STRAIN: And there the limitation on size would be, I think you said, 15 by --

MR. CASALANGUIDA: And the only reason I say that is because we have one person that's talked to us, and they have a symbol they like to use, and I'm not going to mention names today because it's still too early on, that talks about one might be 12 feet high, and then go across approximately 30 to 40 feet; that they want to maybe purchase the naming rights for the stadium.

CHAIRMAN STRAIN: The goal from my perspective is to make sure we have limitations, because everybody has limitations, so these need to be limited to some extent. What you do inside normally doesn't bother anybody from a zoning perspective. It's all internal; you can't see it anyway.

MR. CASALANGUIDA: Right.

CHAIRMAN STRAIN: And I know the ballpark signs that go around the fencing at the bottom row,

that's typical to all kinds of high school stadiums.

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: I think we -- I understand that. And the location and size would be limited to the frontage as you just talked about, and the size would be limited to -- the biggest that you talked about was the 15 by --

MR. CASALANGUIDA: Fifteen-by-40 box to work in.

CHAIRMAN STRAIN: Now, that language needs to get written up somehow and put in here so we can review it on consent or review it at the next time when we go come back and make sure it's all wrapped up in one package.

MR. CASALANGUIDA: Well, up to three signs, limited within a 15-by-40 box that would not -- would only face to the east, south, or to the west, or any combination thereof, and non-animated but possibly lit.

CHAIRMAN STRAIN: And those are your external limitations. Internally, quantity, size, whatever you want to do to block the view of people trying to watch the sport, that's up to you.

MR. CASALANGUIDA: That's up to us.

CHAIRMAN STRAIN: Yeah.

MR. CASALANGUIDA: Very good.

CHAIRMAN STRAIN: So somehow could you have someone get that written up so when we come back and we have to deal with that.

MR. CASALANGUIDA: Sure.

CHAIRMAN STRAIN: Anybody have any questions?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Okay. Josh, let's move forward.

MR. FRUTH: Page 21, Deviation No. 21.

CHAIRMAN STRAIN: Back up to 18. You've got one, Diane?

COMMISSIONER EBERT: No. You were on Page 18.

CHAIRMAN STRAIN: No. He wanted to move to Page 21. I have an issue on No. 18, Deviation 18, which is on Page 20. And it's going to occur with a couple different instances in some of the deviations. We'll get to them all eventually, but in 18 it's the first one.

You have a buffer requirement, it says, "which requires (sic) developments shall be buffered for the protection of the property owners from land uses to instead eliminate the buffer requirements along the eastern boundary of the sports complex lot provided there is unified ownership in the sport complex lot and the abutting property to the east where the development is jointly planned."

When you come in for your first SDP, one of the other changes that we talked about -- and I did talk about it with Nick because he's the contract -- not he, but he represents the contract purchaser. There was a water-management issue, and there was a preservation issue that deferred to the property next door owned by the county when the county brought it into a unified plan. The problem is, if the county delays pulling it into the unified plan, it's going to be delayed in getting -- to making sure we have those set-asides in that property next door.

So we have talked and I think there was mutual understanding that the first SDP would include enough land on the 305 property to accommodate for the off-site preserves that potentially might be there if and, in fact, they're needed and for the water-management area that you guys have been promised to offset some of the water-management capabilities on your property.

So this could be -- should be basically tied to that first SDP, because you can -- your first SDP now is not going to be just for this property. It will lap -- have an overlap. And I'm just suggesting we can probably solve that deviation by the SDP process that's going to be coming up.

MR. FRUTH: Yeah, that's not a problem. Actually, Deviation 21 probably sums up the statement you're referring to, and that could be simply added to No. 18 as well.

CHAIRMAN STRAIN: Okay. Number 19 and 20, the landscape buffers there, "remove the requirement from public or private rights-of-way with any existing and subsequent subdivision within the City Gate Commerce Park MPUD east of the FP&L easement." So what are you taking out that isn't in the

yard plan?

MR. FRUTH: Okay. So this specifically relates to the MPUD, and it's a clarification because the internal right-of-ways at plat require us to have the landscape buffers; however, because of the required yard plan, we're deferring it to SDP level in similar fashion to the recorded Phase 2 plat.

CHAIRMAN STRAIN: So this doesn't override the required yard plan?

MR. FRUTH: It does not.

CHAIRMAN STRAIN: Okay. So the required yard plan will still give us the vegetation and buffers that that plan requires?

MR. FRUTH: That is correct. Basically, we're clarifying the language that was already completed in Phase 2.

CHAIRMAN STRAIN: Okay. Now we can -- I'm done. We can move to 21 if you'd like.

MR. FRUTH: Deviation 21, Page 21, we added -- at the end of this statement there's a sentence that was added, but also added, which is key here within the statement, "shall be shown on the first Site Development Plan, and concurrently a unified site concept plan shall designate the additional required" yard -- "required off-site yard on the abutting parcel." "Abutting" was added. And then the last sentence that was added, "the off-site native vegetation shall be shown on the Site Development Plan (SDP application) but may be relocated with a Site Development Plan amendment (SDPA application) in the future."

CHAIRMAN STRAIN: Good. That locks it in so it's guaranteed to be there no matter what changes.

MR. FRUTH: And I can add that same statement to 18 as well.

CHAIRMAN STRAIN: Something to the effect we've got them covered, so...

MR. FRUTH: Okay. Deviation 22, per the hearing two weeks ago, we updated it from six to five caretaker residences, and Deviation No. 23 is the water-management item the Chairman mentioned just a little bit ago. We added the last sentence. It says, "Collier County will take water management to the abutting county-owned property as a future co-permittee in the South Florida Water Management District Environmental Resource Permit (SFWMD ERP)."

CHAIRMAN STRAIN: Okay. But if the 305 property -- first of all, it's a lot of wetlands. It doesn't have its Corps permit. And since Joe was with the Corps, and we know while he was there he made sure Corps permits take three or four years to get done, we're looking at a long time. Is this going to coordinate with the needs for those properties that need that additional water management? Are we going to run into any problems there?

MR. FRUTH: If time, as you mentioned, is a factor, Collier County -- and this is why it was revised to say "abutting county-owned property." Collier County's Resource Recovery Park and the additional acres up there, which has an ERP, would be modified to add the necessary stormwater management.

CHAIRMAN STRAIN: Now, how is that piping done? You guys would have to do the piping?

MR. FRUTH: That is correct, yes.

CHAIRMAN STRAIN: Okay. Because that's a longer distance to pipe.

MR. FRUTH: Yeah. It's set up now -- as I mentioned two weeks ago, it's set up now to feed. But, yes, there would have to be some sort of network added.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: So this is going to be sort of an incremental permitting process?

MR. FRUTH: Yes. I mean, the City Gate property is obviously ahead of the 305 parcel, the county-owned parcel, for obvious reasons. But, yes, it will be incremental.

COMMISSIONER SCHMITT: But Mark brought up about the 404 permit, Army Corps of Engineers' Clean Water Act 404 permits, so -- but they're still going to want a water-quality certification from the ERP process. So it just complicates your life by increments of permitting rather than one permitting process.

So I -- not that it affects the zoning, but it will impact significantly your review times, especially through the federal permit process.

MR. FRUTH: Agreed. My office and the environmentalist here with me today, Jeremy Sterk, we did the permitting for Collier County for the Resource Recovery Park, so we anticipate it to be exactly what

you mentioned for the 305 parcel as well, so...

CHAIRMAN STRAIN: Okay. Let's move on to the next change.

MR. FRUTH: Page 25, Item 3, as related to the sports complex project and development standards, Item B under 3 --

COMMISSIONER SCHMITT: I have a question on --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHMITT: -- Page 23, which you bypassed quickly. So just a statement on impact fees, again. I find it to be unnecessary. It's already required. You have a whole paragraph about impact fees. Again, I know it's an existing PUD. But you're going to pay the impact fees. I mean, that statement is not necessary.

MR. FRUTH: Is that the first part you're referring to, the first paragraph?

COMMISSIONER SCHMITT: Yeah. "City Gate commerce park shall be subject to all impact fees." Of course you will. I'm looking at 2.9, your Paragraph 2.9 now.

MR. FRUTH: 2.9, yes, I see it. It is now Page 22, sorry. That's why I was --

COMMISSIONER SCHMITT: Page 22. I'm fine with leaving it in there. It's just, again, another statement of fact.

CHAIRMAN STRAIN: If this was a repeal and a replace, all that would come out.

MR. FRUTH: Yeah. That's what it boils down to, how the application and what you have to do. I mean, I'll defer to staff again, but I think that's the main reason why.

COMMISSIONER SCHMITT: Okay. Leave it in, but it's just taking up space.

MR. FRUTH: Okay. Page 25, again, we were on the development standards for sports complex project.

CHAIRMAN STRAIN: Before you -- I think that's on our Page 26.

MR. FRUTH: Yes, you're probably correct. There -- with the updates --

CHAIRMAN STRAIN: Yep.

MR. FRUTH: -- some of these items have shifted.

CHAIRMAN STRAIN: Yeah, that is on Page 26 in our packet, yes. Okay.

MR. FRUTH: So under Item B of 3, the sports complex project, the word "primarily" and "amateur" have been stricken, and it now reads, "Recreational uses designated and operated to serve athletes and/or the public."

CHAIRMAN STRAIN: Well, the word "amateur" that was there before kind of provided us with some insurance it wasn't intended to be a professional ball team like the Braves and everything else we had to deal with before. I'm not sure it's a good thing to strike that out because it leaves it open to everything unless you voluntarily add some language to make a prohibition there.

MR. CASALANGUIDA: Well, I think, Commissioner Strain, Chairman, we talked with Josh yesterday, and I said, either strike the two out or keep it primarily amateur. And let me explain why. You're going to have from time to time a professional athlete having a camp during the day. So, you know, for instance, if David Beckham says, I want to run a kids camp here on a Saturday and a couple kids want to come, there's a professional athlete there.

So I don't want to get into an argument that a professional athlete can't come and do an event there. And that's typical at all events. They do it at high school stadiums. An athletic team will come down and say, we're going to run a kids camp for a day. That's a professional team running a kids camp, but it's not a professional game.

CHAIRMAN STRAIN: And I don't think -- at least that's not the concern I have. My concern is the word "primarily" would mean 51 percent. So we have 365 days a year, half of those days the Braves could come down and say -- or 49 percent of those days the Braves could come down and say this is our summer training camp. And, like Fort Myers, it would fit because they're not there 365 days a year. So now we still have an amateur athletic facility that's primarily there to serve amateurs because they have one day a year more than the Braves. That's the scenario I'm concerned about.

I don't care about the Braves. I don't care what team it is. It was never intended to be a professional place. And I understand -- what you're suggesting doesn't make it a professional place. It just makes it usable

for camps and for the purpose of a park.

I don't know how to get there right now with the language, Nick, but I'm concerned that the word "primarily" is going to open the door for more than we would anticipate, than what you're describing.

MR. CASALANGUIDA: Predominantly, limited to 15 percent.

CHAIRMAN STRAIN: Well, you're getting that ambiguous language. It's a matter -- I can hear the attorneys going back and forth describing who's right on that, you know.

MR. CASALANGUIDA: Not leased to a professional facility, to a professional team.

COMMISSIONER CHRZANOWSKI: Mark, question.

CHAIRMAN STRAIN: Yeah.

COMMISSIONER CHRZANOWSKI: Aren't professional and public athletes members of the public?

MR. CASALANGUIDA: They are.

COMMISSIONER CHRZANOWSKI: So why are they in there separately? Just say "primarily serve the public." And who else is there other than the public?

MR. CASALANGUIDA: That's why we pulled it out. Primarily amateurs is to serve athletes, I mean, and/or the public. So, you know, if you want to put a restriction the facility shall not be leased to a professional sports team, I'm okay with that.

CHAIRMAN STRAIN: That would work.

MR. CASALANGUIDA: Okay.

CHAIRMAN STRAIN: That's the issue that I'm mostly concerned about.

MR. CASALANGUIDA: That's fine.

COMMISSIONER EBERT: Nick.

MR. CASALANGUIDA: Yes, ma'am.

COMMISSIONER EBERT: I have a question for you. I was not here during the last hour before, but I'm going to ask you, is this the one where this is all tourist tax dollars? This is not -- we are not, as residents -- this is nothing to do with parks and rec?

MR. CASALANGUIDA: No, it's -- like North Collier's probably 70 percent local and 30 percent tourist tax, this is probably 70 percent tourist tax and 30 percent local.

All the people who live in Collier County will have access to this facility. So the O&M will be covered by the General Fund, because legally, if it was 100 percent paid by tourist tax, I couldn't let the public use it. It would be one of those where, okay, how are the justifying the use is locals?

So what we told the Board of County Commissioners was the general O&M would be done by parks, done by the General Fund. They would maintain the facility, keep it clean, run leagues at night; that way the children who live in Collier County would have a rational nexus to be able to use the facility. So this would be a 70/30 trying to attract tournaments and weeknights open to the public for me and you or anybody else who wanted to use the facility.

COMMISSIONER EBERT: What about the 305 tract? Isn't that park and rec?

MR. CASALANGUIDA: 305's general services to the county. A portion will be for this facility as well, too. So about 60 acres of 305 is planned to abut this facility on the City Gate site. But tourist development tax is doing all the vertical construction, ma'am; 100 percent of that.

CHAIRMAN STRAIN: Let me understand this then. The \$70 million budget, I had thought I heard on the Board's meeting that that is going to be out of the tourist development tax.

MR. CASALANGUIDA: That's correct.

CHAIRMAN STRAIN: Okay. So you're not changing that?

MR. CASALANGUIDA: Not at all.

CHAIRMAN STRAIN: And what's this 30/70 mix you're talking about? That's for the operations, O&M?

MR. CASALANGUIDA: The use; the use of it. In other words, for instance, let's say the O&M is \$2 million a year. When you go 10 years, okay, at \$2 million, that's \$20 million, a General Fund that supports maintaining the facility. That's how we can say it's open to our residents, because we're picking up the O&M cost. That's actually a good thing.

CHAIRMAN STRAIN: Okay. So 70 percent of the O&M cost is going to come out of TD funds?

MR. CASALANGUIDA: No. The use of the facility probably will be about 70/30 split predominantly geared towards having -- attracting teams and tournaments. But you can imagine on a Monday night, a Tuesday night, and a Wednesday night, just like North Collier, it's all league play for locals, you know, the residents who live here. That was one of the big selling points of why the people embraced it so much is all of our kids are going to get to play at this facility weeknights and on weekends when it's not booked.

CHAIRMAN STRAIN: But only 30 percent of the time.

MR. CASALANGUIDA: I'm saying roughly the split of the facility. If you're looking at North Collier, right now North Collier has 70 percent local and they have tournaments on the weekends, so I'd say 70/30 split between league play and tournament-type attractions.

This is more geared toward tournaments, so probably 60, 70 -- you know, we haven't booked anything yet. This is predominantly attracting people to come here and attend tournaments, camps and things like that. But a large portion of that time, weeknights when we're not booked, our kids are going to play on all these fields.

CHAIRMAN STRAIN: But the use will be the reverse of the North Naples one. The North Naples one is 70 percent local, 30 percent not. This one's going to be 70 percent not local and 30 percent local.

MR. CASALANGUIDA: That's the intention, and those percentages aren't exact.

CHAIRMAN STRAIN: No, I understand. I just didn't understand that aspect of it till now. We're entering it into the AUIR as 110 acres or whatever of additional parkland.

MR. CASALANGUIDA: Right.

CHAIRMAN STRAIN: But it's not parkland that's driven by the budget, basically, for local people. It's parkland that is put there as a tourist attraction.

MR. CASALANGUIDA: That's right, but used by the local. Now --

CHAIRMAN STRAIN: But 30 percent, or whatever the low number is.

MR. CASALANGUIDA: You've got to consider, Mark, like North Collier, during the weeknights, you don't have tournaments; Monday night, Tuesday night, Wednesday night, Thursday night. Usually they start around Friday, Saturday, or Sunday. And then on Friday, Saturday, or Sunday during the day those tournaments are using most of the fields.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: This will be brought up by AUIR. Does this now put us in an excess park capacity? Because I believe last year we were --

MR. CASALANGUIDA: That's a good question for Amy.

COMMISSIONER SCHMITT: We were in a deficit. This now puts us in an excess, which I have to ask, because it was a recent issue. Then that exposes the Manatee Park as being -- site as being declared excess because you now purchased this site. Since we're now talking about AUIR.

MR. CASALANGUIDA: Between Big Corkscrew Park and this facility, we've put a huge amount of park facilities in the next two years on plan. And I don't know if, Amy, you want to cover that.

MS. PATTERSON: Good morning. Amy Patterson, for the record.

So two different types of parks, you remember. We have community parks and regional. So this would go into the regional category and it, in fact, does put us into a surplus situation. We've been in a surplus situation for a little while with community parks, which is where Manatee sits.

COMMISSIONER SCHMITT: Okay. Are you looking at it for -- I'll ask staff: Are you looking at affordable housing on this site since it's now excess?

MR. CASALANGUIDA: I'm not going to answer that question.

COMMISSIONER SCHMITT: I know you're not. But I will put it on the record.

MR. CASALANGUIDA: Yeah. That's a board policy decision. I know it's a hot one that was on yesterday or Tuesday, yeah.

COMMISSIONER EBERT: The one at Orangetree, that park --

MR. CASALANGUIDA: Yes, ma'am.

COMMISSIONER EBERT: -- I'm trying to find out the funding. I talked to somebody with Parks

and Rec, and they said this project they have never discussed. So I thought Park and Rec would be in on this.

MR. CASALANGUIDA: They are. Right now the plan is to have Parks and Rec run the O&M of this facility. They would have program managers just like at North Collier that schedule the league play for our kids at this facility. Three o'clock in the afternoon when kids get out of school, I expect a bunch of these kids to be inside that field house, to be on those fields playing.

COMMISSIONER EBERT: How come they have not -- how come this has not been brought to them?

MR. CASALANGUIDA: It has. I've met with them -- ma'am, James Hanrahan, Derrick Garby are on the team that went and toured, around Florida, these facilities. They actually, three weeks ago, gave me an O&M budget, and I've reviewed that with them.

The cost for the Big Corkscrew Park is 100 percent park impact fees or General Fund. The cost for this vertical construction is 100 percent TD tax, and the O&M is General Fund.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: I don't know if I've got anything more for you, Nick. We'll just move through them and see where we go.

MR. CASALANGUIDA: Okay.

CHAIRMAN STRAIN: And I think we left off on 25 or 26.

MR. FRUTH: That's correct. Page 25, your 26, we added Item E under 3. It's the hours of operation for the sports complex project. And that reads, "Hours of operation for outdoor activities (may not exceed) Item 1, Sunday through Thursday 7 a.m. to 10 p.m. (Weekday holidays are subject to Friday and Saturday time schedule below.)"

Number 2 is the Friday and Saturday time, 7 a.m. to 12 a.m., and No. 3 reads, "weather-related delays will extend the hours of operation accordingly."

CHAIRMAN STRAIN: Under the comment where you said "weekday holidays are subject to Friday and Saturday"; weekday holidays recognized by Collier County Government?

MR. FRUTH: Yes. I mean, we can write that in there, add that to it.

CHAIRMAN STRAIN: Well, I mean, yes, if you don't -- there's a lot of holidays out there that we may not --

MR. FRUTH: Fine. We're okay with that.

CHAIRMAN STRAIN: Then on the number -- it's on the next page, okay. Anybody else? If not, let's move to the next page.

MR. FRUTH: Page 26, your 27.

COMMISSIONER SCHMITT: I have a question on Page 26.

CHAIRMAN STRAIN: Page 26. Okay. Let's go back.

COMMISSIONER SCHMITT: I'm sorry, Page 27.

CHAIRMAN STRAIN: That's 29. You've got to go back two pages.

COMMISSIONER SCHMITT: No, it's Paragraph 6.

MR. FRUTH: I'm sorry. I don't have it. I can put it on the visualizer.

COMMISSIONER SCHMITT: Yeah. You have boat docks with recreational lake tract, and the rest of this paragraph is strikethrough, so why do you have that sentence there? Is there something missing? I'm looking at the one I got.

CHAIRMAN STRAIN: What page are you on in the one we have?

COMMISSIONER SCHMITT: I'm on Page 27.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHMITT: Paragraph -- it's 3.2, Subparagraph 6.

CHAIRMAN STRAIN: That's under the accessory uses.

COMMISSIONER SCHMITT: Yeah. There it is. It says, "boat docks with recreation on lake tract," and then the rest of it is a strikethrough, so...

MR. FRUTH: Remove the whole paragraph.

COMMISSIONER SCHMITT: Yeah. I don't know why -- you had it underlined. You added it. So

I was wondering was there something -- was there an intent there or --

MR. FRUTH: Yeah. The old language is strikethrough, and -- that's correct. And we're updating the numbers, as Nancy was noting there. And "boat docks with recreation on lake tract" is actually part of the new PUD document. We're adding that language. I'm sorry. I keep rotating.

CHAIRMAN STRAIN: It has nothing to do with the previous paragraph language. It just happened to be the placeholder where you would add it.

MR. FRUTH: That's correct. It was the location.

CHAIRMAN STRAIN: And while we're on that page, you made some changes to the top that you skipped. The two greens.

MR. FRUTH: Yes. Yes, that's correct. B3.

CHAIRMAN STRAIN: You've got to pull it down a little bit, Josh. There you go.

MR. FRUTH: B.3, we added to the end of that. It now reads, "Signs as permitted by Collier County zoning ordinance in effect at time of application for the sign permit and as subject to Section 2.7 in this document."

B.4, we also added to the end of that. It says, "2.7 of this document." It's referencing the reader back to the location of the information that was added.

CHAIRMAN STRAIN: Okay. Let's move on to the next one.

MR. FRUTH: Page 29. Under the sports complex project, the actual height, it was clarified. I already read one statement, but it now reads, "85 feet except flagpoles may be extended 40 feet above the structure height per Deviation No. 4 within this document."

CHAIRMAN STRAIN: Wouldn't you mean 40 feet above the actual height of 85 feet? Because the structure height isn't a defined -- that could be just about anything.

MR. FRUTH: Yes. I'll remove the word "structure" and replace it with "actual height," the word "actual."

CHAIRMAN STRAIN: Okay.

MR. FRUTH: Page 30, Item I, again, it's a clarification. We added a sentence that says, "subject to Section 2.7 in this document." It's related to the parking and loading.

COMMISSIONER SCHMITT: Mark, I have a question on Page 30, at least our Page 30.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHMITT: You have a statement in there under Paragraph E, "Taller buildings may be authorized upon application following the advertised public hearing." It goes on. I mean, since you're cleaning up the document, wouldn't you just want to make that statement pursuant to the requirements of the LDC, you'd have to pursue an amendment to the PUD in order to make any changes? Because that's basically what you're saying. This has to go through the Planning Commission, the Board of County Commissioners.

MR. FRUTH: Again, that's old language. We left it in there. We didn't touch it.

COMMISSIONER SCHMITT: Yeah.

MR. FRUTH: There's no clarification from our end. Nancy, I don't know if you have anything to add to that, but it's --

COMMISSIONER SCHMITT: You can leave it. I just -- I think there would be an easier way to say it, but that's fine. I just thought, again, it was --

CHAIRMAN STRAIN: And, Joe, you're right. There's a lot of unnecessary language. I only left it alone because it's an amendment; it's not a rewrite. So I think that's probably where they were coming from when they did it, too.

MR. FRUTH: Yeah. The only statement in that paragraph that was updated was, throughout the document, instead of one word, City Gate is two words. That's all we cleaned up.

CHAIRMAN STRAIN: Okay. Well, let's move on to the next page.

MR. FRUTH: Page 30, Item I, as I read before, we added the sentence "subject to Section 2.7 in this document."

CHAIRMAN STRAIN: Okay.

MR. FRUTH: Page 34, Item I and J, Items I and J were added.

CHAIRMAN STRAIN: Let us get -- our numbers aren't the same as yours. It takes us a minute.

MR. FRUTH: Yeah, you guys should be Page 35. I'm sorry.

CHAIRMAN STRAIN: It takes us -- a little harder to get to -- that's Page 35 in our packet.

MR. FRUTH: Correct.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: After H, Item I was added, and it reads, "The 0.82 acres of retained or recreated native vegetation for City Gate Commerce Park, Phase 1, shall be completed by City Gate Development, LLC, prior to the next SDP application issuance within Phase 1 for the remaining undeveloped Phase 1 lots."

Item J was added as well for clarification, and it reads, "Lot 1 of City Gate Commerce Park, Phase 2 re-plat (Plat Book 50, Page 24) also known as the South Florida Water Management District Big Cypress Basin field station or formerly known as Lots 5 and 6, Phase 2, include 0.42 acres of retained vegetation. This is included in the overall retained vegetation calculations shown within this document in Exhibit A-6, Pages 25 through 28. The Phase 2 requirement equals 5.15 acres minus 0.42 acres, which equals 4.73 acres (remaining Phase 2 required retained vegetation)."

CHAIRMAN STRAIN: Okay. And the reason for that is previous to the incorporation of the yard plan into this PUD, it wasn't a document that was readily available when staff did the reviews for the Big Cypress Basin property. As a result, they didn't adhere to the yard plan, and this will provide there are areas that can be used for native vegetation replanting and recreation to be used and counted against the yard plan requirements; is that accurate?

MR. FRUTH: That is accurate. The last hearing I showed an exhibit that showed the Big Cypress Basin site. We coordinated with staff. Staff concurs. I won't speak for them, but that is correct, Chair.

CHAIRMAN STRAIN: Okay. Let's roll on to the next section.

MR. FRUTH: Updates to the Master Development Plan. There's no further updates in the PUD document, the actual word text part.

Highlighted in green here, we added "Phase 1, Lot 7," at the request of the last hearing. It's one of the deviation locations. You'll see it on the next slide.

CHAIRMAN STRAIN: Yep.

MR. FRUTH: We added this note at the bottom as well. "A portion of retained vegetation may be provided off site pursuant to Deviation No. 21," and we clarified a calculation error. It was off by one-hundredth. Instead of 30.57, it now reads 30.56.

Page 2, Exhibit A-1, Page 2 of 5, again, Phase 1, Lot 7 is identified to help clarify the location of Deviation No. 3.

We added the note to this page, and it reads, "Note, sports complex project actual height: The actual height of future structures on the sports complex project shall be equal to the actual structure height," which we can adjust, as we noted just now, "plus the flagpole height. For example, the maximum actual structure height of 85 feet plus the maximum flagpole height of 40 feet equals an overall maximum height of 125 feet."

And, again, as we just mentioned in the word, in the text portion of the document, we can revise where it's -- and remove the word and add "actual" instead of "structure."

CHAIRMAN STRAIN: So no matter where you would add a flagpole to that structure, the flagpole itself may be no higher than 40 feet?

MR. FRUTH: That is correct.

CHAIRMAN STRAIN: No longer than 40 feet.

MR. FRUTH: That is correct, and the maximum height will not be higher --

CHAIRMAN STRAIN: So if you have a stepped structure, the lower part of the structure is still going to be, say, 60 feet plus 40 instead of 85 feet plus 40?

MR. FRUTH: Yes, that's --

CHAIRMAN STRAIN: The flagpole itself can't be greater than 40.

MR. FRUTH: That's correct.

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

MR. FRUTH: And green, again, it's the same carryover from Page 1 of the Exhibit A-1. We simply updated the acreage from 30.57 to 30.56.

Pages 3, 4, and 5 of the Master Development Plan, Exhibit A-1 are verbatim to the deviations that we just reviewed. They're just included in this document. And the next is the updates to the required yard plan, which is Exhibit A-6 --

CHAIRMAN STRAIN: Let's go back.

MR. FRUTH: -- of your documents.

CHAIRMAN STRAIN: Let's look at our Page 54, which is permitted uses SIC code. It starts there. I don't have issues with that page, but I do with several pages past that, which is titled "East of FP&L Easement, Sports Complex Project," and that's on Page 58 in our packet.

Now, No. 2 is your amusement and recreation services, and it says, "indoor except stadiums may be outdoor." Well, everything's outdoor until its indoor. So what you mean here, you've got an open stadium, right?

MR. FRUTH: That is correct.

CHAIRMAN STRAIN: Okay. So, really, everything you do in the stadium is subject to rain, weather, and it's enclosed, so you're not going to have any, necessarily, noise attenuation other than the walls around the sports -- the stadium, which leads me to a concern with Principal Use No. 2. "Bands, orchestras, actors, and other entertainments, entertainment groups." Now, based on the way this is written, those could all be in the stadium, I'm assuming, and if they're all in the stadium, we're looking at jamborees -- or like we've had up at the Vineyards Park and things like that. And I now know why you took out Deviation No. 1, because Deviation No. 1 would make you come in for temporary events so that they would be somewhat regulated so it wouldn't be 365 days a year.

This would allow you to do all those temporary events as a principal use by right, and you wouldn't have any regulation. So I don't think the intent is to let rock bands or country western or whatever kind of music operate out of that stadium 365 days a year. So on that one in particular, I think it needs a cap of the amount of times it would be there as a principal use.

MR. FRUTH: Fifty-two.

CHAIRMAN STRAIN: You know, it's like the 100 flagpoles. It's just one of those you just grab out of the air and say, that's a nice round number. Let's do that.

MR. FRUTH: I said it with a straight face.

CHAIRMAN STRAIN: I know.

How often do we have those kind of activities going on at the other fairly large park in Collier County, which is North Naples Regional Park?

MR. CASALANGUIDA: You don't have those activities that take place there.

CHAIRMAN STRAIN: Okay. How about the Vineyards Park?

MR. CASALANGUIDA: Probably not Vineyards. Probably the high schools have it more than anything else. I mean, we've had --

CHAIRMAN STRAIN: How often do the high schools have it? They don't do it 52 times a year because they're not open 52 times a year. Are they, Tom?

MR. EASTMAN: No.

CHAIRMAN STRAIN: He's the school representative.

MR. CASALANGUIDA: I didn't know that.

CHAIRMAN STRAIN: He just undermined your argument, so...

MR. CASALANGUIDA: Mark, you know, nothing's booked, so, you know, you want to put a ceiling on this thing and above that would require a temporary-use permit. Does that give you some comfort?

CHAIRMAN STRAIN: That's -- yep.

MR. CASALANGUIDA: So you want to put 20, and above 20 would require a temporary-use permit?

CHAIRMAN STRAIN: That's a lot more reasonable. Let's start there. Then when the Board deals with it, they can look at it any way they'd like.

MR. CASALANGUIDA: It's not the primary, you know, intent, so I don't think that's what we're shooting for.

CHAIRMAN STRAIN: Okay. Thank you.

Joe, did you have something you wanted to --

COMMISSIONER SCHMITT: No.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: And, Josh, we're down to the yard plan now, right, did you say?

MR. FRUTH: That is correct.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: Exhibit A-6 in your documents.

CHAIRMAN STRAIN: And that's Page -- you have -- yeah. It's on Page 63 of our electronic version.

MR. FRUTH: That's correct. On this page, your Page 63, and Item No. 4, it was, again, a calculation cleanup. It was off by one-hundredth, the same as the last exhibits. So the numbers now read 24.59, and in parenthetical it reads 26.02 instead of 26.03.

Page 63, your 64, this is a strikethrough. Under the required yard heading, the last sentence was removed.

CHAIRMAN STRAIN: And that sentence was there primarily to address the issue with Big Cypress which you've addressed by a separate paragraph that takes care of it. So now it doesn't have to be a general inclusion into this yard plan.

MR. FRUTH: That is correct. It primarily was moved over into -- as you'll see coming up on these slides in coordination with staff, into a new category.

CHAIRMAN STRAIN: Okay. Let's move on.

MR. FRUTH: And here it is. Page 64, your 65, the open space definition was removed. It's a full strikethrough on that paragraph. And at the end underneath sports complex project, Item B, "with all three strata" was added to the end of that sentence. And Item C is brand new, and it reads "Within other areas of the sports complex project, parcels in the PUD that are not perimeter yards may be used to meet the native vegetation retention acreage required for the PUD. These areas shall not be occupied by buildings, impervious areas, streets or driveways, and will consist of 100 percent retained and/or replanted native vegetation. These areas shall meet the minimum widths (25 feet of yards) and a minimum contiguous area of 1,250 square feet."

CHAIRMAN STRAIN: Good. Is that the language you worked out with Summer? She's nodding her head. That's good. Thank you.

MR. STONE: Mr. Chair, just a small grammatical fix.

CHAIRMAN STRAIN: Okay.

MR. STONE: AT the beginning of that sentence, there should be a comma after "project" and then delete the comma after "yards" to make it more readable.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: Noted. And we will correct.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: Page 65, your 66, E was added as well under this category. It relates to the passive recreational uses, and it reads, "Passive uses are allowed within yards as long as any clearing required to facilitate these uses does not impact the minimum required native vegetation. Passive uses are specified in LDC section 'allowable uses within the county required preserves.'"

Page 67, your 68, under what must be retained in the required yards, Item 2B, at the end of that paragraph there, it now -- the addition reads, "but in no case will the total be less than 29.74 acres (Phase 2 and Phase 3)." And we added 2C, "The minimum native vegetation for Phase 1 is pursuant to Exhibit A-6, Page 26 of 29.

CHAIRMAN STRAIN: And why don't you add the amount there, too. Just make it simple so someone hasn't got to go searching through these 100 pages to find it. It's .82 or something like that, isn't it?

MR. FRUTH: That is correct, 0.82, and then the page number should be 28 instead of 29. I'll correct that.

And this is why your pages are different than ours, because the required yard was updated.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: The 0.82 was moved -- just for the record, was moved because it's not part of the required yard plan. Phase 1 is not. It's noted coming up here. Actually, I think I already read it into the record, but we can put it back in.

CHAIRMAN STRAIN: Well, it just makes it clean. If staff's reading it, they haven't got to thumb down and find your page and your exhibits. There's an awful lot of them. They're hard to follow. So this will just make it easier.

MR. FRUTH: That's fine.

CHAIRMAN STRAIN: It doesn't negatively affect you that I could see.

MR. FRUTH: Page 68, your 69. Item -- under the replacement standards -- V.C.2, added a sentence that reads, "Native trees that were seriously damaged or destroyed in platted utility easements must be replaced outside of the easement."

CHAIRMAN STRAIN: Well, you didn't actually add it. You unstruck it.

MR. FRUTH: Yes, that's correct.

CHAIRMAN STRAIN: That's a new word, "unstruck." I don't know how else to describe it.

MR. FRUTH: I agree.

CHAIRMAN STRAIN: Something that was previously struck is not.

MR. FRUTH: Page 74, Exhibit A-6, Page 13 of 28, we changed the title, coordinating with staff, just because of -- actually, this part of the replanting and replacement plan relates to trees and shrubs. So the title is now "Native Vegetation Replacement Plan." There's a strikethrough on shrub layer and ground cover. And the same goes for Page 75, your Page 76; we just updated the title.

Exhibit A-6, Page 25 of 28, what we were just talking about, the Phase 1 retained vegetation of 0.82 acres. It was noted on this exhibit, added.

COMMISSIONER FRYER: What page is that? Page number?

MS. GUNDLACH: It's 87.

COMMISSIONER FRYER: So they're not numbered, are they?

MR. FRUTH: They are numbered. I just -- I have it clipped in this presentation.

COMMISSIONER FRYER: Did you say 24 of 28?

MR. FRUTH: Eighty-six; 87 for you.

COMMISSIONER FRYER: Okay.

MR. FRUTH: The next item is the traffic items. We went over this. I can go over it again, or we can go over it --

CHAIRMAN STRAIN: I think -- unless anybody has any questions, I think we understood it.

When we get into your TIS, there is a couple of questions, but without Norm here, I'm not sure how much -- in Table 1 of the TIS, and it might be the one that you've got on the right, do you see where it says size, 350 rooms? You're really asking for 950. And I'm just making that clarification, because isn't this where you'd want to see the new number?

MR. FRUTH: Correct. This is -- the 950 is the total of that category, and above it, if you go up, you see the 250. So that number there, instead of 350, would read 700, but the calculations --

CHAIRMAN STRAIN: Right. Yeah, 250 and 350, you still are deficient the 950 you're looking for.

MR. FRUTH: Correct. However, in this letter, what Norm's getting at here is those numbers were pulled out of the square footage per the consistency. That table just has to be updated to the 900, but it was done and calculated.

CHAIRMAN STRAIN: The quantities, because of the cap of traffic, it's kind of irrelevant, but at least the document would be right. That's all I was trying to --

MR. FRUTH: Commissioner, thank you. And the final item I have is, because of the traffic updates, we sent clarification text back to the Regional Planning Council, the item right in front of you, and this clarification was worked out with staff. And this language was sent to Dan Trescott. Dan Trescott replied and said that these revisions were acceptable.

CHAIRMAN STRAIN: Okay. So that gets us through the recent information you provided. Did you have anything else you wanted to add, Josh?

MR. FRUTH: All good. Thank you very much. Thank you, staff. We appreciate it. This was a long document, and we appreciate all the help.

MR. STONE: Excuse me, Mr. Chair.

Josh, I may have missed it, but did you just introduce the new language to the resolution?

MR. RICE: Yes.

MR. FRUTH: I did, yes.

MR. STONE: Thank you.

CHAIRMAN STRAIN: And I'm just checking to make sure I don't have any other issues that need to be asked, unless anybody else has any. Now's the time to bring them up.

Did you have some, Diane?

COMMISSIONER EBERT: No. I'll do it in discussion.

CHAIRMAN STRAIN: Okay. Use your mike when you get a chance, I mean, when you talk.

And I think everything's been addressed that I had at this time, so -- okay.

Nick, did you want something to add?

MR. CASALANGUIDA: Mr. Chairman, I'm going to leave, but I just -- I can't leave without thanking Nancy and Ray and Mike, Summer and Matt on the internal team.

Mr. Chairman, you spent quite a bit of time both with the applicant and myself and the County Attorney's Office. I think you're going to get a beautiful project when we're done. We're going to take into consideration the neighborhood, and our kids are going to get to use it. That's exciting. It's not professional. It's recreational. It's amateur. It will be a great facility for Collier County.

CHAIRMAN STRAIN: Thank you. I appreciate your cooperation in getting some of these numbers. I know you didn't like to do that, but it was necessary, so thank you.

Go ahead, Diane.

COMMISSIONER EBERT: I have a question for Nick.

MR. CASALANGUIDA: Sure.

COMMISSIONER EBERT: Nick, I'll be real honest with you.

MR. CASALANGUIDA: Yep.

COMMISSIONER EBERT: The deviation -- the amount of deviations is -- it is -- we just took the whole LDC book and threw it out. That bothers me because this is the county.

And as far as signs, I understand some things, but I'm going, 22 is a lot, and you blew it past what anybody would be allowed. And I just -- it's kind of upsetting, because we are the county.

MR. CASALANGUIDA: Ma'am, if you want to go through any one in particular, I'm happy to do that. But I think, working with the applicant, we tried to -- you know, that sports complex lot is going to be exciting internally, and we definitely want to not, you know, pollute signs to the north, and we're asking for one, really, sign on Collier Boulevard, and that's really the only big deviation in signs.

All the ones on the local streets, really, just are way-finding for the purposes of City Gate and the sports complex. But if there's one that's got particular concern, I'm happy to spend some time with you on it.

COMMISSIONER EBERT: Okay.

MR. CASALANGUIDA: Okay.

CHAIRMAN STRAIN: Thank you. And as soon as you leave, we'll probably undo everything you did.

MR. CASALANGUIDA: Thanks.

CHAIRMAN STRAIN: Okay. Josh, I don't think there's any more you want to add to it at this point. And I'm going to turn to staff to see what kind of staff report we have, and then we'll go to -- we might have public -- do we have any public speakers registered, Ray?

MR. BELLOWES: No one has registered. Oh, Scott has them.

CHAIRMAN STRAIN: Just -- in order for understanding the timing of our break for the court reporter, is there anybody here who wishes to speak on the sports park?

(No response.)

CHAIRMAN STRAIN: Okay. Then that will -- we might wrap this up before break. Well, let me go through staff report first.

Nancy, it's all yours.

MS. GUNDLACH: Yes. Good morning. For the record, I'm Nancy Gundlach. I'm principal planner with the Zoning Division.

And staff is in agreement with the proposed changes that you've made today, and we did recommend approval of these petitions.

CHAIRMAN STRAIN: Okay. The changes today only tighten it up, don't loosen it up, so I didn't expect staff to have any problems with it, and I appreciate your comments. So thank you.

MS. GUNDLACH: You're welcome.

CHAIRMAN STRAIN: Any questions of staff before we go to public speakers? And we have two public speakers, did you say, Ray?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: As your name's called, please come up to the microphone, identify yourself, and we ask our speakers to limit themselves to five minutes.

MR. BELLOWS: The first speaker is Anthony Ferraro.

CHAIRMAN STRAIN: Were you sworn -- did you stand to be sworn in when you --

MR. FERRARO: No, I did not.

CHAIRMAN STRAIN: Okay. The court reporter will have to swear you in.

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

CHAIRMAN STRAIN: Okay. Thank you.

MR. FERRARO: Good morning. My name's Anthony Ferraro, and I -- with -- I represent Indigo Lakes Homeowners Association. I'm on the board of directors.

CHAIRMAN STRAIN: Are you here for the project that's going in next to you called Rushton Pointe?

MR. FERRARO: Yes, I am.

CHAIRMAN STRAIN: This isn't that one. This is for the sports park on I-75 and 951. So you'll have to stay a little longer till we get to that one.

MR. FERRARO: Okay. Thank you.

CHAIRMAN STRAIN: Sorry for the confusion.

Do you have anybody else for the sports park, Ray?

MR. BELLOWS: No.

CHAIRMAN STRAIN: Okay. Sorry for that.

With that, we will end -- that's the end of our discussion for the sports park.

Now, the changes were put on the panel in front of us today. Normally what we would do is we would try to pass it and then -- to some extent, or deny it, and then come back for consent. We've got to come back for consent anyway, and I don't mean to delay a vote, but your changes were so fresh, and there were so many paragraphs, I would rather come back and finish the vote on it next time so that if there are any questions when we look at those paragraphs closer and see how they fit into the document, we can ask them rather than have our hands tied because we voted on it now and we closed the door to any discussion on consent.

Is that -- any objection from the applicant? Let's say, is there any reasonable objection from the applicant? I didn't know they were going to send you up here, so...

MR. CASALANGUIDA: Well, I think, Mark, we've queued up a lot with closing and financing, and we expect to go to the Board on the 27th. If Josh can make these changes and bring them back after lunch, would that be acceptable?

CHAIRMAN STRAIN: I'm more concerned about the time to read them all and digest them. I mean, Josh has been sending out repeated -- and rightfully so. I have no problem. He's tried real hard to get the information to, at least to me, because I had most of the issues that we brought up today -- continually. He sent them out and sent them out and sent them out. I have -- every day I got a new email practically with a new change. Well, that's, what, 30, 40, 50 changes that I have to check them all to see how it fits together. And, Nick, we had seven cases originally, or six originally here. I could not read all that every day with everything going on.

MR. CASALANGUIDA: When's the next Planning Commission hearing?

CHAIRMAN STRAIN: It would be the 5th of April.

MR. CASALANGUIDA: We wouldn't get to the Board till the second meeting in April. That's 30 days.

CHAIRMAN STRAIN: What does that mean "it's 30 days"?

MR. CASALANGUIDA: It's 30 days before we would close. That adds to the closing dates the 30 days before we can start. We're actually ready to start working on the next phase of the project. The A&E selection is scheduled to come to the Board, the closing, and the financing to do the closings is scheduled to come to the Board. I think that's why we went to such extent to try and meet this deadline, because we're teed up for the 27th at the board meeting.

CHAIRMAN STRAIN: Josh, when could you have the drafts done? Electronically.

MR. FRUTH: Close of business today.

CHAIRMAN STRAIN: That doesn't get us an ability to vote on them today.

Joe, did you have something?

MR. FRUTH: You guys done at 4 p.m.?

CHAIRMAN STRAIN: Well, we're not going to be here.

MR. RICE: We'll have them done. When you get back from your lunch break, they'll be done.

CHAIRMAN STRAIN: See, I was hoping you'd say you could have them done by the lunch break so we could read them at lunch. I'm willing to sit here and read.

MR. RICE: We'll have them done for the lunch break then.

COMMISSIONER SCHMITT: Would you clearly identify, though -- because I didn't see the version that was presented today. The only thing I reviewed was what was on the disk that I -- or on the jump drive that I got. I followed everything Josh presented. But the changes you're going to give us, you need to clearly identify in another color or whatever what you added just so we can go through it quickly. I don't want to go -- read all of the --

MR. RICE: We'll make today's changes in orange.

COMMISSIONER SCHMITT: Whatever, just so we can go through it quickly. I don't want to go -- try and go through all the green highlight again that we discussed in every detail. Is that what you wanted to --

CHAIRMAN STRAIN: Yeah, I just want to make sure that our comments today -- because even if we continued it for consent, you're still stuck in the same problem.

MR. RICE: Right.

CHAIRMAN STRAIN: So now you're saying we can't have that problem. We're going to do our best to work with you but, at the same time, you've got a whole hour and a half just to type a few sentences up.

MR. RICE: That's what we're going to do.

MR. CASALANGUIDA: If you could leave (sic) Josh to leave right now, we'll put a cattle prod on him and give him an office to work on it.

CHAIRMAN STRAIN: Actually, he's done good in keeping up with everything, so...

COMMISSIONER SCHMITT: Josh, you -- billable hours are three times to the county for this.

MR. FRUTH: My only question is, what color would you like these to be highlighted, to be consistent?

COMMISSIONER SCHMITT: You just make it any color that --

COMMISSIONER DEARBORN: I make a motion for orange, Mr. Chairman.

CHAIRMAN STRAIN: Yeah, orange is one you haven't used yet, so let's try that.

MR. FRUTH: Sounds good.

CHAIRMAN STRAIN: Okay. Then we will have that before lunch distributed in hard copies or electronic. What do you -- can you -- some of us don't have electronic, so...

COMMISSIONER EBERT: Hard copy.

CHAIRMAN STRAIN: I don't care. Hard copies will do fine. I can compare my electronic to the hard, and we'll be in good shape. So by the time we get back from lunch, we'll schedule you to be first up to

finish it up if we have any issues. If not, we can vote on it and be done.

MR. FRUTH: You'll have the 89-page hard-copy document.

CHAIRMAN STRAIN: Eighty-nine page hard copy. Whatever it is. Just as long as it's in orange, we'll be able to flip through it quickly.

MR. FRUTH: Sounds good. Thank you very much.

CHAIRMAN STRAIN: Hold on a second. Diane?

COMMISSIONER EBERT: Nick, why are you saying this cannot come back? Have you already planned this for the BCC?

MR. CASALANGUIDA: Yes, ma'am. This was scheduled for the 27th knowing we went through these couple hearings.

COMMISSIONER EBERT: The 27th of?

MR. CASALANGUIDA: March, yes, ma'am. Closing -- because of the 30-day appeal period of the state, we're going to close 30 days later. We're going through the development of the guaranteed maximum price for the lot clearing and a lake excavation. We've got a pretty tight schedule we're running on this project.

CHAIRMAN STRAIN: Well, we have accommodated when we can. And if you're willing to accommodate us so we can look at the highlights over lunch, we'll make it work.

MR. CASALANGUIDA: I'm surprised Josh is still in the room.

CHAIRMAN STRAIN: I am, too. He doesn't need as much time as he's got.

MR. FRUTH: I'm packing up and leaving.

CHAIRMAN STRAIN: Okay. And we'll see you back at 1 o'clock, or approximately, depending on when we take our hour lunch.

Now, Ned, did you have something?

COMMISSIONER FRYER: Mr. Chairman, thankfully you've been intimately involved in this over the last two weeks, but I feel rather behind the eightball not having been included in the emails even on a one-way communication basis. So I don't know if there's anything that could have been done, but I guess I'm glad that you're on top of it, but I don't feel like I'm able to do very much.

CHAIRMAN STRAIN: Well, it's kind of hard for anybody to communicate one Planning Commission member's issues to another. We're not supposed to do that. We're not even supposed to let them be conduits for that purpose. So it's a little difficult to do that with the Sunshine Law.

The only thing I tried to do was last time, at the last meeting, we brought this issue up, you-all asked your questions, and from that perspective it would have just been about done. I couldn't rest with that. I had these two hours, plus an hour last time to try to get everything ferreted out as best we could and these corrections made.

So that's why I tried to solve some time today so you could see it in a prepared mode like they did on the screen. Because if I hadn't talked with them prior to today's meeting, the concerns I had wouldn't even be on the screen today.

COMMISSIONER FRYER: Understood.

CHAIRMAN STRAIN: So that, I was hoping, would get us far enough where we could resolve it, so...

COMMISSIONER FRYER: I was just suggesting that if you had raised an issue that the applicant agreed to so that it was going to come before us this morning, but that agreement had been reached five or six days ago, couldn't that have been sent to us in a one-way communication?

CHAIRMAN STRAIN: Well, no. I just met with them -- I mean, I met with Nick Monday, I met with Josh Tuesday or Wednesday, and I've been in meetings continuously since then. So I'm not sure they even -- I don't even know that they got what I told them they had. They sent it to me. I didn't see it till today.

COMMISSIONER FRYER: Okay.

CHAIRMAN STRAIN: So, I mean, it's just been -- this meeting had six cases. There isn't a single one of them that's going to be simple, and that's been driving the train. And the other applicants, we had to meet with them, too. So it's been piling up this week.

MR. CASALANGUIDA: And to Mark's credit, everything was very -- more restrictive. He was just

making sure we were putting the four corners on this thing with everything that was presented in the prior meeting.

COMMISSIONER FRYER: Mr. Chairman, please don't get hit by a truck, okay?

CHAIRMAN STRAIN: I'm going to get hit by him. He's bigger than a truck.

Okay. That takes us to our break. Let's come back at 10:45, and the next one up is Creekside. We'll move right into that when we get back, so thank you.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay, everybody, if you'd please take your seats again.

Nick, you may want to hear this real quick announcement. During the break someone came up to Ray, a resident, and said they wanted to talk about the sports park.

MR. CASALANGUIDA: Okay.

CHAIRMAN STRAIN: And without the applicant being here, not just you but the other side being here, I don't think it would be fair to hear the gentleman until they got back, and everybody is coming back after lunch, so approximately 1:00. At that time if this gentleman who put the slip in late is still here, we can hear him at that time before we vote.

MR. CASALANGUIDA: Okay.

CHAIRMAN STRAIN: So that's the fairest way I could think of handling it at this time.

And, Ray, what was the gentleman's name?

MR. BELLOWS: Steve Carmichael.

CHAIRMAN STRAIN: Okay. Mr. Carmichael, if you're here, that's the scenario we're going to use to move forward. I just wanted you to be aware of it. Okay.

COMMISSIONER SCHMITT: Mark, was he not here when we asked for speakers, or we don't know?

CHAIRMAN STRAIN: It's irrelevant. He put a slip in, so we'll just deal with it like we can so everybody is aware of it.

***Next item up is 9C. It's PL20170000425. It's a Creekside Commerce Park CPUD located south of Immokalee Road and both east and west of Goodlette-Frank Road.

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: And we'll start with disclosures with -- did Tom disappear? Well, we'll start with Stan for now.

COMMISSIONER CHRZANOWSKI: I talked to Mr. Yovanovich.

COMMISSIONER FRYER: As have I. That's all.

COMMISSIONER EBERT: Just staff.

CHAIRMAN STRAIN: And I -- for a change, I didn't talk to Mr. Yovanovich.

MR. YOVANOVICH: That's not true.

CHAIRMAN STRAIN: I talked to the applicant and Wayne. When did I talk to you?

MR. YOVANOVICH: On the phone.

CHAIRMAN STRAIN: I didn't even know you called me. Okay. I did talk to him on the phone, but what's nice is I have no recollection of talking to him, so -- and I have talked to staff.

Go ahead, Karen.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich and briefly to Mr. Arnold.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: Spoke to Mr. Yovanovich, addressed several questions I had.

CHAIRMAN STRAIN: Patrick?

COMMISSIONER DEARBORN: None.

CHAIRMAN STRAIN: Okay. With that, Wayne, proceed.

MR. ARNOLD: Good morning. I'm Wayne Arnold with Grady Minor & Associates and I'm here representing Arthrex and the PUD amendment for Creekside. Our team represents Arthrex and, of course, Rich Yovanovich and myself and Trebilcock Consulting Solutions -- unfortunately, as you learned during the first agenda item, Mr. Trebilcock is out of town and not able to join us, but hopefully we can address any

transportation questions you may have.

So the amendment that's before you was prompted largely by the need for Arthrex to develop a hotel for their own use, and out of that grew the ability to want to put in a physical fitness facility, a wellness center for themselves and employees, and so we have made some adjustments related to the PUD to address that. And to address the increased intensity of the hotel, we've reduced some of the intensities in the industrial and the business district as you see reflected in the strikethrough and underline.

We also added some general provisions for outdoor recreational facilities for the PUD in areas that not designated either IC or B, which means that the FP&L easement and parts of the canal bank and things like that could be utilized for outdoor recreational facilities. Arthrex is, of course, a large sponsor of the Blue Zone project in Collier County, as is Collier County government, and they're trying to offer opportunities for their employees to remain fit and stay on their campus.

So I'm going to introduce David Bumpous, who's with Arthrex, their operations group, and he's got a short presentation to show you some images of the hotel and talk a little bit more about the need for the hotel, and then we'll be happy to answer any questions.

CHAIRMAN STRAIN: Thank you.

MR. BUMPOUS: Good morning. David Bumpous, B-u-m-p-o-u-s. I'm the senior director of operations for Arthrex. It's always a pleasure to be here presenting to the Board.

As you just heard -- first of all, let me say this. I'm not going to spend any time today presenting on Arthrex and who we are. Hopefully you know who we are, so I won't waste your time on that, but really we're here to talk about the two key factors, one being the hotel, the other being a fitness or wellness center for our guests and our employees.

Starting with the hotel, it's no secret Arthrex is a major contributor to medical tourism. We have thousands of orthopedic surgeons that visit Arthrex's campus on Creekside each year for educational purposes. And over the past few years, we've really gotten into a situation where having adequate hotel space has become a real challenge for us.

We are governed by very strict regulations uses through the FDA and through AdvaMed, so it's very specific in where we can put doctors. As an example, you can't put them at high-end resorts. Well, Naples is full of high-end resorts. So that really limits our ability and options, if you will.

As an example, last year we had about 40 percent of the occupancy of the Hyatt Place at Coconut Point for most of the year, and so what that does is it creates a burden on the guest but, more importantly, it also adds to traffic, because those people are being shuttled back and forth from the various hotels around Southwest Florida.

And so by building a hotel on our camps, what that will allow us to do is have those surgeons that are flying into RSW be brought directly to the hotel on campus and basically, from that point forward, all their transportation will be either by golf cart or on foot.

So, again, we feel like it's a great opportunity to provide a better opportunity and educational opportunity for those visitors and, at the same time, again, we think there's some benefit.

Next door to that facility we are hoping to build a fitness facility. This, of course, being the Creekside PUD, the tracts that we're talking about are really this area right here.

This gives you somewhat of an overview of the overall campus. I'm not sure how to get rid of my circle here. We're really talking about these two spaces here; the one in the forefront being the hotel, and the smaller one being a wellness or fitness center.

As all hotels typically have some sort of a wellness or fitness opportunity, our idea was to build this separate so that it would provide access to the employees that work on our Creekside campus. We're, again, a very healthy company, Blue Zone company. We have an overwhelming majority of our employees that are, every morning or every evening, driving to a fitness facility somewhere in the county and then, again, clogging the roads coming to work at 7:45 or whatever time they come in.

So we see double benefits here. One, it provides them the ability to work out during the day, during lunch; at the same time, rather than that person driving to the gym at 5:30 or 6:00 in the morning, working out, showering, and then driving to Arthrex at 7:45, they're not going to drive to the Arthrex campus in nonpeak hours. They're going to work out, and then basically walk across the street to work.

The same thing would be true in the evening time as well; people would finish work, go work out, now they're on the roads at 7:00 o'clock rather than 5:15 when everybody else is on the roads.

So, again, some of the benefits that we think that we will enjoy from this, even with the hotel, one of the key factors here is staff has been great in working with us, and agreeing to allow us to put in less parking than what would be required for a hotel of this size, and the point is the guests are going to be brought in by shuttle. That's how they arrive today. That's how they'll continue to arrive in the future. They load on a Dolphin bus, or whatever the vendor happens to be at RSW, they're brought down and, again, they're now on our campus.

Closer view of the hotel. And, as you can see, I mean, the designs here are all to be very cohesive with the campus with everything that's currently there. The administration building, that's been previously approved and, actually, construction has begun.

So the idea is that everything would blend and create a nice environment. Tremendous amount of landscaping. Again, we're creating a campus environment to continue our growth and support our employees.

CHAIRMAN STRAIN: Is that the hotel, one of the renderings? This one here?

MR. BUMPOUS: This would be the wellness center.

CHAIRMAN STRAIN: Okay. Thank you.

MR. BUMPOUS: This would be the hotel.

CHAIRMAN STRAIN: It's just interesting you said you can't put the doctors in high-end hotels. So this is a low-end hotel?

MR. BUMPOUS: It's a moderate hotel.

CHAIRMAN STRAIN: It looks pretty nice, so...

I can't imagine doctors staying in something that isn't nice. Usually they certainly can afford that, so...

Yeah, it's a nice-looking building, okay.

COMMISSIONER EBERT: I have a question. Is this a private hotel? Is this yours only?

MR. BUMPOUS: It is a privately owned hotel; however, again, to meet AdvaMed requirements, if we were to create an independent private hotel only catering to physicians, that would violate some regulations. So we have to establish it as a public hotel. You will not see this on Expedia. You will not see this on Orbitz. This will not be something that's publicized. This will be a business hotel for our visiting surgeons and visiting employees that come in from Europe, from California, from other locations that would stay there as well.

MR. KLATZKOW: So there's no flag on it?

MR. BUMPOUS: Correct, no flag.

MR. KLATZKOW: Okay.

CHAIRMAN STRAIN: Okay. Anybody else have any -- is that the end of your presentation?

MR. BUMPOUS: Yes, sir, it is.

CHAIRMAN STRAIN: Okay. Anybody else have any questions?

Go ahead, Ned.

COMMISSIONER FRYER: The structure that is immediately north of Tract 6, I believe that that houses something called NCH Physicians; immediately north of Tract 6.

MR. BUMPOUS: Tract 8. Are you referring to Tract 8?

COMMISSIONER FRYER: No, 6, I believe.

CHAIRMAN STRAIN: Tract 6 is where the hotel is, so the one north of it would be Tract 3.

MR. BUMPOUS: Yes, Tract 3. Yes, there's a building there on the corner. That's also owned by Arthrex. It's referred to as the Polaris Center. It was originally a joint venture between, I think, Barron Collier as well as John R. Woods. Arthrex purchased that a few years back, and it has some medical offices in there as well as our own medical facility and general offices for Arthrex.

COMMISSIONER FRYER: Okay. Yeah. I now see where I got that off of Google Earth, they have it labeled NCH Creekside, but -- so you own the building --

MR. BUMPOUS: Yes, sir.

COMMISSIONER FRYER: -- and you have tenants whose leases are expiring or they're somehow being taken care of?

MR. BUMPOUS: We actually have a couple of tenants that are currently, if I -- in this location right here, there are two medical buildings currently sitting in that location. Those buildings are slated to be torn down to make way for the hotel and the wellness center.

There are two tenants that we've agreed to allow them to move into the Polaris Center, so they'll just be simply moving across the parking lot. And one of those is NCH.

COMMISSIONER FRYER: Okay. I had a very helpful conversation with Mr. Yovanovich with respect to an issue that is frequently of concern to me, and that is traffic. Looking at the AUIR, 2017, it looks like there are 55 additional p.m. peak trips available which, of course, on its face, becomes a point of concern.

And I'm not asking which one of your presenters will be making the case, but there are a lot of very helpful points that I think should be made a record of to support an argument that this will actually help traffic. And rather than just having had that conversation one on one with Mr. Yovanovich, I hope that a full record will be made of those points.

MR. YOVANOVICH: For the record, Rich Yovanovich.

I wanted to -- a couple of things that we discussed that Dave highlighted was a lot of the -- you know, the physicians that are coming now, that traffic is already on the road system, and that will now be reduced because they'll be coming straight to the hotel and not having to travel to and from other hotels. Also, we originally -- prior to your time on the Planning Commission, we had revised the PUD to increase square footage for the PUD, and increasing that square footage for the PUD, we entered into a Developer Contribution Agreement to make some roadway improvements to address the current square footage allowed in the PUD. So we've addressed transportation impacts that way, by committing to making some improvements to Goodlette-Frank Road mainly at the intersection past our intersection on Goodlette-Frank Road to make it a four-lane section, increase capacity there.

Also, the way we analyzed this hotel is we analyzed it as if it were a public hotel, a real public hotel like a Marriott or a Hilton or whatever from a transportation standpoint. We analyzed it that way, and we actually reduced the square footages in the PUD as if this were a stand-alone hotel open to the public and, therefore, the typical traffic impacts of that type of a hotel. So we reduced square footage in the PUD to offset those impacts so the PUD would be transportation neutral.

So you're really looking at this in a worst-case scenario as if it's a public-operated open hotel for the general public when, in reality, it will be operated as a private hotel, essentially, for Arthrex's visitors and guests.

So between the improvements we already committed to -- we're making to the transportation system through the DCA, through the fact that we're now going to have our doctors staying on campus versus traveling to and from the campus, the analysis we did to reduce square footage, now we have the wellness center, too, that is a benefit to our -- as Mr. Bumpous pointed out, to the employees in getting them off the roads during the peak and off peak.

We think a combination of all of that is really an overall reduction to the transportation system and it, I think, addressed the concerns that have been raised in the past about, you know, what's the real-world traffic impacts versus what's the theoretical approved in the PUD.

So those are the conversations we've had, and I wanted to put a little bit more detail on the record, and hopefully that addresses our conversation satisfactorily.

COMMISSIONER FRYER: It does. Thank you very much.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Rich, how many square feet is this hotel going to be?

MR. YOVANOVICH: Well, I know it's going to be 169 rooms. I don't know the actual square footage of the physical structure.

Do you, David?

I don't think we've designed it to the final it's going to be X square feet.

COMMISSIONER EBERT: So you're telling me the 169-room hotel will not be more than 29,900 square feet?

MR. YOVANOVICH: No, no. That's not how it works. It's the impact of 29,900 square feet of either IC or B uses from a traffic standpoint offsets the traffic from a 169-room hotel, not -- it's not square foot for square foot.

CHAIRMAN STRAIN: Anybody else?

Joe?

(No response.)

CHAIRMAN STRAIN: Are you done with your presentation?

MR. YOVANOVICH: I do want -- I wanted to put something on the record based upon the conversation we had that you don't remember the other day. I'm a little hurt.

CHAIRMAN STRAIN: You know how many things had to happen to have this meeting today, not just with you but the other? It's just been a whirlwind for the last three days, so...

Oh, yes. I was going to bring that up but -- okay. I remember I talked to Wayne about it as well.

MR. YOVANOVICH: There are two sections of the PUD that address the wellness center, and we wanted -- it's both in Section 3.2 and 4.2, and they're both the same changes, but I can put them both up if you want.

After a conversation with Mr. Strain, Mr. Stone, Ms. Ashton and, I think, Mr. Bosi was also in the conversation, we thought it was a better way to clarify the floor area ratio -- or the floor area comment related to, in this case, the IC district of 709,100 square feet; that it's not necessary to reference the LDC because everything is defined as in the LDC. And then also the wellness center, we wanted to clarify that the use was limited to the employees and hotel guests within the PUD; shall not exceed a maximum of 40,000 square feet and shall not be counted towards the overall square footage.

The basic intent was, is since this is a use for people who are already coming to the PUD, it really isn't an impact from a transportation and other facility impacts for Comprehensive Plan analysis. When you're making changes, you can't increase the intensity of the PUD, because we were deemed consistent by policy originally for this original PUD.

So this, I think, better clarifies that this wellness center really is not impacting roads and other capital infrastructure and, therefore, we're recognizing that there will be a 40,000-square-foot building, but it's part of the 709,100 square feet of IC uses, and also the 269,000 square feet of B uses. So that's what those changes, and it's both in the Section 4.2 -- I'm sorry, 3.2, which is on the screen, and then also in Section 4.2 to make those clarifications. And I think I got that right.

Did I get that right, Mr. Stone, based on our conversation?

So I think that's all I wanted to add to the record, Mr. Chairman. I think that addresses all the changes that we're making to the PUD.

CHAIRMAN STRAIN: Okay. Ned?

COMMISSIONER FRYER: One more point of conversation we had, Rich, that deserves, I think, to be a part of the record. Certainly, you know, some physicians will want to go out for the evening and go to Third Street or Fifth Avenue, but they won't have to do so for restaurant needs or other typical needs of people who are traveling that will be covered within this development, correct?

MR. YOVANOVICH: And that's true. Arthrex provides meals for their guests and their employees during the week and, obviously, you could walk across the street if you wanted to within the Creekside project. There are a few restaurants that are in the center up there.

So, yes, they -- and I'm assuming there will be some that do actually go to either the Fifth Avenue or Third Street or Mercato or wherever, but we make it very convenient for them to not have to leave if they don't want to.

COMMISSIONER FRYER: Thank you.

MR. ARNOLD: Wayne Arnold, for the record.

I just wanted to make sure that we addressed the fact that we've added a notation for a deviation that would apply to the hotel building and to the wellness center. It's the same deviation that was previously approved for the office building that lets staff do an alternative review to make sure that the nuance of the LDC standards can apply to these buildings because they want them to be more of a unified theme for their campus activities.

And then I wanted to point out that we also added a landscape buffer deviation to allow some existing trees, due to some utility conflicts, to count as our typical landscape buffer for their primary office building tract. I just wanted to make sure I cover those if anybody had any questions.

CHAIRMAN STRAIN: Okay. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. Well, let's start on Page 45 -- it's PUD Page 2-15, No. 9. It says -- you're adding "outdoor recreation facilities including, but not limited to, playfields, fitness fields, et cetera." I have no problem with what you're trying to do when you explained it to me, but if you watched the project in front of us today, they had a word that said "recreation" in their PUD, and now we have stadiums. You don't mean stadiums, but someone else could take it that way. So I need that language cleaned up to go to the limitations you're asking for, not to the unlimited standards that could be applied to it by somebody else. Is that a problem?

COMMISSIONER FRYER: Mr. Chairman, what page did you say you were on?

CHAIRMAN STRAIN: On the PUD Page 2-15. It's 45 page electronically, and it's No. 9.

COMMISSIONER FRYER: Forty-five. Thank you.

CHAIRMAN STRAIN: And it's the underlined section on No. 9.

MR. ARNOLD: Mr. Strain, under No. 9, you and I discussed that it currently reads outdoor recreation facilities including, but not limited to, playfields, fitness trails, et cetera.

CHAIRMAN STRAIN: Right.

MR. ARNOLD: And I think the clarification you wanted, because of the sports complex that you brought up in our conversation, was to further limit that to areas that are not identified as either IC or B tracts on the PUD master plan. So that would then limit it to various --

CHAIRMAN STRAIN: Yeah. That's a common area, which is minimum in size.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: I have no problem with that.

MR. ARNOLD: So I would add language that simply said after that "et cetera," could be on areas not designated IC or B on the PUD master plan.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: So there wouldn't be an "et cetera"?

MR. ARNOLD: Probably not. Well, I think -- we don't want to limit it, so maybe we need to --

MR. YOVANOVICH: What if we said "including but not limited" -- yeah, it does say that. We don't need the "et cetera."

COMMISSIONER FRYER: Okay. Thank you.

MR. YOVANOVICH: You're welcome.

CHAIRMAN STRAIN: Okay. If we -- I mean, the next page is the paragraph that's in front of us, and that same language appears under the business District 2, I believe. I haven't got to that page yet, but I believe it's there. So basically we're saying, the IC districts and the B districts you can have wellness centers. You're not intending to do more than one, are you? Because we need to limit it to the one wellness center you want on the south part of Tract 3 as shown on the master plan.

So I don't want someone coming back in and saying we can have all these wellness centers and say they all don't count because they're all neutral for whatever reasons they want to conjure up. I fully believe what you're saying. I'm convinced it's going to be neutral. I don't have a problem with this one, but I don't want to go through this with an argument on a hotel on the other side of the street, because it wouldn't even be rational, a size of that nature.

So, anyway, would you mind limiting it to this one wellness center on this tract? And if you don't, then that's going to open up a Pandora's box of questions.

MR. YOVANOVICH: So that's okay. I'm going to have to open up the Pandora's box because I can't -- first of all, this wellness center is to serve for both Arthrex and the hotel. Hotels can have fitness facilities, and there's no limitation on a hotel and the size of the fitness facility within the hotel provided that the development standards are met within the PUD and we don't exceed the number of rooms, et cetera.

So if you have a separate hotel on the east side, they have every right to have a fitness and workout

facility within that hotel and, frankly, I would expect for them to have their own fitness and wellness facility for their hotel guests. That would be clearly an accessory use to the hotel.

This wellness center is not intended to serve if a second hotel is built on the second -- on the east side. And since the people who own the east side of this PUD are not here to say, this will be the only wellness center and it will serve my hotel as well, I can't agree to that condition.

CHAIRMAN STRAIN: This is the only wellness center we're talking about today that fits the criteria of being for Arthrex, their hotel and their facilities. You didn't tell me this is going to be for the Barron Collier Group to add more square footage next door. That's a whole different program. A 40,000-square-foot second wellness center to support a hotel. By itself, how do you justify that?

MR. YOVANOVICH: Well, first of all, Mr. Strain, hotels in the PUD are recognized by rooms. They don't count towards either the 269,000 square feet, B, or the 709,000 square foot IC. It was higher before we adjusted those numbers.

Theoretically, we wouldn't even be here discussing this wellness center if I wanted to play hide the ball and just made this part of the hotel. I could have made it as big as I want. But the reality is, it wasn't going to be just limited to the hotel guests. We were being open and honest in letting people know that this wellness center on the west side of the Creekside PUD was being utilized by employees and guests of Arthrex and the hotel guests.

If I'd have just closed my eyes and said this is a wellness center in the hotel, I wouldn't even be here talking about this wellness center, and it wouldn't have counted against the 709,000 square feet. I wouldn't even have had to reduce.

CHAIRMAN STRAIN: Then you've got no problem. These sentences that are added are for the benefit of the one that you want for Arthrex, because you're already telling us you believe the other one is use by right. So you don't need this language to apply to it.

So I'm asking is, the two sentences that are being added to the IC and the B are for the purposes of what Arthrex wants to accomplish for their campus. That's the whole argument.

MR. YOVANOVICH: But the way you phrased it, you made it sound like it also applied to the east side of the street. So if you're telling me it only applies to the west side of the street, I don't have an issue with that.

CHAIRMAN STRAIN: It only applies to Arthrex campus. The problem is, you have this same sentence in the IC and the B. You don't need it in both if you're going to do it just on the Arthrex campus. So let's cross the one out you don't need. And the only one --

MR. YOVANOVICH: Which one don't I need?

CHAIRMAN STRAIN: -- that this sentence applies for is for the use by Arthrex.

MR. YOVANOVICH: I do need it in both.

CHAIRMAN STRAIN: Well, that's what the problem is. You want -- if you don't need it on both, because you just testified that you already have the ability to put it on the east side. So why do you need this language to apply to the east side?

MR. YOVANOVICH: What I'm saying, Mr. Strain, it's both in the IC and the B because it straddles 6 and 3.

CHAIRMAN STRAIN: You're going to fill the street in?

MR. YOVANOVICH: That's not a street. There's no street there today.

CHAIRMAN STRAIN: Well, it shows on the master plan --

MR. YOVANOVICH: There's no street.

CHAIRMAN STRAIN: So you're going to take that street out and you're going to go across that roadway with it?

MR. YOVANOVICH: Yeah.

CHAIRMAN STRAIN: Okay. Well, then --

MR. YOVANOVICH: So that's why it's in both.

CHAIRMAN STRAIN: Okay. Well, then, we don't have an issue with adding language to both IC and B that says this sentence pertains to the Arthrex campus uses, do we?

MR. YOVANOVICH: No. It already says employees of the PUD and --

CHAIRMAN STRAIN: Okay. Then we'll add that language.

MR. YOVANOVICH: -- guests of the hotel. It's already in there.

CHAIRMAN STRAIN: What I'm saying is, your argument about the hotel somewhere else on this property needing a wellness center is moot because you're saying you got that by right. So you don't need this sentence to apply to it.

MR. YOVANOVICH: I just wanted to make sure the way I heard you say it is this was going to be the only wellness center in the entire PUD. That's what I --

CHAIRMAN STRAIN: For purposes of this sentence.

MR. YOVANOVICH: And I don't have a problem with that, but the way you phrased it, it could have been interpreted to mean a wellness center on the east side. That's all I'm saying.

CHAIRMAN STRAIN: This sentence needs to be clarified for the purposes as Arthrex needs to use it as we talked about today. So however you want to word that. And your rights to do one of these on -- wherever else you want it, that's your issue. You can argue that point when you come in for a permit for it.

Joe?

COMMISSIONER SCHMITT: Just to make sure, Rich, this is not a commercial facility.

MR. YOVANOVICH: Correct.

COMMISSIONER SCHMITT: It is strictly a private facility for the employees and the hotel guests.

MR. YOVANOVICH: Correct.

COMMISSIONER SCHMITT: It's not Gold's Gym or California Gym or whatever else you want to call it where you can have outside members.

MR. YOVANOVICH: Right. That's correct.

CHAIRMAN STRAIN: Hotels have outside members.

MR. YOVANOVICH: And, Mr. Strain, I'm fine with that. But what it says --

COMMISSIONER SCHMITT: Hotel guests can be there, though.

CHAIRMAN STRAIN: Right. But hotel guests and hotels do allow outside members. You can go join the one over at Tiburon or someplace like that, so...

COMMISSIONER SCHMITT: That's what I'm asking. Are you going to -- is this going to be open for non --

MR. YOVANOVICH: You can't come.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: Okay? I can't go.

COMMISSIONER SCHMITT: I feel slighted now.

MR. YOVANOVICH: I do, too, and I drive by every day.

Now, Mr. Strain, I'm not arguing with you, but I thought that's what it said when it says "wellness centers limited to employees and hotel guests within the PUD." If there's another word you want to add, tell me what other words you want to add.

CHAIRMAN STRAIN: Employee --

MR. YOVANOVICH: I thought it was there.

CHAIRMAN STRAIN: Okay. No, I don't believe -- because you've got it in both districts -- you're already indicating there's two hotels, 180-room on the other side, 160-room on this side. You already have -- you believe you already have a right without having to count it, for the one next door on the east side. And all I'm saying is this sentence, because of its rights that it's doing by not counting to the square footage, is only for the benefit, as described in here, for the west side of the property.

MR. YOVANOVICH: Okay. So tell me the words you want, and we'll --

CHAIRMAN STRAIN: I just told them to you. And Wayne can craft them up for consent, so...

MR. YOVANOVICH: Are we coming back?

CHAIRMAN STRAIN: Well, unless you can come up with the language. I'm not going to sit here and craft your language for you. I'm telling you what my concern is. If you want to address it, you guys come back with some language. You can do it today still, I don't care. While we're going through the rest --

MR. YOVANOVICH: Why don't we say "wellness centers limited to employees and guests within the west side of the PUD."

CHAIRMAN STRAIN: That will work.

MR. YOVANOVICH: West of Goodlette-Frank Road, how about that? West of Goodlette-Frank Road.

CHAIRMAN STRAIN: That will work.

COMMISSIONER FRYER: Presumably, each of the two hotels would have fitness centers which, when I think of that term, I think of maybe one or two adjacent hotel rooms that have had some gym equipment put in there versus a wellness center, which is a lot more than that.

MR. YOVANOVICH: I don't -- you know, it can vary. It could be as small as that. Maybe it will have five or six ellipticals or something. You don't know what they're going to build -- I don't know what they're going to build on the east side.

CHAIRMAN STRAIN: Forty thousand square feet?

MR. YOVANOVICH: Mr. Strain, I'm not fighting with you. The wellness center is a separate building.

CHAIRMAN STRAIN: That's the big differential here. This is a stand-alone large building.

MR. YOVANOVICH: I got it. I got it. And I thought the language we just did works for that. I don't know, Mr. Fryer, what could happen.

COMMISSIONER FRYER: I didn't mean to reopen that. I just wanted clarification.

MR. YOVANOVICH: I understand. I don't know what they're planning on the east side as far as the hotel.

COMMISSIONER FRYER: Okay.

CHAIRMAN STRAIN: Okay. From my read of this, the rooms are capped on each side. You've got 169 on the west side and 180 on the east side; is that your reading of it, too?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. Under -- and this is -- I've got to go back and see where this falls.

Under the -- continuing on the IC use, and it looks like it's our electronic Page 49. Under permitted accessory uses it's PUD Page 3-5 all the way to the bottom, C1. Uses and structures that are accessory and incidental to the uses permitted in this district. Then you added this new language: "Including indoor and outdoor recreational facilities including, but not limited to, physical fitness facilities, playfields, fitness trail, et cetera.

What was your mindset in adding that language? What were you trying to accomplish by it? I mean, you've got your wellness center separately stated. It's not defined as either an accessory or principal. It's basically a use on the site, and it's not going to have it's counting because it's capture.

So, Wayne, what was your thinking here?

MR. ARNOLD: Wayne Arnold.

Mr. Strain, when we discussed this briefly, I think the issue was the reference to the physical fitness facilities because we're already taking care of them on the other sentence that's before you, I think, was the conversation we had.

CHAIRMAN STRAIN: So you're saying we don't need the new underline in this particular one?

MR. ARNOLD: Well, I think what we wanted to be clear on as well -- and maybe the physical fitness facility could be dropped, but I think we want to make sure that Arthrex can have other outdoor recreational opportunities that would meander across their campus, and they would be on tracts.

For instance, the outdoor recreation that we talked about not being located on the IC or B tracts, that could include some of their playfields and outdoor recreation space for Arthrex campus. Those same fitness trails may meander onto their campus and be part of their fitness complex, so we wanted to make sure, as an accessory to their use, they could also have outdoor recreational opportunities.

MR. YOVANOVICH: Could I make a suggestion?

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: And I hate to go backwards. The different campus plans that I've seen, I don't know that we know for an absolute fact that a playfield or a recreational space may not also overlap

onto one of those firm hard lines that is an IC tract or a B tract. I think your concern is you want to prohibit stadiums and outdoor lighted playing fields.

CHAIRMAN STRAIN: Well, and the noise and the traffic and everything else generated from an attractive -- an issue like that that wasn't originally, I think, intended for the PUD. That's all.

MR. YOVANOVICH: So if we can -- I'd rather, when we go back and say the general permitted uses, "exclude stadiums and lighted playing fields" -- there will be lights? Okay. There won't be your normal stadium lighting that you would have at a county park, you know, related to that. There will be lights that, I'm sure, will be safety-related lights so you can see but not for you to go play softball at 11 o'clock in the evening.

So I think the better way to handle it is to put the prohibitions you're concerned about, because I don't think we want to run the risk that, you know, where people are playing soccer may spill out on something that's like Tract 5. And if I knew how to get over to what I could see on the screen.

Do you know how to switch over to the master plan? How do I switch over to the master plan? There we go.

My concern is, if you look at Tract 5, for instance, it's right next to an area that's common area; do you understand what I'm saying? I'm a little concerned that the playfield, if there's a playfield here in this area, may still spill over onto Tract 5. And if we take out this language we're talking about, accessory uses, I'd have a code violation if I spilled over into that area, and I don't think that's your concern. Your concern was, am I going to have a stadium or lighted field. So can we --

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: -- address it that way?

CHAIRMAN STRAIN: Yes. I mean, my only concern is not to open up Pandora's box for another possible Braves stadium this close to residential communities, and that's what I want to make sure we've not indicated.

MR. YOVANOVICH: If we can come up with language, and hopefully you could trust us to make sure we can get it right without having to come back for a hearing --

CHAIRMAN STRAIN: We'll see. Let's see when we get through the rest of it.

MR. YOVANOVICH: I'd like to go back into that 2-15, No. 9 where it said outdoor rec facilities, change Wayne's language to prohibit stadiums, prohibit, you know, typical recreation lighting versus -- we won't prohibit lighting, but we won't have your typical ballfield lighting.

CHAIRMAN STRAIN: And you might also put hours of operation, if you know what those are. Something like that would help dispel it. If you don't, that's not critical. More critical, just not the stadiums and then --

MR. YOVANOVICH: Okay. So we'll absolutely prohibit stadiums in 9, and then on these general permitted uses, I mean, sorry, accessory uses, we'll make it clear, no stadiums are allowed as an accessory use to any of the other uses that we're allowed to do in the PUD.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: I think that works better than trying to be firm on those lines.

CHAIRMAN STRAIN: We need to -- well, you understand where we're trying to go, so when we get to discussion, we'll figure out how to craft some language to make sure it comes out right.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: I'm just checking the rest of the questions I had and made sure there's no others at this point.

MR. YOVANOVICH: And we'll also deal with that on Page 4-4 in the B district.

CHAIRMAN STRAIN: Okay. The changes we make under the IC district's language for the wellness center we have to make under the -- you're going to make the same ones under the B section as well.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. And the changes you're going to make under the IC for C1, you make the same ones under the C1 for the B section.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: And then that gets us through it. The only thing I had asked when I met

with you-all, or not you, but when I talked to the others in the meeting was to have an acknowledgment from your traffic engineer that the way that you're going to put this wellness center in at the 40,000 square feet is, in fact, considered traffic neutral. Were you able to get that?

MR. YOVANOVICH: I was able to talk to him and have him verify that, yes.

CHAIRMAN STRAIN: Okay. As long as he verified it. And I'll ask from Mike's -- Mike Bosi, from your perspective, I know we have talked about it. Are you comfortable with that from a Comprehensive Planning perspective? Because it's Comprehensive Planning that's driving that issue.

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

And, yes, we've had a discussion with the Chair and internally, and we recognize that this is primarily served as an amenity for the members that are already on campus and, therefore, a net neutral traffic impact would be expected; therefore, it doesn't provide for any inconsistencies with the way that we calculate the public facilities impact analysis.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Nancy, what's the situation with staff?

MS. GUNDLACH: Good morning, Commissioners.

Staff is -- as this petition is consistent with the Land Development Code and the Growth Management Plan, staff is recommending approval and, of course, subject to today's revisions.

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

(No response.)

CHAIRMAN STRAIN: With that, are there any registered public speakers, Ray?

MR. BELLOWS: No speakers.

CHAIRMAN STRAIN: Is there anyone here who would like to speak on this topic?

(No response.)

CHAIRMAN STRAIN: Okay. And that takes us to a wrap-up then, Wayne. As far as the issues, we're going to tighten the language up on the paragraph to make sure the wellness center that's being discussed in that paragraph is the one on the west side of the property, for the west side, as we've discussed. Now --

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: Now, I'm going to have to talk to the Planning Commission when we get into discussion how this -- it either comes back on consent, or if they want to leave it up to me to review it as you change, and we can just go from there. I'll make sure it's the way we're talking about.

The other one -- other issue we have is clarify the outdoor rec use limitations, which is the stadium issue.

And then the statement of traffic neutrality. I still need to see that from your traffic engineer, but I would suggest you need it in time -- we'll just stipulate that that ought to go to the Board of County Commissioners as part of your package and it goes to them.

And that would take care of the issues I think we have from today. Anybody else?

(No response.)

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I just have a question. You closed Creekside Boulevard. What are you putting there? There's -- that's not where the facility is going to be? I mean --

MR. ARNOLD: The closure for Creekside was due to the fact they were trying to make sure this one cohesive campus and not have the public roadway bisecting their campus, so this became an opportunity to make it a pedestrian-friendly campus by rerouting the traffic to the north around the campus.

So the facilities that may go there could be some green space, could be walking paths, et cetera, but it's not going to be the public road. That road has been vacated.

COMMISSIONER EBERT: No, I know that. Okay. I was just wondering because you've got 60 feet or whatever, and that's quite a bit extra.

MR. ARNOLD: It is, but the outdoor recreational facilities that we're talking about are really for

there to be some athletic fields, trails, fitness facilities that are outdoor for the Arthrex employees. They would like to utilize part of the FP&L easement, for instance. There may be an opportunity to put a box culvert over part of the canal that's there to make that more of a pedestrian pathway or something that can function as part of their overall campus.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: I have a motion, if it would be appropriate.

CHAIRMAN STRAIN: Well, first, I think -- I want to know what do you-all feel about a consent hearing?

COMMISSIONER FRYER: That's my motion.

CHAIRMAN STRAIN: To have consent?

COMMISSIONER FRYER: No, to obviate the need for --

CHAIRMAN STRAIN: Go ahead, then.

COMMISSIONER FRYER: I move that we repose this matter in the hands of our Chairman, and if the Chairman is satisfied that his changes measure up to what was discussed today, that we accept that.

CHAIRMAN STRAIN: So the motion is approve subject to that?

COMMISSIONER FRYER: Yes.

COMMISSIONER SCHMITT: Also, if I could have you add to that motion subject to the changes we discussed today.

COMMISSIONER FRYER: Yes.

COMMISSIONER SCHMITT: Motion for approval subject to the -- and we can go through the paragraphs, but subject to the changes we discussed today.

COMMISSIONER FRYER: That would be a substantive motion then, and that's fine.

CHAIRMAN STRAIN: Okay. Then both of you are in agreement on that.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Well, that's -- he seconded his. So any further discussion?

(No response.)

CHAIRMAN STRAIN: All those (sic) signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Please get the information in time before the board meeting so I have a chance to review it, Wayne. That's all I ask.

MR. ARNOLD: I'll have it for you no later than tomorrow.

COMMISSIONER SCHMITT: We'll have it by noon today.

MR. ARNOLD: That may be a challenge. I'm here for the next item, but we'll do our best.

COMMISSIONER HOMIAK: Highlighted in what color? I don't have highlighted.

CHAIRMAN STRAIN: Yeah, highlighted in shades.

***Okay. The next item up, and we'll start this. We may not finish it before lunch. We'll just have to see how it goes.

It's 9D. It's PUDA-PL20170001345. It's the Marco Shores golf course community planned unit PUD. It's located near the Marco Island Executive Airport.

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

CHAIRMAN STRAIN: Okay. Disclosures? We'll start with Tom.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I talked to a couple of nice people out in the hall during
break.

CHAIRMAN STRAIN: Okay. Ned?

COMMISSIONER FRYER: I'm sorry. I was distracted. Is this Marco Shores?

CHAIRMAN STRAIN: This is the Marco Shores, yes, sir.

COMMISSIONER FRYER: I've not had any discussions on this.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: Yes. I spoke with Nicole Johnson, and I spoke with the airport
authority.

CHAIRMAN STRAIN: Okay. And I have had meetings with staff, I talked to Wayne on the phone,
I think, yesterday, I also talked to the Conservancy yesterday as well. And I believe they're here somewhere
today. Yes, Alison's here.

Okay. Karen?

COMMISSIONER HOMAİK: I spoke to Mr. Arnold.

CHAIRMAN STRAIN: Okay. Joe?

COMMISSIONER SCHMITT: I spoke to Mr. Arnold about it.

CHAIRMAN STRAIN: Patrick.

COMMISSIONER DEARBORN: None.

COMMISSIONER FRYER: Correction from me. I'm sorry. I spoke with Mr. Arnold.

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

MR. ARNOLD: Thank you. Wayne Arnold from Grady Minor. I'm here representing the applicant,
Al Moscato. The property owner's present, as is Jim Bank, our traffic engineer that worked on the project.

Before you is an amendment to the Marco Shores Country Club to -- the basic addition is to add
provisions for senior housing on what we're calling Tract 2A of the PUD. On the aerial photograph I have the
subject property highlighted. It's just a little over five acres, and it's located north of the golf course tract and
just west of the Marco Island utility tract. It's currently a residential tract and has deeded rights to 100
multifamily units on the PUD. And Mr. Moscato purchased that from WCI Communities.

And your last amendment that you heard as Planning Commission severed the airport, excuse me,
out of the property, and so it's no longer part of the PUD. But our interest was in obtaining senior
housing/group housing rights for Tract 2A that Mr. Moscato owns. There's been interest by senior housing
providers in that area.

And we carried forward the development standards for the multifamily that was previously approved,
and we've added standards for the senior housing. We've also made provisions for changing the building
heights. It was previously expressed as three stories, and we're trying to make this clear that it could be four
stories over parking. We added a zoned height of 58 feet and actual height of 72 feet.

I've spoken with the airport folks, and there doesn't seem to be any concern with those heights. We
have three towers that have been built within the same PUD that exceed 200 feet.

So those are the minor changes. I saw the Conservancy's early correspondence related to this, and I
also had the correspondence that was received yesterday or the day before, I forget. But this property and the
entire PUD was part of the overall Deltona Settlement Agreement as was parts of Isles of Capri, Fiddler's
Creek, et cetera.

So there are limitations for mangrove trimming and structures that could be built out into the bay, et
cetera. We're well aware of those and intend to respect the settlement agreement as encouraged by the
Conservancy.

I would say that with regard to the senior housing use, we're traffic neutral. The 100 multifamily
units equated to the 240 units of senior housing. That's how we arrived at that number so our p.m. peak-hour

trip could be a neutral number.

Of course, the project is served by a traffic signalized intersection at Collier Boulevard and Mainsail Drive. We think it's compatible. There are no immediate neighbors here that are residential in nature.

And that's my short presentation. I'm happy to answer any questions.

CHAIRMAN STRAIN: Okay. Questions from the Planning Commission? Joe and then Ned.

COMMISSIONER SCHMITT: I have a question, but it's directed towards staff, and I'll wait until staff gives its presentation, because I have an issue -- question about the one-time contribution concerning -- I guess it was a requirement from emergency management, but I'll wait to discuss that with staff.

CHAIRMAN STRAIN: Okay. Ned?

COMMISSIONER FRYER: The conversation that I initially forgot I had with Mr. Arnold was, once again, about traffic. And looking at the 2017 AUIR, Collier Boulevard, between Walmart and Manatee, is scheduled to go deficient in 2020 with 94 more peak p.m. trips. And, Wayne, I'll ask you to say again what you told me when we were on the phone.

MR. ARNOLD: I'll do one better than that. I'll let Jim Banks, our traffic engineer, address specifically your concern. I mean, I know in his traffic analysis we are traffic neutral. But let him explain how, from a zoning perspective, we utilized the trips that are in the network.

COMMISSIONER FRYER: Okay. Mr. Banks, may I begin by asking how many additional trips will actually be generated by the project?

MR. BANKS: The project is expected to generate 60 p.m. peak hour two-way trips and 32 p.m. peak hour -- peak direction trips. And the reason I want to distinguish is because you were mentioning 94 trips remaining capacity. That is one direction. So when we're looking at our one direction of our peak trips, it's 32.

COMMISSIONER FRYER: Okay. Thank you. That pretty much answers my question.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody else have any questions of the applicant? Stan?

COMMISSIONER CHRZANOWSKI: Yeah, just one.

The people that talked to me out in the hallway mentioned that your neighborhood information meeting was held at the Marco Island Library one week after Hurricane Irma forced everybody to evacuate. They thought that was kind of unfair. Was there any other meetings held?

MR. ARNOLD: No. That was our required neighborhood information meeting. And, obviously, I couldn't control the fact we had a natural disaster the week before. But these meetings are scheduled well in advance.

CHAIRMAN STRAIN: Did you have power?

MR. ARNOLD: We had power.

CHAIRMAN STRAIN: Really?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: One week after? You're ahead of most people.

MR. ARNOLD: I personally didn't, but the library did on Marco Island.

CHAIRMAN STRAIN: Amazing. Especially Marco. That got hit the hardest. Anything else, Stan?

COMMISSIONER CHRZANOWSKI: No, it just seemed like maybe they should have had a second meeting.

CHAIRMAN STRAIN: Well, it's -- I mean, there's some residents here. Let's move through the questions and see where it goes and see what comes out of it, so...

COMMISSIONER CHRZANOWSKI: I was without power over a week.

COMMISSIONER SCHMITT: That should have been something directed by staff if they felt it did not comply. It technically met the requirements. Staff, frankly, should have directed it.

MR. ARNOLD: Keep in mind, if I might, that there are mail notices of those meetings. There are phone numbers attached to those. There's an email address. I mean, there's any number of ways that people could reach out to us if they had questions or concerns, and it's not uncommon for other projects that we don't have large attendance. I mean --

COMMISSIONER CHRZANOWSKI: I know that. I'm just trying to remember what I was like one

week after Irma hit, and I would not have wanted to go to a meeting.

MR. ARNOLD: But we did have two residents that happened to live in this project that did attend.

COMMISSIONER CHRZANOWSKI: Okay. Thank you.

CHAIRMAN STRAIN: You did indicate to those two residents that the housing will not include residents having substance-abuse issues or who are developmentally disabled. Do you mind that as a stipulation then?

MR. ARNOLD: I don't think we have any issue adding that as a stipulation.

CHAIRMAN STRAIN: You also said emergency management has met with the applicant and expressed its concerns regarding the possibility of senior housing having to evacuate due to the high likelihood of storm surge inundation. The developer indicated that they will build in an elevated fashion to be more surge and flood resilient. What did you mean by that?

MR. ARNOLD: There are new standards under the county and FEMA requirements that we have to elevate above FEMA by a foot, plus our applicant likely will develop on the site, given its size, underbuilding parking which is going to naturally elevate it. And in our conversations with Dan Summers, that was discussed. And his issue was more related to making sure he could accommodate any evacuees. And, certainly, we'll make the mitigation payment, as he requested.

CHAIRMAN STRAIN: So by that statement, you really didn't mean you're going to do anything more than code requires.

MR. ARNOLD: No.

COMMISSIONER CHRZANOWSKI: But there are new rules about generators and emergency and all that.

CHAIRMAN STRAIN: We're going to get to that. Yes, there are. And, yes, when we get into the PUD, we need to talk about some of the language that needs to be used to do that.

And now we're getting -- since we are, let's move right into the PUD, and it's your Section 4, multifamily. It's electronic version Page 16. It's Exhibit A in our document. There's page 1 of 4.

On the uses permitted, 4.07.01 -- and when I talked to you, Wayne, I think I mentioned to you I've got to read this one -- I had to read this one last night because it was one of the -- I couldn't get to it all because of the other projects.

Under uses permitted you start that paragraph out, it says, "Residential and group housing uses may not be jointly developed." A group housing use is a residential use. And I'm just wondering if that --

MR. ARNOLD: It's our intent -- and I think staff would tell you group housing is more of a community facility use, not a residential use, which is how we've tried to distinguish those. And if there's a better way to express it -- our intent was not to have conventional residential and the group housing blended on this site. It's going to be one or the other.

CHAIRMAN STRAIN: Okay. Then when you get into the No. 3 where you added "group housing for seniors, including assisted living," and yada, yada, yada, and then you get to not to exceed 242 total units/beds of group housing. How big are these rooms?

MR. ARNOLD: There's no minimum size expressed, because they vary wildly.

CHAIRMAN STRAIN: Well, I know there's no minimum, but what are you thinking -- what's the -- you make it -- are you going to put someone in a 4-by-4-square-foot hole?

MR. ARNOLD: No, but --

CHAIRMAN STRAIN: Okay. What's the minimum size you think you could practically build by state regulations?

MR. ARNOLD: Mr. Strain, I don't think I've ever worked on a group housing project where I've expressed a minimum size, because they vary all --

CHAIRMAN STRAIN: I'm not asking you to, Wayne. I just wanted to know what you thought the minimum size would be. Here's why. You've got an FAR of .45. If you use the FAR available on those sites, you come up with 249 times .45. You end up with 109,000 square feet. You divide that 240 units, and each unit is going to be 454 square feet, but you've still got common areas and all the other things you're going to have. So I'm just wondering how small these units are going to be to get the FAR you'd need for that property.

MR. ARNOLD: I would say that depending on the type of care that ends up being provided for memory care facilities, for instance, Mr. Strain, many times those are bedroom-size units that one person is housed in in a bed because they don't have the same need as somebody who's living in a 55-and-over independent facility.

CHAIRMAN STRAIN: Okay. Is it fair to say, since you didn't ask for a deviation from the .45 FAR, you are going to meet that .45 FAR required for the grouping -- group housing on No. 3?

MR. ARNOLD: Yes, sir.

CHAIRMAN STRAIN: Okay. That will resolve it then. And I don't know -- we went -- instead of using the group -- the .45, it's not in there. I don't know if we typically include that as a reference in the use, Ray, or not, but I was just trying to figure out how they're going to build that many units and still hit that FAR. But if they can, that still meets code.

MR. BELLOWS: For the record, Ray Bellows.

The LDC has the standard under group housing, and it is 0.45. So they would be subject to it unless they asked for a deviation as part of the PUD amendment.

CHAIRMAN STRAIN: Okay. Under the principal uses, you've got the boardwalks, viewing stands, and docks, nature trails. Now, you know about the concerns with the settlement agreement, and I know you're familiar with it. You know I am. What were you intending by that principal use? I mean, was it -- do you know? Just out of --

MR. ARNOLD: There was no specific intent with it other than to make sure we could have sort of opportunities to enjoy the water views that are there.

CHAIRMAN STRAIN: Because you couldn't put a dock in past the settlement agreement line without getting the signatories of that settlement agreement to sign off on it.

MR. ARNOLD: There are numerous regulations and standards in that settlement agreement, and we know we're subject to those.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: Can you just take the dock out?

MR. ARNOLD: I mean, I would prefer to leave it, because I believe there may be an opportunity to have a dock on the project and still meet the settlement agreement terms.

CHAIRMAN STRAIN: Well, as long as -- yeah, there's terms. I mean, I know of -- you guys should go back to the seven or nine signatories and show them what your alternative plan is, and they either sign off or they don't.

COMMISSIONER SCHMITT: I'm very familiar with the settlement agreement as well, and it will be a challenge. But the language can stay in. Good luck on getting it approved.

CHAIRMAN STRAIN: Under your -- go ahead, Diane.

COMMISSIONER EBERT: The other thing is, when I -- when I spoke with the airport authority, they said that the owner did not want to mention that there's an airport within a thousand feet. I feel that that really should be on there, that people should -- I mean, I don't know whether they're coming from out of town or what, but I think they should know that there --

MR. ARNOLD: We had that conversation, but there's -- if you look at the existing PUD, there's no mention of it. It seems a little unfair to single out a four-and-a-half-acre parcel and tell them that they have to notify people but nobody else in the PUD that allows 1,580 units does. That was our thought.

COMMISSIONER EBERT: That was your thought on that?

MR. ARNOLD: Yep.

COMMISSIONER SCHMITT: Typically, you would be required to do that if they were in the cone of -- departure cone of entry for the flight path, but this is not in the flight path.

COMMISSIONER EBERT: Okay.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: Under your Part B on that same page, it says "customary permitted accessory uses," then it says, "customary accessory uses and structures including parking structures." Are you going to put a parking garage there, or is that what you're insinuating by that or --

MR. ARNOLD: No. I think that was to make sure that it was understood that we could have

underbuilding parking.

CHAIRMAN STRAIN: Can we just say "including underbuilding parking"?

MR. ARNOLD: Fine.

CHAIRMAN STRAIN: Under 4.07.03 on the following page, you have "minimum yards multifamily/group housing." And since you're differentiating the group housing from residential structures, what does B refer to?

MR. ARNOLD: The statement that says "setbacks from edge of pavement of public roadways"?

CHAIRMAN STRAIN: Yeah. It says, "30 feet for residential structures," but I think you indicated group housing isn't -- you're trying to differentiate that from residential. But the group housing would still have the same 30-foot setback, right?

MR. ARNOLD: We expressed that in Item C, Mr. Strain, that says "setbacks from the right-of-way for group housing would be 25 feet."

CHAIRMAN STRAIN: Okay. And under 4.07.07 you have the off-street parking issue. I know that used to say, I think, 1.5. Now it's 2. That's what the code requires?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: So just -- why did you feel you had to state it? So --

MR. ARNOLD: The off-street parking section was in the prior multifamily section, so we just carried forward all those categories, except for the group housing.

CHAIRMAN STRAIN: 4.07.09, the generator, A. You talk about enough fuel supply for seven days, but the generator -- we need language to indicate the generator must be sized to operate the air-conditioning units and be placed above the floodplain levels as well.

COMMISSIONER SCHMITT: That would be required by code, would it not?

CHAIRMAN STRAIN: I'm not sure. I just don't know. I just wanted to make sure that we didn't -- I hate to see the thing flooded out.

MR. ARNOLD: Maybe after the reference where the sentence ends at seven days it would say, "to operate the air-conditioning unit for the facility and must be placed above minimum flood elevation."

COMMISSIONER FRYER: Not just the air-conditioner.

CHAIRMAN STRAIN: No. Just capable of operating the air-conditioning units. Then whatever else the state's dictated in the rules they've got, but you're going to have to do more than just that. I mean, lighting and things like that would automatically be included.

COMMISSIONER SCHMITT: Is natural gas available down in that area? I know there is in Fiddler's Creek. But, no, not in that area?

MR. ARNOLD: I'm not aware of it.

CHAIRMAN STRAIN: And --

COMMISSIONER SCHMITT: I have a question on the next sentence, and then I'll --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHMITT: -- ask it now.

Tell me how you came about this developer commitment, under what authority, who dictated it, how did they justify it. Because to me, it appears more of an exaction than it is a -- there's nothing that I know of in the code that requires this. I fully understand it's in the coastal high hazard area. I fully understand the requirements are -- that may fall upon you as far as evacuating personnel. But why 50? Why not 350? Why not 4,550? I mean, who made the determination? Where'd it come from? Under what justification and what authority?

MR. ARNOLD: Staff has been including Dan Summers from emergency management --

COMMISSIONER SCHMITT: Is he here today to talk about this?

MR. ARNOLD: I don't see him in the audience, but had several conversations with him. But in his review he commented that, you know, we just had Hurricane Irma. This is in coastal high hazard, you know, gee, it really would be nice if you do some other things like -- the emergency generator grew out of that, and he said, mitigation for certain things for evacuees. And we started talking about it, and he said, go take a look at Hacienda Lakes and, on a proportionate basis, you know, they looked at this issue.

So I came up with some calculations, and it came up with a dollar amount that was a few thousand

dollars. And our client said, there really is no statutory requirement to do this but, you know what, it's such a minimum amount of money, I'm willing to do it because we want to be --

COMMISSIONER SCHMITT: And where are these cots going?

MR. ARNOLD: They would be donated to the county, and the county would then utilize them at their shelters.

COMMISSIONER SCHMITT: Again, it's -- why don't we require that of every building permit in the coastal high hazard area then?

(Multiple speakers speaking.)

COMMISSIONER SCHMITT: I know you can't answer that. I'm looking for staff to answer that.

CHAIRMAN STRAIN: Well, Mike's coming up.

COMMISSIONER SCHMITT: I mean, is this something that was just invented?

COMMISSIONER EBERT: No.

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

No, not invented. As we have said, Hacienda Lakes, which was a 2010 approval, had a similar contribution. If you look at the CCME, Goal No. 12 is to make every reasonable effort to ensure the public safety, health, and welfare of people and property from the effects of hurricane storm damage are protected. That's the overarching policy. Within -- or overarching objective.

Within goals and policies of the CCME, it does talk about if warranted by the results of hurricane evacuation, the studies that are periodically conducted by the State of Florida and federal authorities, further restrictions of development may be proposed.

Also 12.2.1 says, the hazard mitigation section of Collier County comprehensive emergency management plans shall continue to be received and updated every four years beginning in 2005. The periodic update of the CMP shall include a review and update as necessary related to county evacuating and sheltering proceedings.

There are provisions within the CCME that relates to emergency management and how we shelter, and the overarching goal -- or the overarching goals with specific policies would suggest that is not an unreasonable exaction because it could be tied to a policy or goal within your Growth Management Plan.

COMMISSIONER SCHMITT: Mike, I fully understand. What -- but why not the requirement to create a facility on site to house in case of an evacuation? Are we now creating --

MR. BOSI: Policy 12.1.14, all new nursing homes and assisted living facilities that are licensed shall have core area to shelter residents and staff on site. The core area will be constructed to meet public shelter design criteria that are required for new public schools and public community colleges and universities.

CHAIRMAN STRAIN: Slow down a little bit.

MR. BOSI: Additionally, this area shall be capable of ventilation or air-conditioning provided by backup generator for a period of no less than 72 hours. So that's a specific policy that's within the CC --

COMMISSIONER SCHMITT: That will be required as part of the construction of this building.

MR. BOSI: Yes.

COMMISSIONER SCHMITT: But we're still requiring them to provide 50 -- it's a small amount, and I realize the developer's just saying, I give up. Here's your 50 cots. Thank you very much. Don't bother me again.

But I'm still having a difficult time understanding why we require this person to do it and not the person who's building the high-rise or the multifamily unit or whomever else.

MR. BOSI: I think all development that's being proposed within a PUD or PUD amendment or a rezoning will be -- that's in the -- that's in the coastal high hazards area is routed to emergency management, and they've been consistently asking for these type of improvements when we've had these issues.

COMMISSIONER SCHMITT: Then make it an impact fee. Then everybody pays it. I'm just saying, this is just, to me, an exaction that the developer is saying, I give up. Here's your 50 cots.

MR. BOSI: Understood. I understand the perspective.

CHAIRMAN STRAIN: And I think when we -- years ago we asked that emergency services take a look at --

COMMISSIONER SCHMITT: They review everything.

CHAIRMAN STRAIN: -- this review, and they never responded much before. My hope was that they would look at and suggest ways to harden the facility or something that is attributed to that facility, not use that opportunity to have an extraction for something just unregulated, basically. Fifty cots, they could go up to the north end of town. They would have no -- little benefit here.

I was hoping they would tie it to a benefit that would be attributed to the site itself. It doesn't seem like that's happening with any of them I've seen so far, so...

MR. BOSI: It would suggest to me that coordination with Dan Summers and his team and maybe a presentation or a discussion item at a future board meeting, say, in the summertime right prior to hurricane season might be appropriate with the Planning Commission so your perspective could be shared with the bureau and their perspective, I think, could be articulated as well. And I'm sure that an agreement or at least an understanding could better be established as we move forward.

CHAIRMAN STRAIN: No, I think that would be a good idea.

COMMISSIONER SCHMITT: My concern is that we build the site; it doesn't become a burden on Dan. The site itself sustain and can support the staff that it has, and then if there's an evacuation, unless there's going to be a significant threat as far as storm surge or whatever, that they could support the people that are on site. And that is the type of payment or that's the type of requirement it should be, not just simply giving 50 cots.

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHMITT: Okay. I think I beat it to death.

MR. KLATZKOW: No, you didn't. You're right. You're right. You're 100 percent right, and I think the Planning Commission may want to consider asking Mr. Summers to appear before it and explain the rationale and maybe codify it.

CHAIRMAN STRAIN: As soon as we get -- yeah.

COMMISSIONER SCHMITT: I will make that request then.

CHAIRMAN STRAIN: Staff -- yeah, Mike will have to put it through, and we'll get it scheduled sometime after the Board leaves on vacation, because right now we have -- we're backed up. So let's just do it at a time where we can really take a look at it hard, and that will be the best time. Is that okay?

COMMISSIONER SCHMITT: Yep.

CHAIRMAN STRAIN: Okay. I'm -- that's the last questions I have, Wayne.

So does anybody else have any other questions?

COMMISSIONER CHRZANOWSKI: Yeah. Just on this emergency generator, the slab that it sits on is going to be at or above whatever FEMA says is the flood zone for that area, or are you going to take into account that it's kind of maybe a little nearer the coast? And I know the flood zones are based on the surge models that were done, but they're redoing their surge model. You probably, you know -- any thought that you might want to raise it up a foot or two above that?

MR. ARNOLD: Well, I think our building floor is going to be a foot above FEMA, so, I mean --

COMMISSIONER SCHMITT: Well, you have first habitable floor over parking; you should have sufficient height. Your air-conditioners would be above BFEs.

MR. ARNOLD: I don't want to imply that we're absolutely going to have building above parking, but I understand where Mr. Chrzanowski's coming from. I just don't know --

COMMISSIONER CHRZANOWSKI: The generator itself, yeah. It does no good to have all the air-conditioning if the generator floods out or gets hit by saltwater, so it's just a thought.

MR. FRENCH: Good morning. Jamie French, for the record.

To let you know that NFIP, the last two revisions of the Florida Building Code, the National Flood Insurance Program was, for lack of a better term, dropped right in the middle of the Florida Building Code.

So this structure or any structure built in Collier County now, whether it be residential, commercial, or residential use in a commercial-type building, is going to have to meet all of those requirements to include BFE plus one. So there's one foot of freeboard now that's been incorporated within the Florida Building Code with regards to habitable space, mechanical equipment.

So they -- yes, Stan, they're going to have to meet the most latest, the most stringent requirements as

set forth by the Florida Building Code.

COMMISSIONER CHRZANOWSKI: Yeah, but all the electrical equipment in there depends on the functioning of the generator if you lose power. So it seems to me the generator might be a little higher than the other stuff.

MR. KLATZKOW: Jamie, this is a Florida Building Code requirement, correct?

MR. FRENCH: That's correct.

MR. KLATZKOW: Are we entitled to ask for more?

CHAIRMAN STRAIN: Those are minimums, those codes are.

MR. FRENCH: Typically, with the Florida Building Code, no. You would have to -- if you wanted to file an amendment with the Florida Building Code, if the Board did, to make it more restrictive, it would have to be approved by the Florida Building Commission.

CHAIRMAN STRAIN: Well, wait a minute. The building codes, like the LDC, they're minimum codes. So you're saying you can't ever -- you can't ever over-strap your house, for example? I mean --

MR. KLATZKOW: You can voluntarily do it, but we can't require them to do it.

CHAIRMAN STRAIN: Well, we weren't. I don't think it was going -- it was going to be a request, and then it might impact somebody's vote on this board, but that's how it would be proposed.

MR. FRENCH: Mark, you're absolutely correct. You can --

MR. KLATZKOW: Planning Commission exaction now, huh?

CHAIRMAN STRAIN: I'm not -- hey, talk to the guy -- the engineer at the end.

MR. FRENCH: You can certainly require it. And I know there was a question as well as the wind zones. Also, within the latest revision of the Florida Building Code, there's not much differential from East Coast to West Coast any longer. So when we look at those coast high hazards areas, our wind load went up from, let's say, 140 miles. This area -- and I don't have the map in front of me. I would imagine that 30 second gust on this building is probably going to have to be about 185 miles an hour.

CHAIRMAN STRAIN: Okay. Thank you, sir.

Any more questions of staff before we go to -- well, I've got to talk to -- what does the Planning Commission want to do about our lunch break? You want to -- how many public speakers do we have registered, Ray?

MR. BELLOWS: Two speakers.

CHAIRMAN STRAIN: Okay. Well, I'd like to get through the public speakers first.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Is there a staff report, Ray, before we go to public speakers?

MR. BELLOWS: For the record, Ray Bellows. I'm filling in for Eric Johnson who's on vacation, and the presentation made by the applicant is consistent with their request, and staff is recommending approval.

CHAIRMAN STRAIN: Any questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. Would you call the public speakers, and whoever wants to speak, just use one of the microphones, identify yourself for the record. And we'll need to ask if you've been sworn in when you come up. If you haven't been, just tell us, and we'll take care of that.

MR. BELLOWS: The first speaker is Alison Wescott to be followed by Mark Andrews.

MS. WESCOTT: Okay. Can you hear me? Great.

Okay. Good afternoon, everyone. I'm Alison Wescott for the Conservancy of Southwest Florida on behalf of our more than 7,000 members.

CHAIRMAN STRAIN: Were you sworn in when we --

MS. WESCOTT: Yes, I was.

CHAIRMAN STRAIN: Thank you.

MS. WESCOTT: Yep, I stood up.

The Conservancy, as a signatory of the Deltona Settlement Agreement, and in fulfillment of its oversight authority, would like to put on the record our concerns about this project.

We acknowledge the parcel on the north side of the PUD is located within the approved development

area as identified in Exhibit B and can be developed; however, the Conservancy is concerned about the uses permitted in Section 4.07.01 of the PUD.

As it states now, as was pointed out earlier, principal uses include viewing stands or docks and nature trails not associated with any particular multifamily development and noncommercial boat launching facilities and multiple docking areas with a maximum extension into the waterway of 20 feet in accordance with Section 5.03.06 of the Land Development Code.

The Conservancy has sought clarification from the state in light of the Deltona settlement, as has been pointed out. In their letter of February 16th of this year, the state reminds us that although the property is in an area that is approved for development, beyond the primary property boundaries are state-owned lands and waters subject to additional protections under the settlement.

And since the Conservancy, the county, and the State of Florida are signatories to the settlement, we should act to uphold the restrictions within the settlement, including with regard to boardwalks or boat docks not authorized by the settlement.

So we believe it would not be right to sell this property to a buyer who might intend to build docks or boardwalks, as this would likely not be permitted by the state, which I believe has already been pointed out.

We'd like to put on the record that the county should consider this when it conducts its review, and I have a copy of the letter from the state which I would like to leave for the record.

And I just wanted to remind everyone, and it has come up this morning, that the events of Hurricane Irma underscore the importance of ensuring development projects such as this are built with smart growth principles, in particular, preserving mangrove fringe for protection from storm surge and coastal erosion. This is very important.

Thank you.

COMMISSIONER FRYER: There was no settlement agreement in the materials, was there?

CHAIRMAN STRAIN: No. I mean, it's about a 90 or -- I forget. I don't know how many pages. It's a rather nice document.

COMMISSIONER CHRZANOWSKI: I've got a question.

MS. WESCOTT: We'd be happy to share it with you if you'd like to see it.

COMMISSIONER CHRZANOWSKI: I have a question. The lake that this property butts up against, is it possible to boat from that lake anywhere?

MS. WESCOTT: I don't believe that you can enter into Rookery Bay, if that's what you're asking. And the lake is --

COMMISSIONER CHRZANOWSKI: There's, like, a bridge and a weir and a few other things in the way, right? So anybody that puts a boat into there would just be able to go back and forth in a quarter mile worth of lake?

MS. WESCOTT: I'm not sure about that in the future.

COMMISSIONER SCHMITT: Yeah. Stan, there are control structures that control the internal drainage to the --

COMMISSIONER CHRZANOWSKI: Yeah. Because we tried to get up there with a canoe one time, and I don't remember being able to.

COMMISSIONER SCHMITT: And I know there's one where it says Mainsail Drive there, where the D is. Approximately in that area there's another control structure, so it's --

COMMISSIONER CHRZANOWSKI: So you just have to -- if they put a boat dock in, they would just be boating back and forth in that lake?

MS. WESCOTT: I can't answer that question.

COMMISSIONER FRYER: Is the settlement agreement crafted so that only uses that are expressly permitted are permitted, or is it that uses that are prohibited are expressly stated?

MS. WESCOTT: I think the point that I was trying to make, actually, is that that land which is water-ward of the private property line is state-owned water. And the mangroves, even though they're emergent and may have grown up since the settlement, are actually considered to be under the control of the state.

COMMISSIONER FRYER: Does -- anything in this presentation, in this PUD, does it violate the

settlement agreement?

MS. WESCOTT: Well, if they intend to build boat docks going 20 feet into the water, that would have to go through state land, I would assume.

COMMISSIONER FRYER: Well, I guess you're speculating.

CHAIRMAN STRAIN: Well, no. It would. I spent 20 years working under a settlement agreement, and I had to go to the signators to have all the things that I was doing corrected or modified, or to the extent they would. Some of them they wouldn't. And it's a process that's outlined in the settlement agreement and it's from 19 -- what is it -- 84? It's an old document.

COMMISSIONER SCHMITT: Eighty-four.

CHAIRMAN STRAIN: Yeah. And it's got multiple pages. It's got almost more pages of exhibits than it does text, but it's got nearly a hundred pages of text, so...

MS. WESCOTT: But in our discussions with the state, they indicated that they would not approve the use of a boat dock.

COMMISSIONER FRYER: At all?

MS. WESCOTT: No.

COMMISSIONER CHRZANOWSKI: Even if it were, like, a small floating dock for canoes or something like that? I mean, I can't see somebody putting a power boat in there at all, period.

CHAIRMAN STRAIN: We're getting a little off track on this whole thing.

COMMISSIONER FRYER: Well, except I'm not sure we'd want to approve a -- in permitted uses of this PUD something that is --

MR. KLATZKOW: Are not docks already approved?

CHAIRMAN STRAIN: We're not necessarily approving it. What I would have done during discussion is suggest that any docks or other development beyond the settlement agreement line must have the approval through the process required by the settlement agreement.

COMMISSIONER SCHMITT: Right.

CHAIRMAN STRAIN: There is a process. You've seven to nine signatories. They can go ahead and agree to something. Not all of them have to. You can get the majority, and you can -- something can happen. So that's all subject to that process. It's outlined in that document. So when we get to discussion, Ned, I was going to read that, so...

COMMISSIONER FRYER: Okay.

CHAIRMAN STRAIN: Next speaker, Ray.

MR. BELLOWS: Mark Andrews.

MR. ANDREWS: Mr. Chairman, members of the Board.

CHAIRMAN STRAIN: Were you sworn in, Mr. Andrews?

MR. ANDREWS: Yes, I have.

CHAIRMAN STRAIN: Thank you.

MR. ANDREWS: Mr. Chairman, members of the Board, my name's Mark Andrews. I reside at 1356 Mainsail Drive, Unit 1422. I'm also the president of the Marco -- Fairways II, Marco Shores Condo Association, and we are against this project mainly because of the traffic.

As everybody should know, that's a one-way street. There's one way in and one way out to Collier Boulevard. It's a very long wait at the traffic light trying to get either into the Mainsail Drive or getting out. And we feel that the additional traffic that's going to generate from the staff. It's a 24-hour facility -- from the residents that live there -- and we know that it's assisted living. Some people do have their own vehicles; and then you have the families coming in visiting, and so that's a very, very big concern of ours.

The next thing is the utilities there. And it's just -- it's strange to see a facility that's going to be built right next to a wastewater treatment plant. It's right there, right next to the property. It abuts the property right there.

The other things with the utilities is the water supply. We do get our water from Marco Island. That's how we get that. And sometimes the pressure and stuff like that isn't the best all the time. So that's one of our biggest problems.

And, basically, we are not against assisted living projects whatsoever. It's just that on that site, being

locked in on that one-way street with all the traffic coming in and out, and with the emergency vehicles coming in at all hours, it could happen, our members feel that it's a little bit of a burden to the whole area.

Thank you very much.

CHAIRMAN STRAIN: Before you leave, the property right now, as it stands, could have all the uses they're asking for basically except for the group housing, and the other uses, like multifamily, especially two- or three-bedroom units with a family and teenagers, would generate an equivalent amount of traffic that they're asking for.

Why do you think there's more traffic when the testimony and the analysis shows that this is an equivalent amount of -- that's why the number was chosen. It's equivalent to the multifamily. So if you're going to have the traffic with multifamily and you've got actually a quieter use with senior living, they generally are more benign than kids and families.

COMMISSIONER FRYER: Probably fewer drivers, too.

CHAIRMAN STRAIN: Right. Just out of curiosity --

MR. ANDREWS: Well, you know, living there and seeing the traffic going up and down the street -- and I know, you know, the area is zoned for residential. It's just that -- I'm just conveying what we see every day with the traffic. And with the additional traffic coming in and with the utilities and stuff like that, we just feel that, you know, it's going to add quite a bit of traffic to that area. Getting in and out of that -- I know, you know --

CHAIRMAN STRAIN: Well, it won't add any more, sir. I mean, that's what the testimony is. And, to be honest with you, we do this with a lot of projects. It's not going to add traffic. It's going to be equivalent to the traffic or less than what's already allowed to be at that location. That's the difference.

MR. ANDREWS: Well, just, you know, by living there and trying to get out of the street and trying to get into the street every day, you have to wait a very, very long time with just what we have now for the traffic, you know, for the residents that live there now.

So the additional is going to be a lot more wait time trying to get in. I'm just stating the fact of us getting in and out of that street; that's all.

CHAIRMAN STRAIN: Okay. And I'm just trying to understand -- I understand what you're saying, but it really isn't additional traffic. It's already been voted on, not by this board, but by 19 -- I think the settlement agreement and the Marco Shores Unit 30 was in the 1980s it was approved. So the density and stuff that they're using is equivalent traffic. So I don't know if it -- I knew you didn't want more traffic, but they have a right -- they had a property right here to put more traffic there at some form over decades. That's the piece I'm trying to understand better.

Joe?

COMMISSIONER SCHMITT: Mark, there also would be additional traffic that's already -- I don't know if it's vested or was counted because of the three towers that are there; it was originally zoned and approved for five. So that's a significant amount of traffic that's still is yet to be added or could be added to that PUD because it is -- there's two tracts that have yet to have been built.

MR. ANDREWS: That's correct.

CHAIRMAN STRAIN: Based on CTS, which is the property rights -- we keep them calibrated -- you have, I think, 1,580 total units available to be on that property by right based on the PUD or the DO, and you still have 643 left to go.

Now, a lot of times they don't build out that many, thankfully, and that's why this is going to take the place of 100 multifamily, so those would automatically come off. And I doubt if the two towers are going to take as much as what's left, so you may never get built out to the maximum density and traffic that was there. It's not going to get better for you, because that's the way this thing was approved, what, four decades ago.

MR. ANDREWS: So there's no recent traffic studies that have been done recently?

CHAIRMAN STRAIN: Well, we're going to get their traffic engineer to comment on your comments when we finish with public speakers, so --

COMMISSIONER HOMIAK: But those trips have already been counted.

MR. ANDREWS: They already have?

COMMISSIONER HOMIAK: They're already part of this project for years, so they're already

counted. They're in every traffic study.

CHAIRMAN STRAIN: Okay.

MR. ANDREWS: Thank you very much.

CHAIRMAN STRAIN: Thank you, sir. Are there any other registered public speakers, Ray?

MR. BELLOWS: No other speakers.

CHAIRMAN STRAIN: Is there any other members of the public that would like to speak? We're going to -- ma'am, if you'd like to -- no, you have to come up to the microphone, and you have to let us know if you've been sworn in, and you have to identify yourself for the record, then we can hear you.

MS. FINK: My name is Yvette Fink.

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

MS. FINK: My name is Yvette Fink, and I have lived on Mainsail for 20 years.

The increase in traffic in 20 years is not comparable from the day that I moved in there. We also have the airport there that you have to take in consideration. And the airport has been sized maybe three times as big as it was when I was -- when I moved into Marco -- into Mainsail.

So you have the additional traffic from the homes, the residents, plus the airport, so -- and plus, if this is a facility over there with the airplanes flying all over the place, it's not a really quiet neighborhood, plus the water purifying plant, which is really annoying to many people because it doesn't -- if the wind blows the right way, you get a very beautiful scent.

CHAIRMAN STRAIN: Thank you, ma'am.

MS. FINK: So this is what I would like you to consider. Okay. Thank you so much.

CHAIRMAN STRAIN: Thank you. Sir, if you'd like to come up and speak, you'll have to be sworn in if you haven't been already.

MR. HARRIS: I haven't been sworn in, sir. My name is Robert Harris.

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

MR. HARRIS: I also have lived in Fairways II.

My consideration is just as a point of interest. Were the traffic studies done during peak season? Because basically there's 80 units, and I think maybe 10 percent are year-round. I'm not sure -- in my building of 12, there's two people that are year-round. All the rest of us are snowbirds, okay. We come down for three months to get out of the New Hampshire weather and enjoy your beautiful sunshine.

The other thing is that my question would also be the duration of the building time frame. The airport extension, we had 18-wheel dump trucks from 7 o'clock in the morning to almost 7 o'clock at night. The speed of the dump trucks -- we had a county sheriff sit there at the end of Fairways II monitoring. I know they get paid by the load, but you've got a full load going up the street, speed limit's 35, and I know most of us don't it, but it's awful to see an 18-wheeler full of dirt and rock going 40, 50 miles an hour up your street and that.

So what would be the construction impact on the traffic and the amount of time that it would take to do this?

The other question is that that lake which they're trying to build docks on and recreation has a good amount of alligators in it. We've had one gentleman be bit walking along the side of it and almost dragged in. And we didn't buy on Mainsail because all the docks had a warning of, don't go three feet near the water because there's alligator.

And I know it sounds silly, but my wife wanted to live on the other side because she figured the alligators wouldn't across the street. And I said, yes, dear, and we now live in Fairways II. Luckily she's not here so I won't get a dope slap for saying that.

But, you know, these are my concerns. Duration. The animal hazard to some of these elderly people. If they go on the dock, they put their feet in the water, you've got an issue for safety.

CHAIRMAN STRAIN: Okay. Well, we're going to have the traffic engineer comment on these issues.

MR. HARRIS: Okay. Thank you.

CHAIRMAN STRAIN: Thank you.

Is there anybody else in the public who would like to speak who hasn't already spoken?

(No response.)

CHAIRMAN STRAIN: Okay. And your traffic engineer is here?

MR. ARNOLD: Mr. Strain, Jim Banks is here.

CHAIRMAN STRAIN: But is he doing that today?

MR. ARNOLD: Yes, he's a traffic engineer today.

CHAIRMAN STRAIN: Okay, good.

MR. ARNOLD: If I might just address a couple of the issues that were raised before we talk about traffic.

CHAIRMAN STRAIN: Go right ahead.

MR. ARNOLD: The dock issue related to the Conservancy, the language that we have in our portion of the PUD is exactly the language that is in the rest of this PUD except for the reference to Section 5.03 of the LDC, which are your dock standards.

So that language was carried over. Staff asked us to update it by adding the reference to the new Land Development Code requirements for docks.

So the rest of this PUD has the same language. And I understand the Conservancy's point, but there is a legal process for going to the state and asking to build beyond that development line. So I would think it would be unfair for us to not have any opportunity to approach the state to build a dock.

CHAIRMAN STRAIN: Well, who said that?

MR. ARNOLD: One of the residents or -- I mean, I think it was implied from somebody that maybe we shouldn't be allowed to --

CHAIRMAN STRAIN: I read the language that I would suggest regarding that situation. Do you have an objection to that is what you're telling me?

MR. ARNOLD: Well, you read it fast. But I think I understood what you said. It's subject to going to the state.

CHAIRMAN STRAIN: Right.

MR. ARNOLD: And I think we're fine with that.

CHAIRMAN STRAIN: That just clarifies it should anybody else buy this property and look at the uses that can be there and think they can do docks. It's interesting to understand there's probably already docks somewhere along there. So maybe that needs to be followed up with someone who was signator to that settlement agreement.

AUDIENCE MEMBERS: No, no, no.

MR. ARNOLD: The only other issue that I would mention, Mr. Strain, there was a comment about the utility site. That site is being abandoned by Marco Island Utilities. I don't know what they're going to be doing with the disposal of the property, but the site's going to be taken out.

CHAIRMAN STRAIN: They're going to put docks there.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: I'm looking at Google, and that short of -- like Ned said, looks like a dock, it quacks like a dock. It looks like a couple of docks along there.

MR. ARNOLD: There are docks out there.

COMMISSIONER CHRZANOWSKI: Okay. What are they putting in there, power boats or --

MR. ARNOLD: I don't know what other portions, but this is an isolated water body, for the most part. It's not navigable by a boat but, you know, there's kayaking and paddle boarding and lots of other opportunities you might want to put a small dock in, so...

CHAIRMAN STRAIN: Let's move on to Jim Banks, because we're going into some time here we need to break for lunch. So, Jim, you heard the issues involving the traffic. Can you explain the neutrality of the traffic issue you have and also what happens during the construction phase of projects and issues like that.

MR. BANKS: For the record, Jim Banks. And, yeah, I'll address traffic first and then whatever you want me to do after that.

But, yeah, one of the questions was, are the analysis based on seasonal conditions. The traffic studies that were prepared for this project as a whole were based on full occupancy of the units. There's not this

off-season analysis that's done. It's done for seasonal full-occupancy conditions.

The traffic study was based on complete buildout of this development for the number of units that were approved, and the design and the access onto 951 was based on full buildout of the development.

Now, as you all correctly conveyed to the public that the request here to you today will not affect how much traffic is going to be on Mainsail Drive or how ingress and egress is going to be in the future on getting in and off of 951.

So you're correct, the application here today, your decision does not affect what the future traffic conditions are on Mainsail Drive or on 951.

Now, what is occurring right now, as you heard, that they said that there's extended periods of time getting in and out on 951. Well, that is actually a function of the signal timing. That's not -- so, today, your traffic engineers, they go down there and they look at these intersections and they put priorities on the side-street demand and the mainline. And right now, because this project isn't built out and there's not as much traffic as is going to be expected in the future, they have the timing of that signal turned down.

Now, what's going to happen in the future, as this development continues to grow and there's more and more units in there and then the side-street demand increases, traffic ops will adjust the timing as necessary to where there's not undue -- a substantial amount of delay for people getting in and out of this development.

CHAIRMAN STRAIN: And I was trying to figure out where the variables might have been on this project, because when the projects are approved through the PUDs and development orders, especially these old ones, they have a vested amount of density that goes with them. You can't just take that away, and it's supposed to have been calculated in our checkbook concurrency process, which I know it was.

But, you know what the variable probably here is is the airport. If anything could generate more traffic than was anticipated, it's probably the airport functioning and expanding like it has. And maybe that's what they're feeling. But as far as these units and the other units and up to total maximum, the project's always been approved for that total maximum.

So I'm not sure how to address a traffic that they have that hasn't already been acknowledged and it's just part of the way this project was designed.

MR. BANKS: Right.

CHAIRMAN STRAIN: And we didn't design it. That was designed by the developer at the time. He met the minimum codes, and that's what they put in there.

MR. BANKS: Right. And, again, the action today isn't going to change -- is not going to change the traffic conditions that are going to occur in the future.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: But I think one of the things Jim brought out is, where I live we come out and we go down to make a U-turn at the local light, and sometimes during rush hour the traffic people have throttled that down to where only three cars can go through and there's 10, 15 cars in line, and it takes you three or four times to get through.

And the right turn coming from -- or the left turn coming out of Piper's Grove, some mornings, you know, it lets three or four or five cars through, and there's 10 cars in line.

So I know that traffic can change the timing on those signals for certain times of the day and whatever. And a lot of this, I think, depends on them. They could probably alleviate some of the traffic concerns if they paid real close attention, but it's all seasonal and it's all time-of-day related, and there is a lot of traffic on 951.

CHAIRMAN STRAIN: Yeah. I was there yesterday in a long line waiting to get to 41, so...

Okay. Anybody else have any questions on traffic? Oh, maybe Wayne can address phasing of the construction, how the -- not that -- we can't stop construction vehicles, but just to at least explain the phasing you're going to use. How were you intending to build this out?

MR. ARNOLD: Well, I think, given the number of units and how either a typical multifamily development of this size on this acreage would build out, it's probably a one-phase project, most likely. Construction project of that style probably takes less than a year to -- once you commence.

CHAIRMAN STRAIN: Okay. Are you going to -- if you do underbuilding parking, you won't need

as much fill. Is that a fair statement?

MR. ARNOLD: That's correct. Plus the site has already been filled largely. It probably doesn't meet new FEMA, but it has been cleared and filled previously.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. With that -- go ahead. Did you want a rebuttal?

MR. ARNOLD: No, no real rebuttal. I know that you've got issues. But Mr. Banks just found a cellular phone on the floor. So I don't know if it fell out of any of the speakers' pockets, but we have a cell phone I'll give to Ray and let somebody claim it.

CHAIRMAN STRAIN: Thank you.

Okay. With that, we will -- no, ma'am, you can't talk from the audience. You have to come up and be sworn in and identify yourself for the record, please.

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

MS. BRODAK: My name is Roma.

CHAIRMAN STRAIN: Could you spell your last name for us just so --

MS. BRODAK: Roma Brodak.

CHAIRMAN STRAIN: Could you spell the last name.

MS. BRODAK: Roma, R-o-m-a; Brodak, B-r-o-d-a-k.

CHAIRMAN STRAIN: Thank you.

MS. BRODAK: I purchased the property there 20 years ago. I'm from Michigan; originally from Poland.

I have a question to the gentleman. How many residents --

CHAIRMAN STRAIN: You'll have to ask us the question, and we'll get him back up here. We don't have communication between you and the applicant.

MS. BRODAK: Okay. How many residents will be living in facility?

CHAIRMAN STRAIN: 1,580 times 2.47. Here. I'll tell you what that is. You're permitted for 1,580 units, and if you multiply that times the average person per household in Collier County, that's 2.47, according to the latest census. So what you come up with is a total number of residents in the whole thing of 3,902.6. I'd round it up.

MS. BRODAK: Okay. That unit is going to be built, right?

CHAIRMAN STRAIN: No, that's the number -- you asked for the number of residents. That's the number of people that could live there.

MS. BRODAK: Okay.

CHAIRMAN STRAIN: The number of residences, that could be a total of -- I think the last I looked it was 1,580, and out of that, I think there's 643 left to build.

MS. BRODAK: Okay. You are funny, but my question --

CHAIRMAN STRAIN: No. I'm not trying to be funny. I'm answering your question.

MS. BRODAK: Okay. Maybe I ask wrong way, but I would like to know how many residents will be in a building or the facility the sir would like to build.

CHAIRMAN STRAIN: Just their facility?

MS. BRODAK: Just their facility.

CHAIRMAN STRAIN: Okay. Wayne?

MR. ARNOLD: For the senior housing we've asked for a maximum of 240 units/beds.

MS. BRODAK: So it's 240 people seniors, right?

MR. ARNOLD: Potentially, yes.

MS. BRODAK: Okay. How many employees will be there working to serve the people, to deliver, to help them, to exercise them, whatever the staff that's needed to provide for 240 people? How many employees will be there --

CHAIRMAN STRAIN: Wayne?

MS. BRODAK: -- on everyday base?

CHAIRMAN STRAIN: Ma'am, you're not -- you'll need to talk to us. When you finish, he'll come

up and make what's called a rebuttal, and he'll try to answer your --

MS. BRODAK: Okay. I'm a little nervous. I never take place like this.

CHAIRMAN STRAIN: You want to know how many employees and how many residents, right?

MS. BRODAK: Right.

CHAIRMAN STRAIN: Okay. Is there anything else?

MS. BRODAK: Well, that's going to bring the traffic, right? And how many of you went there and see the place when they build a facility, how it's going to look in all the residential area? It's typical residential area. I understand the plans and approval years and -- or years ago, but I just will really appreciate if some of you go and look what you're trying to approve and which area.

CHAIRMAN STRAIN: Okay. Thank you. And we'll your answers for you from the planner (sic).

MS. BRODAK: And I'm sorry if I wasn't clear enough, but I never speak publicly, plus I have an accent.

CHAIRMAN STRAIN: That's okay. I just wanted to make sure we factually answered your question. That's why when you asked about how many residents, that number can be estimated, and that's what I was trying to do for you.

MS. BRODAK: Right. But asking, I was thinking about facility that you're trying to approve.

CHAIRMAN STRAIN: I understand now, yep.

MS. BRODAK: And it's any way we can protest if you approve?

CHAIRMAN STRAIN: We're not -- we don't approve. We only recommend. So you can go to the next meeting, which will occur probably in about a month, in front of the Board of County Commissioners, and they are the ones that actually approve things. So at that level you can have the same conversation, and they can decide what to do --

MS. BRODAK: Okay.

CHAIRMAN STRAIN: -- with our recommendation.

MS. BRODAK: Thank you very much.

CHAIRMAN STRAIN: You're welcome.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Wayne?

MR. ARNOLD: Thank you, Mr. Strain. I don't have a direct rebuttal, but I know that you mentioned a few items that we probably want to go through in the PUD document.

CHAIRMAN STRAIN: Well -- but let's answer the lady's questions.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: She asked how many people will reside there, and basically you've got beds. Two hundred and --

MR. ARNOLD: Forty of those.

CHAIRMAN STRAIN: -- forty beds. So that means you've got at least 240 people, but they're in beds. They may not all be drivers.

COMMISSIONER FRYER: At most.

CHAIRMAN STRAIN: Right, at most, because you can't fit any more residents there that can't fit into a bed. So how many employees do you think you'll have on a single shift to run that operation?

MR. ARNOLD: Mr. Strain, I honestly have no idea.

CHAIRMAN STRAIN: Does your client know, since he's in the business?

MR. ARNOLD: He's not in the senior housing business.

CHAIRMAN STRAIN: Oh, okay.

MR. ARNOLD: He's not a senior housing provider. We have senior housing providers who are interested in purchasing the property, but we're not senior housing providers, so I don't have a direct answer for how many employees that equates to. But the traffic analyses under the IT manual for senior housing facilities factor in employees, numbers of persons that reside there, et cetera. So I think we're covered with regard to the traffic analysis.

CHAIRMAN STRAIN: Okay. So you don't have number of employees per shift, but you know that the beds are going to limit the number of residents. So you've got 240 people. Generally, the people in these

facilities don't all drive, so I wouldn't imagine you'd have a high percentage of drivers, compared to what it would be if it was multifamily. That's just an assumption. So I think that's the best answer we're going to be able to get with the information we have today.

So with that said, did you want to have rebuttal, Wayne, on anything else?

MR. ARNOLD: I don't think it's necessary. Thank you.

CHAIRMAN STRAIN: Anybody else have anything?

(No response.)

CHAIRMAN STRAIN: Wayne, one other thing. You know, when we have approved senior living facilities before, staff usually adds to them the standard conditions we've approved on those, and I didn't catch it this time.

Ray, do you know if it's in there or not?

MR. BELLOWS: The standard --

CHAIRMAN STRAIN: Remember the ones like we did at the Cleary PUD and the others where we just, a long time ago, had those?

MR. BELLOWS: Yeah. Those conditions were generated when there's mostly your primarily independent living. That's not the case here, so I don't believe we've included all of them, but...

CHAIRMAN STRAIN: I just wanted to understand. If you haven't included them for that reason, that's fine. I wanted to make sure we had a reason.

MR. BELLOWS: Ray, I believe, in my discussions with Mr. Johnson, we did pass along what we thought was applicable. But since this isn't a completely independent living, some of the others weren't necessary.

CHAIRMAN STRAIN: Okay. Wayne, is there anything else you want to add before we close?

MR. ARNOLD: No, sir.

CHAIRMAN STRAIN: Okay. I have made -- I've written five notes for the Planning Commission to consider.

The first one is no substance abuse or developmentally disabled residents for the group housing.

Number 2, any docks or other development beyond the settlement agreement line must have approval through the process required by the settlement agreement.

Number 3, we're going to add A/C language to the group housing generator -- so the generator -- we're going to add language so that the generator includes enough for the air-conditioning units in the group housing and will be installed according to the FEMA regulations that the main building is installed to, which is one foot above FEMA.

Parking structures that was referred to under accessories was meant to be building parking under the building, underbuilding parking.

And then the -- well, that's it. That's the four of them I have.

MR. ARNOLD: That's consistent with the notes that I made. I would -- if those are going to be part of the motion, if I could get a copy of the language just to make sure that I --

CHAIRMAN STRAIN: I usually send it to Ray. He can send it to you.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: Is there any other discussion?

COMMISSIONER FRYER: I'll make a motion to approve the PUDA subject to those four points.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER SCHMITT: Second.

CHAIRMAN STRAIN: Made by Ned, seconded by Karen. Further 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.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

This will move on to the Board of County Commissioners probably late in April.

And with that, we're going to take a 59-minute -- or 58-minute lunch. Be back at 1:30, and we'll resume with the -- I think it was the first one -- City Gate project at that time.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Good afternoon, everyone. If you'll please retake your seats, we'll move with the remainder of the Planning Commission's issues this afternoon.

And I'm going to turn to the Planning Commission and ask if they would consider a change to our agenda. City Gate wasn't available to us before lunch, and it's going to -- now that they sent it to us, we're going to need some time to read it. Some of us may have had that time.

But I would like, since we were late on lunch, I'd like to move Rushton Pointe up first and then finish City Gate up for as long as it takes this afternoon. Is everybody okay with that?

COMMISSIONER FRYER: I'm okay.

CHAIRMAN STRAIN: Especially since City Gate couldn't get the right color of highlighting on this thing. We've got blue and it was supposed to be orange. And I went through it. And then based on that, they haven't changed anything because there's no orange in the whole thing.

***So with that in mind, we'll move forward, and the next item up will be 9E. It's PL20150000306.

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: And disclosures. We'll start with Tom on the -- my right.

MR. EASTMAN: None.

COMMISSIONER CHRZANOWSKI: I spoke to Mike Fernandez.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: None.

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: And I had conversations with Mike Fernandez and Patrick White, and I just met one of the people from Indigo Lakes in the audience.

Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: I also spoke with Mike Fernandez and Patrick White.

CHAIRMAN STRAIN: Okay. Patrick?

COMMISSIONER DEARBORN: None.

COMMISSIONER CHRZANOWSKI: I'd like to amend. I did speak with Patrick White quite a while ago about this.

CHAIRMAN STRAIN: Okay. And one other thing I have to clarify.

Trinity, I didn't (sic) notice -- you brought your husband with you. Did you want to introduce him today? I'm assuming that's your son.

MS. SCOTT: My son, yes.

CHAIRMAN STRAIN: Nice to meet you, young fellow. I'm glad you're here seeing these exciting things happen in government, so...

And with that, Michael, we'll turn it over to you.

MR. FERNANDEZ: Good afternoon, Commissioner. Michael Fernandez with the firm of Planning Development representing the owners of the 38.1-acre infill parcel off of Collier Boulevard just south of Indigo Lakes and north of Brittany Bay. Also, Indigo Lakes abuts it on the west end.

As you can see there, there's an aerial in front of you right now. The property was actually a portion

of the old Indigo Lakes lands under the same farming. So there's some old row crops; that area that you can see that was carved out of the property.

You will also notice that there's a water management feature that's at the northeast corner of the property. It's within a 5.09-acre tract that the county acquired in 2005, and it's used in portion to satisfy the water management requirements for Collier Boulevard.

I would tell you that there is a provision that allows the owner of the property to reconfigure that lake, and that's exactly what we're proposing to do to enhance the ability for the site plan that we've proposed.

This is a proposed residential development. It's, as I said, an infill parcel. It abuts existing residential development. To the north, as I said, is Indigo Lakes. Around the perimeter of the graphic you can see that there's the Indigo Lakes entry drive in the northeast corner followed by a small section of preserve that is isolated as part of the Indigo Lakes project, then single-family along the balance of the border with the Rushton Pointe project.

On the south side is part of Brittany Bay. You'll see that they have some multifamily residential near the east portion. Then there's a road and recreational amenity, another recreational amenity and, finally, a lake and open-space tract. So that's how we abut the properties.

As part of the agreement with the county when they acquired the easement, the county went ahead and identified the exact location for the access to this parcel, and we're showing -- we're depicting it at that location. They also are committed to providing a 250-foot turn lane for that access point, and you can see in our master plan that we have reconfigured the county's drainage lake, but we have our own large centralized feature.

The parcel itself is very rectilinear and slightly slender, and it kind of suggests the plan that we have, what is a large linear central lake surrounded by residential tracts.

The preserve requirement, the 25 percent of the native vegetation, is located at the western extreme of the property. That's the P tract, and it acts additionally as a buffer to single-family residential along the west edge and, because it's placed there, we don't have to cut through it, so it stays in one contiguous parcel.

That location was identified in earlier documents of other development further to the south. In the graphic that you see there that's overlaid the aerial, this preserve area at the western end of the parcel becomes part of a mosaic larger area for habitat, and it's composed of preserves, open space, including lakes.

The proposed land uses could be multifamily or single-family. We looked at the analysis that staff did, relationships to the adjacent development, and we're very comfortable with their analysis and agree with it. We're limiting all residential development to no more than two stories, and currently there exists along the north border with Indigo Lakes homes of one- and two-story development.

Our development standards limit the height to 30 feet. The adjacent PUDs limit their heights to 35 feet. So we're going to be a little bit shorter than they are.

Our landscape buffers meet the code requirements, and the developer has actually added, in No. 5, their development commitments, a provision that would -- if there's only a requirement for a Type A buffer, they would come back and enhance that with a Type B hedge which would be planted at five feet, grown to six feet, and be 80 percent opaque. So there will be an enhanced buffer along the north and south buffers.

In addition to that, we have been working cooperatively with our neighbors to the north and to the west representing -- they're representing Indigo Lakes Master Association, and I believe they have a couple of members here today that will address the results of our cooperative efforts in coming up with ways to mitigate some of their concerns.

With that, I'll be happy to answer any questions you might have regarding the project.

CHAIRMAN STRAIN: Okay. Planning Commission, anybody have any questions? Ned?

COMMISSIONER FRYER: In the NIM it was said, the proposed rezone requests only six units per acre and does not request any bonus density or affordable housing; is that correct?

MR. FERNANDEZ: That's what that document says, yes. And what we were saying there --

COMMISSIONER FRYER: Is the underlying fact correct?

MR. FERNANDEZ: Yeah. Correctly stated, we were asking for the density that is permitted by the density band but not density for affordable housing. That would have been a correction.

COMMISSIONER FRYER: Okay. So -- but then in the staff report it said this project is eligible for

a base density of four residential dwelling units per acre and is eligible for a density bonus of three additional dwelling units per acre for a total of seven DU per A.

MR. FERNANDEZ: That's correct.

COMMISSIONER FRYER: So those two things don't agree with one another.

MR. FERNANDEZ: Yeah, I agree with you. Obviously, what we were asking and what we presented to the homeowners associations at the NIM was that we were requesting six.

And we described it at that time as four plus two out of the three that would be eligible from the density band.

COMMISSIONER FRYER: Would you mind, then, stating exactly what the density will be and of what it will consist?

MR. FERNANDEZ: Sure. The density is a maximum of six units per acre. It can be a single-family development, multifamily development, or a combination of the two. We did make an additional commitment at that NIM, and it's incorporated in the agreement that we have with Indigo Lakes and would be added to this text and that it would prohibit a rental apartment community.

COMMISSIONER FRYER: Are you asking, then, for a density bonus?

MR. FERNANDEZ: From whom?

COMMISSIONER FRYER: From the county.

MR. FERNANDEZ: We are asking for -- I'm not sure if the criteria --

CHAIRMAN STRAIN: It's not a density bonus. You have four units by right, and then you've got the band that is allowed -- do you have a higher intensity band around activity areas.

MR. FERNANDEZ: Yeah. I'm not sure if it's called a bonus or not, but it's from the density band.

COMMISSIONER FRYER: This is the language -- I'm just quoting from the NIM.

MR. FERNANDEZ: I understand.

COMMISSIONER FRYER: Okay. Thank you. That's all I have.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Well, Michael, let's start with Page 23.

MR. FERNANDEZ: Okay.

CHAIRMAN STRAIN: Typically, we have asked that the accessory uses that are community wide be allocated to a separate section of the PUD, general development or rec tracts or whatever, and I gave Ray an example of another one we did. You have informed me during the break you thought that you could reallocate your community-wide accessory and guardhouses and other things to paragraphs like this in your PUD.

MR. FERNANDEZ: We can do that very easily, yes.

CHAIRMAN STRAIN: Okay. What I wanted to clarify is that the -- you also have in here, including recreation -- yeah, facilities for lawn care and maintenance. I didn't notice in your standards table a category for maintenance. It says clubhouse and recreational buildings.

Now, the category's fine -- I mean, the numbers are fine, possibly, but could you add to the title, "clubhouse recreational and/or maintenance buildings"? Because you're going to have to have a separate situation for those, too.

MR. FERNANDEZ: Absolutely.

CHAIRMAN STRAIN: Okay. That will take out a lot of my questions and concerns from the principal uses and accessory issue.

You're going to move guardhouses and gatehouses in here, as you've seen on here. So that clears that whole page up. I appreciate that.

When we get into your Development Standards Table --

MR. FERNANDEZ: Yeah. Mr. Strain?

CHAIRMAN STRAIN: Yeah.

MR. FERNANDEZ: One moment, please. Can you tell me, when you referenced that Page 23, where were you looking?

CHAIRMAN STRAIN: Yeah. Electronic. It's Page 2 of 9.

COMMISSIONER FRYER: Exhibit A.

MR. FERNANDEZ: Okay. In our packet we delivered, there's continuous page numbering that goes up to, like, 279.

CHAIRMAN STRAIN: Oh. Well, it's Page 5 of your continuous page number where I just spoke from, the paragraph I was changing. And the table I'm talking about is your Page 6.

MR. FERNANDEZ: Got it. Thank you. Appreciate it.

CHAIRMAN STRAIN: Okay. On that Page 6, you say maximum number of storage. And you look at maximum building height, 30 feet. Are you doing any underbuilding parking?

MR. FERNANDEZ: No, we are not.

CHAIRMAN STRAIN: So we can just make a note that there's no underbuilding parking. So a story is not inclusive -- you've just got two stories, and they'll be habitable stories?

MR. FERNANDEZ: Correct. So you want that as a --

CHAIRMAN STRAIN: I'm just going to add a stipulation, no underbuilding parking.

MR. FERNANDEZ: We can add that under the footnotes, if you wish.

CHAIRMAN STRAIN: That's fine. Just so it gets -- I didn't think you intended to. I just wanted to make sure it was clear.

You have buffers around your facility, 10 and or 15 feet, and plus you have lakes. Are you intending to put those into separate buffer tracts or lake maintenance easement tracts?

MR. FERNANDEZ: Yes, as required by staff.

CHAIRMAN STRAIN: Right. I wanted to make sure it was done.

MR. FERNANDEZ: Absolutely.

CHAIRMAN STRAIN: So when we look at your rear setbacks, your setback for accessories is five feet. So when you go up against Indigo Lakes, you'll really be five feet plus whatever buffer you have there.

MR. FERNANDEZ: That's correct.

CHAIRMAN STRAIN: Good. That's what I needed to find out.

And why, under your single-family detached, you have a maximum building height at 40 feet, but then you've got maximum and zoned actual height for accessory at 40 feet. That's -- just out of curiosity, would you build at 40 feet as an accessory?

MR. FERNANDEZ: Well, again, you're talking about overall height. And as an architect, I will tell you, I would do some kind of embellishments or something that -- and I want to have that ability to do that, for instance.

CHAIRMAN STRAIN: For, like, a pool cage or something?

MR. FERNANDEZ: Well, no. I was thinking more like a -- you know, a rec facility that may have two levels in it that's maybe an Olde Florida style with a large roof.

CHAIRMAN STRAIN: Well, the rec facility -- yes, the rec facility there, you've got the same thing. It's the same as principal structure, so that's what you're referring to.

I was looking at your 40 feet under your single-family detached. Because you've got 40 feet on that one specifically --

MR. FERNANDEZ: If you're talking about accessory, yes, then that would be, for instance, a pool cage that would match the --

CHAIRMAN STRAIN: Height of the house?

MR. FERNANDEZ: The height of the house or the configuration of the roof.

CHAIRMAN STRAIN: Okay. Just -- then when we go into the footnotes, in your Footnote No. 1, you talk about a 23-foot setback, and then we get into the second paragraph where it says, last line, "Shall not conflict with the sidewalk; however, in no case shall the front setback for the side entry garage be less than 10 feet."

Then in the paragraph after that you talk about your other setbacks, including front entry and side entry garage shall be set back 20 feet from the front yard property line except where the lot is -- an intersection of two streets in which case the front yard setback herein shall only apply to the street on which the entrance is located.

Now, let's start with the word "entrance." Do you mean entry door or garage? Because some people

can put an entry door on the side of the house, and that's the front, and the garage can be on the opposite side with a driveway off the road. You mean where your garage door fronts, right, or where your driveway fronts?

MR. FERNANDEZ: Correct.

CHAIRMAN STRAIN: Okay. So the entrance in this case, in which the driveway is located, could we say that instead of entrance?

MR. FERNANDEZ: Yes.

CHAIRMAN STRAIN: And then in the previous one I read where you wanted to be 10 feet back and on this one, on a corner lot, you could be five feet back. Now, if we turn to your -- if you could put one of your road cuts up there. Is utilities here? No.

COMMISSIONER EBERT: Yes. He's out -- he's sitting out in the hall.

CHAIRMAN STRAIN: Okay. Thank you, Jamie.

You've got two, two cross-sections. This is C2. This would be the one you're saying you want to do at 42 feet, which I'm assuming is those -- mostly those east/west ones and then part of north/south, right?

MR. FERNANDEZ: Correct. The only time the other one comes into being is in those extensions that we're asking for the deviations for a dead end of less than 100 feet.

CHAIRMAN STRAIN: Right. So let's start with this one. And on each side of your 42-footer, you've got the CUE, which is a county utility easement.

MR. FERNANDEZ: If it's required. They may not be required.

CHAIRMAN STRAIN: Okay. But where is your 10-foot PUEs?

MR. FERNANDEZ: They would be beyond that.

CHAIRMAN STRAIN: Okay. Then you can't have a five-foot setback on the side.

MR. FERNANDEZ: Again, we don't know if there's going to be a CUE at all there.

CHAIRMAN STRAIN: Okay. Then you can't have a five-foot setback on the side because you've got a 10-foot PUE.

MR. FERNANDEZ: We may not.

CHAIRMAN STRAIN: Okay.

MR. FERNANDEZ: In other words, depending on which side we load the utilities, they could go across the street and serve the individual lots.

CHAIRMAN STRAIN: I'm not -- okay. I'm not familiar with that, but if you say it can be done, I'll take your word for it.

Then we need to add language to that footnote that -- where there are either CUEs or PUEs, those setbacks will have to be outside of those easements.

MR. FERNANDEZ: Yeah. I think that's in the code now, but we have no problem putting that in there.

CHAIRMAN STRAIN: Well, I'm just concerned that someone's going to read this and not pick up on it because --

MR. FERNANDEZ: I don't have a problem putting it in.

CHAIRMAN STRAIN: Okay. The other issue is -- and this is the County Attorney's Office. A while back we had this issue concerning overhangs going into PUEs or CUEs, and I thought we weren't allowing the overhangs in. You don't know if you're going to have overhangs or not, but if you do, I think the language ought to be added also, any overhangs will not extend into the easements.

MR. FERNANDEZ: What I would prefer is that we come up with a standard that gives us so much clearance above that. For instance, if I have a two-story home, I may have an eave that comes over, you know, two or three feet, and it's 30 feet up in the air.

CHAIRMAN STRAIN: Well, the issue came up quite a while back. There was some correspondence back and forth with the County Attorney's Office. I didn't bring it with me because I didn't expect a -- I didn't think you'd be objecting to it.

MR. FERNANDEZ: I'm just asking for a clarification. I would prefer to handle it that way.

CHAIRMAN STRAIN: Do you guys remember that, Jeff? I know you were involved in it, but I don't know if you remember. It's been a while. And you've gotten a year older today, so...

MR. KLATZKOW: I was involved in this years ago, and it was a staff concern because, they've got to get equipment in.

CHAIRMAN STRAIN: Right.

MR. KLATZKOW: And staff never wanted any overhanging in any of the utility easements because of the equipment concerns.

CHAIRMAN STRAIN: That's what I had thought you said back then, and we actually had -- I think the first project to come in that had this issue was Bent Creek up in the north end, and they had to be held -- they wanted to have overhangs, and they said they wouldn't be deeper than two feet, so we had them 12 feet back.

Whatever you want to do, but I don't think -- we would need something better than just going to build it high enough.

MR. FERNANDEZ: How about a clearance of a minimum 15 feet?

CHAIRMAN STRAIN: Well, I don't know if that's the issue, rather than just -- because if we let you get your overhangs into these, everybody's going to be able to do it, and we're going to have to start getting into how high the eaves are going to be on every single house that could be along that frontage. What's so critical about that two feet for the eaves or whatever you'd have? And yesterday you told me --

MR. FERNANDEZ: I'm not --

CHAIRMAN STRAIN: -- you didn't even know if you were going to have an eave.

MR. FERNANDEZ: That's correct. And I don't know. And I'm looking to retain flexibility. I'm looking to understand what is the county's need if they have equipment. If it's going to be more than 15 feet, that's --

CHAIRMAN STRAIN: I'm not worried about the county. I'm worried about the PUE. That's the one you're up against. That's not a county easement.

MR. FERNANDEZ: Okay. Even then, it's --

CHAIRMAN STRAIN: Well, you've got FP&L. They don't have small equipment. They've got big trucks. They break up sidewalks all the time. You've got Sprint, you've got Comcast, you've got a series of elements like -- private utilities like that that are the concern. And if -- we haven't let that happen before, so I'm not thinking this is the right way to go.

So you need to be outside either -- whatever the aggregated total of the CUEs, if they exist in PUEs by the depth of the soffits -- or the depth of the overhangs if you have them. I mean --

MR. FERNANDEZ: If they're encroaching, right?

CHAIRMAN STRAIN: Right. You can't encroach on them, yeah.

MR. FERNANDEZ: All right. That's good. We'll accept that.

MR. STONE: Mr. Chairman, just clarification. You want it to say something to the effect of the structure, in addition to the overhang, will not encroach into a CUE or PUE.

CHAIRMAN STRAIN: That works great. Thank you.

MR. STONE: But in both of those sections.

CHAIRMAN STRAIN: Okay. And then the next exhibit, exhibit -- go ahead.

MR. FERNANDEZ: Can you clarify, Scott, which two sections?

MR. STONE: I think it's the last two -- the second paragraph of Footnote 1 --

MR. FERNANDEZ: Okay.

MR. STONE: -- where it's a 10-foot setback, and then the last sentence of Footnote 1 where it's a five-foot setback.

MR. FERNANDEZ: Okay.

MR. STONE: We can say that -- we can wordsmith it but, essentially, it will be the structure in addition to the overhang will not encroach into PUE or CUE.

CHAIRMAN STRAIN: Well, and I noticed Eric's in the audience. Eric, could you come up and answer a quick question about the CUEs on the typical road section that's on the overhead right now.

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

CHAIRMAN STRAIN: And, Eric, the question is, on these road cuts, they're for a reduced county standard to 42 feet. The deviations -- it's not untypical deviation. They do show the CUEs going five feet

onto the private property. Normally we see PUEs outside of those. I'm assuming you wouldn't allow a joint effort with a PUE overriding your CUE.

MR. FEY: That is correct. We have exclusive subsurface utility rights within the CUE, and I think there would need to be access rights across our CUE.

CHAIRMAN STRAIN: Do you -- on this particular project, do you know yet if there's something you're going to be needing or not? I mean, they're called out, so you can have them if you want them. I just didn't know if you've gone that far with the review of this site yet or not.

MR. FEY: Well, there's to be water main and force main. So, you know, they have a seven-and-a-half-foot setback as shown, and those additional CUEs are just to provide maintenance access to those mains within the right-of-way.

CHAIRMAN STRAIN: Okay.

MR. FEY: So with the reduced width of the right-of-way, it puts us up against the right-of-way line, and we just need some space for maintenance.

CHAIRMAN STRAIN: Okay. Well, that does help. I appreciate that. Because it looks like you're going to need them. So we'll approach it as though they're needed. So, thank you.

MR. FEY: Thank you.

CHAIRMAN STRAIN: And, Michael, you have a deviation requesting sidewalks be eliminated on the south side of the south road because the houses are on the north side of the road, which is something we've allowed before or recommended to be allowed before, so that part doesn't bother me.

MR. FERNANDEZ: Okay.

CHAIRMAN STRAIN: But look at your next typical -- look at your Exhibit C3. You've only got a sidewalk on one side, and that's not on the south side of the project.

MR. FERNANDEZ: That's in the turnaround area at the very end, and we may not have lots up there or it may be --

CHAIRMAN STRAIN: But you didn't ask for a deviation for that. Unless staff tells me you don't need a deviation for that, you still do. So I don't know how far these are missing sidewalks. If it's just the arc around the end -- but then if someone's coming up one side they've got to cross the street to get to the other -- to get to the sidewalk on the other side?

MR. FERNANDEZ: If my memory serves me correct -- I'm trying to recall -- I believe the code gives us some flexibility when it comes to the end of a cul-de-sac; that it only needs to be on one side.

CHAIRMAN STRAIN: Well, aren't these proposed as hammerheads? I mean, where's your cut? They're straight cuts. They're not cul-de-sacs.

MR. FERNANDEZ: They would be straight cuts. But, effectively, what -- I think what we've done in the past, that staff has required them only on one side. And these particular sections, both these sections that you're seeing here, were already approved in prior PUDs.

CHAIRMAN STRAIN: I don't -- you know, if we made a mistake one time before, we're not going to make it forever.

Ray, do you know the issue that -- are you familiar with the issue we're talking about, or do you need time to take a look at it?

MR. BELLOWS: I think we should take a look at it.

CHAIRMAN STRAIN: Okay. Because this will have to come back on consent, and before it comes back, this needs to be either added to the deviation, if that's what staff think is appropriate --

MR. BELLOWS: It probably will be a deviation.

CHAIRMAN STRAIN: -- or not allowed to happen.

MR. FERNANDEZ: Okay.

CHAIRMAN STRAIN: That takes us back to the PUD itself. And I think I've hit the footnotes, and if we go past that into -- let me see what I've got here.

Diane, did you have something you wanted to --

COMMISSIONER EBERT: Ray, I'm going to ask you the question. Being most of this is on the property because it's so narrow of a right-of-way, is this going to end up like a couple projects that we talked about that -- the one on Livingston? Just please look at this one carefully --

MR. BELLOWS: Yeah.

COMMISSIONER EBERT: -- because the plantings and stuff, it's horrendous.

MR. BELLOWS: Yeah, I understand what you're referring to in regard to cluster development and the required tree. We'll take a look at it.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Michael, if we go to your Exhibit E, which is on your Page 12, Electronic Page 32, your first deviation refers to the 42-foot width of right-of-way internal to proposed -- as dictated on our PUD master plan Exhibit C1 and C2. C2 is a road-cut exhibit. It's not a master plan.

MR. FERNANDEZ: You're correct. That's an error.

CHAIRMAN STRAIN: Okay. And on number -- Deviation No. 2, it talks about the dead-end streets, and those are depicted on master plan C1, but they're also the ones you're talking about as road Exhibit C3, right, the road cross-section?

MR. FERNANDEZ: Yes, sir. We can correct that labeling.

CHAIRMAN STRAIN: Okay. When we get into the development commitments, you -- we don't have it in our packet, so I'd like to walk through the ones that you're proposing to add. They're strange. They're different. We've not seen those before, but if you were volunteering to add them, I guess they can be, so...

MR. FERNANDEZ: Yes, sir. I don't know if you would want to wait. The master association representative's here.

CHAIRMAN STRAIN: No. It's -- it's your language to your PUD. I'd rather you present it. Then they can decide if they like it or not, and we can listen to their concerns.

MR. FERNANDEZ: Okay. Also, just to advise you, county staff, Scott Stone, reviewed our language, came back with proposed revisions. We have incorporated those revisions, shared them with the master association, and they're comfortable with them as well.

CHAIRMAN STRAIN: Usually his language tightens them up and makes them a little bit more legally sufficient, so...

MR. FERNANDEZ: Here we go.

CHAIRMAN STRAIN: Just pull it down. There you go.

MR. FERNANDEZ: Should I go through them one by one?

CHAIRMAN STRAIN: Yes. We haven't seen them. I mean, I know you showed them to me, but I really haven't had time to study them since you sent them back. So let's go through them, each one of them, yes.

MR. FERNANDEZ: Okay. Number 8 is one that basically proposes that should there be a recreational amenity as part of a multifamily development and that recreational amenity requires a parking lot, that parking lot will be improved or the pavement will be concrete and a basketball hoop and backboard will be installed at one end, and that would only apply to the first recreational amenity.

CHAIRMAN STRAIN: Okay. So you've got to do concrete pavement.

MR. FERNANDEZ: Correct.

CHAIRMAN STRAIN: And the basketball hoop and backboard. Never had this happen before, but if you agree to it, we can add it to the PUD. It's generally not done this way, but --

MR. FERNANDEZ: We agree to it. We don't have to provide the basketball.

CHAIRMAN STRAIN: I'm not sure where -- it's different. Let's look at No. 9 then, unless there's any questions.

MR. FERNANDEZ: Okay. Number 9 is something that we've done quite frequently in a lot of PUDs and, basically, it's to install a vinyl covered five-foot fence inside the hedge. So we basically build a hedge with shrubs on either side so the hedge, then, is concealed or hidden, and it enhances the security, basically, between developments.

COMMISSIONER FRYER: Fence. Fence is concealed or hidden.

MR. FERNANDEZ: The fence, correct.

CHAIRMAN STRAIN: When it says hidden, you mean 100 percent opacity?

MR. FERNANDEZ: Basically, this has to do with the north line -- north and south property line

buffers and potentially the one along the preserve, and it references the 80 percent opacity standard as the Type B buffer.

CHAIRMAN STRAIN: Okay. But this No. 9 doesn't reference the 80 percent opacity standard. When you say "hidden," that's an undefined term. So after "hidden," could you put in parenthetical, "80 percent opacity as required by a B buffer" since you're going to do that anyway?

MR. FERNANDEZ: We can. It does say Type B buffer. When it references to the north property line buffers in the south ones --

CHAIRMAN STRAIN: Yep.

MR. FERNANDEZ: -- those do reference --

CHAIRMAN STRAIN: But those don't have a hidden fence in them. I just want to make sure --

MR. FERNANDEZ: Correct.

CHAIRMAN STRAIN: -- nobody misreads the word "hidden."

MR. FERNANDEZ: Okay. Now it's concealed by Scott's language.

CHAIRMAN STRAIN: Oh, so he's already -- this is one of your changes?

MR. FERNANDEZ: Yeah, this is one --

MR. STONE: Well, I just wanted clarification as to what --

CHAIRMAN STRAIN: I thought I was reading your language.

MR. STONE: No. Well, everything is except for that word, "hidden."

CHAIRMAN STRAIN: Okay. You normally would have caught that.

MR. STONE: I didn't catch it.

CHAIRMAN STRAIN: Oh, okay. Then this isn't your language, okay.

MR. STONE: Just that -- everything is except for that one word. I wanted to talk about that, actually.

CHAIRMAN STRAIN: Okay. What did you want to talk about?

MR. STONE: Well, what we're talking about now.

CHAIRMAN STRAIN: Oh. So you disagree or agree?

MR. STONE: I think if you're relying on the Type B buffer being the obscurity, you can simply say "placed in the shrub installation" and rely on that instead of putting "hidden." Because if it's already required to be 80 percent opacity, then --

CHAIRMAN STRAIN: Okay. That works, too. Can you take out the word "hidden" and use "placed"?

MR. FERNANDEZ: Yes.

CHAIRMAN STRAIN: Okay. Let's go to 10.

MR. FERNANDEZ: Number 10, the trees that are going to be planted along the north boundary, what we're proposing is that 30 percent of those trees, which would be canopy trees, be substituted with the county permitted three-per-one palms. This would give an initial thicker buffer, if you will. So you'll have three palms of 10, 14, and 16 foot clear trunks, and then one such grouping will be located immediately south of each off-site Indigo Lakes lot. And we've done the math so we know that that works out so that there will be one cluster, one grouping of palms substituting for one canopy tree behind each one of those lots.

CHAIRMAN STRAIN: And will the grouping and spacing of these clusters be consistent with the LDC spacing requirements?

MR. FERNANDEZ: Yes.

CHAIRMAN STRAIN: Even though they're trying to match up to the Indigo Lakes lots, they're still consistent with the spacing required by the code?

MR. FERNANDEZ: Yes.

MR. STONE: And, Mr. Chair, one thing about that, is it going to be exactly 30 percent? I don't want to, you know, put you in a --

MR. FERNANDEZ: It's exactly 30 percent.

MR. STONE: Okay.

CHAIRMAN STRAIN: Okay. Number 11?

MR. FERNANDEZ: Number 11, it talks about the kind of vegetation that's going to be utilized.

We've specified that -- our neighboring property owners have desired a specific kind of plant. We said that's fine. They've agreed to maintain those plants. Those are nonnative plants so, basically, we've said that those will not be placed within 50 feet of a preserve or abutting a preserve, but we've identified what those plants are. The specification is the same as what's required in a Type B buffer.

CHAIRMAN STRAIN: Okay. And I believe you had Mark Templeton check this out, and he's satisfied with it, too.

MR. FERNANDEZ: That's my understanding. He did review it, what I've heard from our planner.

CHAIRMAN STRAIN: Okay. 12?

MR. FERNANDEZ: Twelve is a -- three-tab asphalt roofing shingles are prohibited from being utilized in this. It is a significantly less expensive product, and so they desired a more compatible one from an architectural and value standpoint, and we agreed to eliminate that.

CHAIRMAN STRAIN: Okay. And then the last one is?

MR. FERNANDEZ: The last one, basically, goes back to the NIM as you and I discussed, that the site will not be developed as a rental apartment community. Our homeowners association was a little concerned with the change. We add "will not," and staff has put in there "shall not." I told them it's the same. I just want to put it on the record that it is the same language. It would prohibit in either case.

CHAIRMAN STRAIN: Yeah. "Will not" means could start out that way and not change it, possibly. But I think "shall not" is better, so that works fine.

MR. FERNANDEZ: That's fine.

CHAIRMAN STRAIN: Okay. As far as --

MR. FERNANDEZ: And these would get incorporated right now. Our development commitments are 1 through 7. These would just be 8 through 13.

CHAIRMAN STRAIN: Okay. And then the only other issue I have -- and I don't know if there's others after I get done -- is your master plan. And let me look at what I --

MR. FERNANDEZ: Can I show you the one that we produced based on the comments we received from you, and perhaps it will address your issues?

CHAIRMAN STRAIN: Sure. Well, I know they won't, but that's okay. I've already seen what -- I've seen this, and the first thing I noticed is one of the things I didn't think you needed, but we'll get into it.

MR. FERNANDEZ: Okay. Basically, it's a simplification of the master plan that we had. It eliminates any confusion of line (sic) weights being associated with individual tracts. Instead there's one single R tract that shows a general circulation or road depending on whether it gets platted or not.

There's a note added, No. 7, that says the deviations are applicable publicly when platted. So, in other words, if we're not platting it, then it's just basically drive through and parking lot driveway.

In the R tract description in that same table under comment, it now lists single-family, multifamily, or combination, and it may include a community recreational facilities area except within 125 feet of Indigo Lakes, and that is one of the other development commitments, I believe No. 5, that was already existing in our -- in our document.

And then, finally, under the tract name where it says right-of-way, in the comments section, it's applicable when platted; otherwise, this acreage is aggregated into Tract R.

CHAIRMAN STRAIN: Okay. Over on the right side, you've got that dissertation about the county designed, permitted, and constructed turn lane. That whole paragraph needs to come out.

MR. FERNANDEZ: I'd defer to Scott Stone. He can explain.

CHAIRMAN STRAIN: Okay.

MR. STONE: Actually, I'd prefer that it's not in there.

MR. FERNANDEZ: Okay.

MR. STONE: I think -- okay.

MR. FERNANDEZ: That's fine.

CHAIRMAN STRAIN: Good. Okay. We're done. Thank you, Scott.

At your table that you have at the bottom, you added a new line, and I had a question about Line 6. Could you magnify that a little bit so we can read it.

MR. FERNANDEZ: Is that good enough?

CHAIRMAN STRAIN: Yep. Deviations applicable when platted. Okay. What is -- how would they not be applicable until you plat? What was your fear there?

MR. FERNANDEZ: No. That was to clarify because, for instance, the dead-end situation doesn't occur in a non-plat. The sidewalk on one side of a road doesn't occur in a non-plat. The 42-foot --

CHAIRMAN STRAIN: That's SDPs then.

MR. FERNANDEZ: Yeah. They all would not apply, and that was one of the issues I thought you raised in our conversation. So by putting that there, it allows this to be -- it's more clear that this can be multifamily or single-family.

CHAIRMAN STRAIN: The last line of Note 6 --

MR. FERNANDEZ: Yes, sir.

CHAIRMAN STRAIN: -- if you strike that, it doesn't change anything. So why would we have it there? It might confuse. "This requirement is not applicable for single-family development." If it isn't applicable, it's already not applicable by the code, then why would you need to have that last sentence there?

MR. FERNANDEZ: Staff requested it so that it doesn't get dropped for clarity. That's something I can take out, but that was something that staff put in there.

CHAIRMAN STRAIN: I didn't know staff --

MR. FERNANDEZ: I think that was the environmental and landscape, yeah.

CHAIRMAN STRAIN: So it's Summer's fault?

MR. FERNANDEZ: Well, I think this -- I think what Summer explained to me was that this was text that had been incorporated in other PUDs and, of course, if it's -- if it's single-family, it's not required, and then that tract never occurs.

CHAIRMAN STRAIN: Right. So that's why I just -- I mean, it's kind of a moot point. I didn't know why we would add it as superfluous language, so...

MR. BELLOWS: I think it's probably not necessary to put in there. It's a point of clarification, and it may be helpful to some reviewers down the line.

CHAIRMAN STRAIN: Well, we can leave it in, Ray. I just tried to understand why it was there. I just couldn't --

MR. BELLOWS: It's kind of a point of clarification for future staff reviewers.

CHAIRMAN STRAIN: Okay. Well, if we get that other stuff struck, I don't have any other questions on the master plan. So that takes care of that for me.

Which takes us back to the end of the questions I have for now, depending on what the speakers may say.

Does anybody else from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Is there a staff report, Tim?

Thank you, Michael.

MR. FERNANDEZ: Thank you.

MR. FINN: For the record, I'm Tim Finn, principal planner.

The project is compliant with the GMP and the zoning criteria within the LDC; therefore, staff recommends approval.

CHAIRMAN STRAIN: With the changes you heard and the adding of the general uses section of the PUD, do you have any change in your position on the -- on this application?

MR. FINN: No, we don't; no.

CHAIRMAN STRAIN: Anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: With that, is there any registered public speakers, Ray?

MR. FERRARO: We have one speaker, Anthony Ferraro.

CHAIRMAN STRAIN: Sir, if you could come up, identify yourself for the record, and let us know if you've been sworn in.

MR. FERRARO: My name is Anthony Ferraro, and I have not been sworn in.

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

MR. FERRARO: I'm here today representing Indigo Lakes. I'm a member of the board of directors, and I just want to say today that we are accepting the developer agreement with Rushton Pointe.

CHAIRMAN STRAIN: Okay. So all the stuff that was read into the record you heard us just going over, you're fine with all that from your end?

MR. FERRARO: Yes, I am.

As a matter of fact, if I could just get a copy of the new language from, I believe, 8 to 13. Maybe Mike could provide that for me so I can give it to our attorney and I could discuss that, you know, with the rest of the board.

But according to this, we fully accept the developer agreement.

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

MR. FERRARO: Thank you.

COMMISSIONER DEARBORN: Mr. Chairman, quick question.

So you speak for the entire board for Indigo Lakes?

MR. FERRARO: Yes, I do.

COMMISSIONER DEARBORN: It was unanimous? Okay. Just curious.

MR. FERRARO: Yes, it was unanimous. We voted on it at the last meeting, and we fully accept this developer agreement, and I speak for the entire board. It was unanimous.

COMMISSIONER DEARBORN: Thank you.

MR. FERNANDEZ: Just a point of clarification. We've been working with Patrick White and Joshua Bialek of Porter Wright, and there is actually a copy of a signed agreement between the two parties, and Scott Stone was given a copy.

CHAIRMAN STRAIN: And I just have a curiosity question.

MR. FERRARO: Yes, sir.

CHAIRMAN STRAIN: Why were you-all concerned about concrete or asphalt parking area and a backboard with a basketball hoop? And what was that big deal about? I just thought that was the strangest thing to see in the language.

MR. FERRARO: No. The reason why we requested some type of a basketball facility, you know, with their recreational area is because we have a development next to us now called Brittany Bay, and they don't have amenities in their development. And it just seems like a lot of times, quite often, as a matter of fact, we get lot of kids from Brittany Bay coming into our development using our basketball courts, and we've had a lot of friction between our teens and people in our development with Brittany Bay.

So we just thought that if Rushton Pointe has a facility like that with a basketball court, it just would prevent them from coming across and using our facilities illegally.

CHAIRMAN STRAIN: So the kids at Brittany Bay will use their court instead of yours. Good move.

MR. FERRARO: You never know, Chairman.

CHAIRMAN STRAIN: I think they'd be better off paying for a court over at Brittany Bay, and then you both won't have to worry about it.

MR. FERRARO: That would be a good option also. But that's the reason why we decided, you know, just to --

(Multiple speakers speaking.)

MR. FERRARO: -- alleviate some of the traffic coming into our development illegally.

CHAIRMAN STRAIN: Well, I appreciate it. That's a strange thing to add to a PUD. But if the applicant agrees with it, it's okay.

MR. FERRARO: Yes.

CHAIRMAN STRAIN: I just -- we never did it before that I know of, so...

MR. KLATZKOW: And the curious thing is there's a school right there that has basketball courts, but they close it off to the public.

CHAIRMAN STRAIN: Oh, do they?

MR. FERRARO: Yeah, they do.

COMMISSIONER CHRZANOWSKI: That's why they call it a public school.

COMMISSIONER HOMIAK: Tom's not here. We should bring that up.

CHAIRMAN STRAIN: Thank you, sir.

MR. FERRARO: Thank you very much.

CHAIRMAN STRAIN: Appreciate it.

Any other member of the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Michael, I think we've -- we don't have any other comments. I'm going to read several things, besides the small changes we talked about as we walked through the document --

MR. FERRARO: Yes, sir.

CHAIRMAN STRAIN: -- I made a note of about five or six things.

All buffers and lakes will be platted as separate tracts. You're going to create the general development section which will then -- you'll move those accessory -- community-wide accessory uses into that area.

MR. FERNANDEZ: Yes, sir.

CHAIRMAN STRAIN: You're going to have no underbuilding parking. No overhangs will extend into the utility or -- CUEs or PUEs.

MR. FERNANDEZ: Or structures.

CHAIRMAN STRAIN: Yeah, structure -- well, obviously, structures or overhangs.

And then we're going to address the sidewalk issue on the 50-foot road cut section where it's missing.

MR. FERNANDEZ: Yes, sir. One way or the other.

CHAIRMAN STRAIN: And you're going to add the new development commitments as corrected by Mr. Stone and you've read to this panel.

MR. FERNANDEZ: Yes, sir.

CHAIRMAN STRAIN: Okay. Those are the changes I'm seeing.

Now, as far as how we handle this, I'll leave it up to this board as far as what we're voting on. And then if we need to come back as consent so we have this wrapped up as a package or you want to do it any other way, I'm open to it.

COMMISSIONER EBERT: Come back. Come back for consent.

CHAIRMAN STRAIN: Does anybody want to make a motion? Let's start -- first make the motion on the changes, a motion -- if the changes are -- if it's to be approved with the changes, or whatever the Planning Commission wishes.

COMMISSIONER FRYER: I'll make that motion.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Okay. Subject -- both of you, subject to the conditions we just read?

COMMISSIONER DEARBORN: Yes.

COMMISSIONER FRYER: Yes.

CHAIRMAN STRAIN: Let's start with that. 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.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Second piece is, do you want this to come back on consent, or do you want to let staff handle it? Do you want me to review it before it goes to the Board with staff, or do you want to see it back here? It's up to you guys. But that would be the first item up on the next agenda, which wouldn't be until August -- I mean

April 5th.

COMMISSIONER EBERT: Ray, can you get --

CHAIRMAN STRAIN: It's not that complicated. I just didn't know. I just didn't know what --

MR. BELLOWS: I don't believe a summary agenda's going to -- or a consent agenda's going to help too much in this case. It's pretty straightforward. And if you, as Planning Commission, defer to Mark on the final check, we're good with it.

CHAIRMAN STRAIN: Well, if you just want to do that informally, I'll check it with staff before it goes back to --

COMMISSIONER SCHMITT: I'm fine with that.

CHAIRMAN STRAIN: Okay. Good. There's no consent then.

Michael, thank you.

MR. FERNANDEZ: Thank you very much, all of you.

COMMISSIONER SCHMITT: We have to vote.

CHAIRMAN STRAIN: No, we did vote. No, we don't have to vote on consent. If we don't -- the only time we vote on consent is if we want one. That's what I was trying to poll everybody for.

And that takes us -- done with our last really regularly scheduled item, and we have to go back to the other project, which is City Gate. And we got our orange highlighted copies in blue; blue and green and yellow. Still missed the orange.

***So let's go from that. And I'll just announce that we're returning to -- let me get the -- we're going to return for our afternoon discussion on Advertised Item 9A, which is PL20170002330, which is the City Gate Commerce Park Planned Unit Development, and PL20170002634, same project, City Gate Commerce Park, for the I-75 Collier Boulevard interchange.

All those wishing to testify again, oh -- if you haven't been sworn in previously, please rise to be sworn in. Mr. Carmichael, were you here this morning early?

MR. CARMICHAEL: (Nods head.)

CHAIRMAN STRAIN: Okay. Then everybody -- Ray, you already were sworn in this morning, weren't you?

MR. BELLOWS: That's right.

CHAIRMAN STRAIN: Okay. Then we'll just go forward.

Josh, let's walk us through all these changes.

MR. FRUTH: Okay. For the record, Josh Fruth, Davidson Engineering.

As Mark mentioned, the highlights are in blue. Sorry, Mark. I didn't have my Apple computer with me.

CHAIRMAN STRAIN: Well, Microsoft should have orange, but that's okay.

MR. FRUTH: They didn't. I tried.

The first blue is on Page 10. I know that you guys do not have page numbers, so I'll walk you through this.

It is Section 2.3. At the end we added "in all material respects" and removed the word "generally" per the Commissioner's request, after "shall."

CHAIRMAN STRAIN: Okay.

MR. FRUTH: The next page is 16. It's Deviation No. 7 where you're jumping to. Strikethrough on Deviation "see No. 12" being removed.

Go to the next Page, 17, Deviation No. 8, we changed the word to "further Board of County Commissioners," and Deviation No. 9, in parenthetical, "to the surface area of the sign," we added "not to exceed 9 feet by 15 feet in display area."

CHAIRMAN STRAIN: Now, do you want to make that in each display area so that you know -- because you're going to have one on each side of the sign.

MR. FRUTH: Okay.

CHAIRMAN STRAIN: I don't want anybody to mistake that, that's all.

COMMISSIONER EBERT: Yeah. That's why you do the 350, right?

CHAIRMAN STRAIN: Yup.

MR. FRUTH: Will do.

CHAIRMAN STRAIN: Thank you.

MR. FRUTH: Page 18.

MR. KLATZKOW: Could we go back one second on 8?

MR. FRUTH: Yes.

MR. KLATZKOW: You said "further Board of County Commissioner approval"?

MR. FRUTH: Yes, on Deviation No. 8.

MR. KLATZKOW: Just so we don't have an issue, are we looking at three votes or four votes?

MR. FRUTH: Do you want me to add that?

MR. KLATZKOW: I'm asking, is this going to be three vote or four vote?

MR. FRUTH: Good question.

CHAIRMAN STRAIN: It's not a zoning issue. Well, it's in the right-of-way, but it's not a zoning issue. Wouldn't it be a three-vote?

MR. KLATZKOW: It's going to be whatever you guys want to put into this document.

COMMISSIONER EBERT: Five.

COMMISSIONER CHRZANOWSKI: We get to decide for the Board whether it's three or four? No problem; two.

CHAIRMAN STRAIN: You're going to open up a can of worms with this.

MR. KLATZKOW: No, no, no. You could do it with three, or you could do it with four.

CHAIRMAN STRAIN: It's a non-zoning change, so --

COMMISSIONER SCHMITT: It's not a -- it doesn't require supermajority. Three votes.

MR. KLATZKOW: Just to avoid this issue: On majority vote, a simple majority vote.

COMMISSIONER SCHMITT: Simple majority.

MR. FRUTH: Okay. I'll note it "with simple majority vote" or "by simple majority vote."

Page No. 18, Deviation No. 12. The bottom of that deviation we added the external projection sign limits. Bullet Point No. 1, lighted signs are allowed facing to the east, west, and south. Bullet Point No. 2, lighted signs facing to the north are allowed, cannot be taller than 25 feet, and cannot be animated. Bullet Point No. 3, up to three 15-foot-by-40-foot, parenthetical, service area signs may be installed for naming rights. Signs can be lighted but not animated.

CHAIRMAN STRAIN: Okay. And the first bullet, since you were so nice to say it cannot be animated in the other two, can you just add that to the first one?

MR. FRUTH: Yes.

CHAIRMAN STRAIN: Then there's no question that none of them can be animated, so...

MR. FRUTH: Okay.

Okay. Jumping ahead to Page 20, which is Deviation No. 18. This language is similar to what's in Deviation 21, as we discussed a few hours back. It reads, "In conjunction with the off-site native vegetation requirements (See Deviation No. 21 in this document), the buffer requirements (acreage of typically retained native vegetation) shall be shown on the Site Development Plan application but may be relocated with the Site Development Plan amendment application in the future."

CHAIRMAN STRAIN: And both of those references that you have, 21 as well, it needs to be on the first Site Development Plan application because then everything after that's an SDPA.

MR. FRUTH: Noted. We'll add that.

CHAIRMAN STRAIN: That also occurs in No. 21, so...

MR. FRUTH: Page 25, Item No. 3 under the sports complex, 3B, we added the sentence that says, "The sports complex project shall not lease any property/facility to a professional sports team/franchise."

CHAIRMAN STRAIN: And go ahead, Joe.

COMMISSIONER SCHMITT: Just a question on that. This does not prohibit, though, if you wanted to have, I don't know, you pick, the South Buffalo professional softball team come in and put on a softball demo. They can't do that -- or they can do that, a one-time event.

MR. FRUTH: Yes.

CHAIRMAN STRAIN: Yeah. We clarified.

MR. FRUTH: The goal is to allow that to happen.

COMMISSIONER SCHMITT: That's what I thought we had clarified. So this doesn't prohibit a one-time event, okay.

CHAIRMAN STRAIN: If you look at that new blue, "The sports complex shall not lease or sell." We have a wheeler-dealer here in the county called Nick Casalanguida. If he doesn't find one way to get it done, he might try another.

COMMISSIONER SCHMITT: He's got to get that money for the overpass, you know. That's the way to do it.

MR. FRUTH: Noted. We will add "or sell" after lease.

3E, we also added, after weekday holidays, it now reads, "recognized by Collier County Government."

The next page is 29; it's the height of the sports complex. Instead of "structure," it now reads "actual height" to match the defined term that's already in the document.

Jumping ahead to Page 58, these are the SIC codes at the top. It would be Exhibit A-3, Page 6 of 6.

CHAIRMAN STRAIN: Yeah. You didn't highlight the copy I've got at least, but I noticed you did it on the one you -- the electronic version I have isn't highlighted for that addition.

MR. FRUTH: Really?

CHAIRMAN STRAIN: I went and checked it. That's how I happened to find it.

MR. FRUTH: It must be your Apple.

CHAIRMAN STRAIN: It could be, yeah.

COMMISSIONER CHRZANOWSKI: But these pages are numbered; 58 is numbered on the ones you gave us. The electronic version will be -- is numbered now. That was one of the things that we scrambled to get done last minute. So it is now.

Under No. 2, which describes the uses, the bands, orchestras, actors and other entertainers and entertainment groups, we added the bullet point that says limited to 20 events, one per weekend. Above 20 requires a temporary-use permit.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: Page 64, the required yard plan at the bottom, this was Scott's comments. We removed a comma, and we added a comma highlighted after the sports complex project and after yards, we removed.

And Page 67, which was also the required yard, at the bottom -- or at the end of Item 2C, we noted the acreage, 0.82 acres, which is also shown on Exhibit A-6, Page 26 of 28, and that's actually supposed to be 25 of 28, so that will be corrected.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: And that is it.

CHAIRMAN STRAIN: Okay. Anybody have any questions?

COMMISSIONER SCHMITT: No questions.

CHAIRMAN STRAIN: It looks like it got cleaned up; very good. So we'll have to come back for a final reading on April 5th and then a consent after that in the end of April, and maybe we'll get to the Board before their summer break. Just kidding.

MR. FRUTH: You need to look out that way.

CHAIRMAN STRAIN: Yeah, I'm looking at Nick. I think with all the corrections and changes, that gets us going now. Now we just --

COMMISSIONER SCHMITT: Will that reread be in orange, though?

CHAIRMAN STRAIN: It will be orange, yeah.

COMMISSIONER SCHMITT: The correct color.

CHAIRMAN STRAIN: Ray, do we have any registered public speakers?

MR. BELLOWS: No speakers. Oh, wait, we do have one speaker. I'm sorry. We do have one.

CHAIRMAN STRAIN: Okay. And I -- Nancy, did we ask you for a report this morning on this issue?

MS. GUNDLACH: Yes, you did.

CHAIRMAN STRAIN: Then we got that. So let's ask for public speakers. Mr. Carmichael?

MR. BELLOWS: Steve Carmichael.

MR. CARMICHAEL: Steve Carmichael, and, yes, I've been sworn in, so thank you. Thank you for having me. I apologize for the way in which this went about, but I appreciate you letting me speak.

To start off the bat, I want to say I'm 100 percent against this sports complex, and one of the reasons I am or the main reason I am is I'm 650 feet beyond their 85-foot wall. It's right in my backyard. I would assume that none of you would like that if it was in your backyard either. So I'm against that.

And the other reason that I wanted to come up here and speak was I heard a couple of times today somebody saying that the public was 100 percent behind this. Not true. Everybody that was in the information meeting who were residents last year was 100 percent against it. So the public is not 100 percent for it, so I wanted to point that out.

I'm now hearing for the first time that there's going to be concerts available, and I'm now hearing for the first time that Saturday night's going to go to 12 o'clock at night. Again, I'm 650 feet beyond this thing, and it's going to be right in my backyard. I don't want to be awake at 12 o'clock on a Saturday night, just my personal opinion.

Traffic, that's been kind of a subject throughout the day on a number of different projects. You've used the term called vetted plan. I'm assuming that means that the traffic has been vetted for that area.

CHAIRMAN STRAIN: Vested.

MR. CARMICHAEL: Vested; I'm sorry, vested.

CHAIRMAN STRAIN: Yeah. This is a DRI that came about back in what, 1980s sometime, and so all these traffic counts were approved at that time.

MR. CARMICHAEL: Okay. I would really appreciate it if all you guys could be on the corner of that complex at 5:30 tonight and see the traffic backed up from Golden Gate Boulevard all the way back to where you cannot get in and out of my development, that development that we're talking about.

COMMISSIONER CHRZANOWSKI: Excuse me. Where do you live?

MR. CARMICHAEL: I live right behind the canal.

COMMISSIONER CHRZANOWSKI: On the north side of the canal, Golden Gate Main Canal?

MR. CARMICHAEL: Yes. That's where I live, right there. Literally, from what they showed us at that public hearing, the Planning Commission, I was literally 650 feet from their 85-foot wall.

COMMISSIONER CHRZANOWSKI: And you're on a canal lot?

MR. CARMICHAEL: I'm on a canal lot, correct.

COMMISSIONER CHRZANOWSKI: Are you nearer the west end or the east end?

MR. CARMICHAEL: I'm nearer the east end. I'm about four lots from the east end of that canal. 3270 31st Avenue Southwest, if you need an address. So it's literally right in my backyard.

Against concerts never talked about before.

Public use, I heard, you know, this is going to be great for our families and our neighbors because the public can use this. There are two other major sports complexes on Golden Gate Boulevard and on Santa Barbara that have all of these facilities and more. So I'm unclear as to why there's a need for this. So I don't know if there's been a study developed for this or what.

But going back to the traffic, we're now going to add not only the 100 percent residents that are there, and now we have the seasonal residents, now you're going to be bringing 240,000 -- according to the article in the Naples Daily News, 240,000 new people into that complex over the year. That's a lot of traffic to be coming through that area. So, again, just a thought.

And, finally, this isn't Field of Dreams. You know, if you build it, they will show. No, not necessarily so. I mean, that's just, you know, my opinion, and I'm just one guy. And I'm aware that chances are my comments mean absolutely nothing, but I wanted to put them on the record anyway.

So I appreciate you having me up here. And do you have any questions for me?

CHAIRMAN STRAIN: I just -- you had said there are two other facilities -- we don't have anything in Collier County that I know of like this facility. Where did you -- where did you find these other --

MR. CARMICHAEL: Right behind -- next to the sheriff's station, the -- right on -- it would be Golden Gate Boulevard right next to the Sheriff's Department. There's an entire sports complex behind

that -- behind the community center.

CHAIRMAN STRAIN: Oh, yeah. But there's no stadium or --

MR. CARMICHAEL: Oh, no. There's no big stadiums, no, no, no.

CHAIRMAN STRAIN: Okay.

MR. CARMICHAEL: There's no big stadiums, but there's places to play and there's parks and --

CHAIRMAN STRAIN: Yeah, it's a community park.

MR. CARMICHAEL: Yeah, community park areas; that's what I meant by that.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Thank you, sir.

MR. CARMICHAEL: Thank you, all, very much. Appreciate it.

MR. CASALANGUIDA: Mark, if I could, just to maybe help Mr. Carmichael a little bit, and put it on the record, we'll agree to a stipulation that says the stage side will face to the south. So if any amplified sounds, if the stadium's built and we have a stage side, we should plan to on one side, we'll point that to the south so that at least --

CHAIRMAN STRAIN: You'll put that into the PUD?

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: Okay.

MR. CASALANGUIDA: We've talked about it --

CHAIRMAN STRAIN: The position I basically have on this is that I think it's going to get approved because it was actually already reviewed by the Board, and there's a hint that they think this is a needed facility.

On the condition that it is, the best thing we can do is put as many stipulations that are practical on it such as that. And so with the other stuff we did today, I don't know what else we can do to make this any better that would stick. So does anybody else? I mean, anybody have any ideas?

COMMISSIONER SCHMITT: I would agree with you. I mean, it's sort of a -- I fully understand the issues. We've done everything we could to try and mitigate the impact, and especially with signage and other things, it's really -- you need to bring your issues to the Board of County Commissioners, because that's where that --

COMMISSIONER EBERT: That's where it comes.

COMMISSIONER SCHMITT: -- that decision will finally be made.

MR. CARMICHAEL: Let me know when the meeting is, we'd be happy to be there.

CHAIRMAN STRAIN: Well, Nick or the staff --

MR. CASALANGUIDA: March 27th.

MR. CARMICHAEL: March 27th. Here?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: Okay. With that, Josh, do you have anything you want to wrap up with?

MR. FRUTH: Just what Nick stated. We'll add that under -- it's on Page 25. We'll add Item F under 3, the sports complex project.

CHAIRMAN STRAIN: Stages and sound amplifying music --

MR. FRUTH: Will face south.

CHAIRMAN STRAIN: -- facilities will be facing towards -- will be directed toward the south.

MR. FRUTH: Correct.

CHAIRMAN STRAIN: Okay. Well, that's at least a beginning, so...

Okay. There's not really any stipulations to read into it because everything that was going to be stipulated seemed to have gotten fixed. I'm checking right now to make sure there's nothing else. No.

Oh, at some point there was going to be Dark Skies lighting. Did that get into the -- we've read this thing so many times, I want to make sure it's still in there.

MR. FRUTH: It was read into the record two weeks ago.

CHAIRMAN STRAIN: It needs to be added.

MR. FRUTH: But it was not -- but I'll add that as the other -- under same page, 25.

CHAIRMAN STRAIN: You're going to stay with the Dark Skies outdoor lighting basics, which will be much better for the lighting system, and that was volunteered by you-all, so...

And then there's staff recommendations. Do you have any objections to staff recommendations?

MR. FRUTH: We do not.

CHAIRMAN STRAIN: Okay. Then those need to be included as well.

And we're going to have to review this one under both cases as EAC and Planning Commission for A and EAC and Planning Commission for B. So I want to make sure that we've got everything done.

Ray, is there anything else from staff where you guys --

MR. BELLOWS: No. You've got it right. You have two motions, and --

CHAIRMAN STRAIN: Okay. So I'll call as the EAC the recommendation on -- this is for the PUD. PL20170002330, and the recommendation, if for approval, should be consistent with what's been read into the record and requested as changes that we've seen here today.

COMMISSIONER DEARBORN: So moved.

CHAIRMAN STRAIN: Made by Patrick.

COMMISSIONER SCHMITT: Second.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: Seconded by Joe.

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.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: That's the Planning Commission sitting as the EAC.

The second one we're sitting as the EAC on is Item 9B. It's PL20170002634, and it's for the -- this is for the DRI portion of it. We discussed that the first time the original -- way back when two weeks ago when we heard it. Really, this is going to be -- this is consistent with that, and to that effect, that's the most the motion needs to contain. Is there a motion?

COMMISSIONER DEARBORN: So moved.

CHAIRMAN STRAIN: Is there a second?

MR. STONE: Mr. Chair, there was language added at this meeting --

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: Right.

MR. STONE: -- to the resolution? Okay.

CHAIRMAN STRAIN: The language that we discuss now to the point that it affects the DO is what we're voting on.

MR. STONE: Okay.

CHAIRMAN STRAIN: Okay. So we're approving the DO with any language needed to be changed as a result of this discussion. There's been a motion. Who does the second?

COMMISSIONER SCHMITT: (Raises hand.)

CHAIRMAN STRAIN: Joe did. Okay. By Patrick and Joe.

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.
COMMISSIONER DEARBORN: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 7-0.

Now, sitting as the Planning Commission, Item 9A, PL20170002330. It's for the Planned Unit Development for City Gate subject to the conditions we heard today and the corrections passed out.

Is there a motion?

COMMISSIONER DEARBORN: So moved.
CHAIRMAN STRAIN: Made by Patrick. Seconded by?
COMMISSIONER SCHMITT: (Raises hand.)
CHAIRMAN STRAIN: Joe.

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.
COMMISSIONER DEARBORN: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 7-0.

Second Planning Commission vote will be on 9B, PL20170002634. It's the City Gate Commerce Park Development of Regional Impact. Subject to those items that pertain to the DRI as read into the record and discussed today, is there a motion?

COMMISSIONER FRYER: So moved.
CHAIRMAN STRAIN: Made by?
COMMISSIONER SCHMITT: Second.
CHAIRMAN STRAIN: Made by Ned, seconded by Joe.

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.
COMMISSIONER DEARBORN: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 7-0.

That takes us to the end of our agenda, gentlemen. So Item 10A is new business; there isn't any. Item 11 is old business. There's none listed.

Is there any other -- Joe?

COMMISSIONER SCHMITT: Just the discussion we had about emergency management staff will need to come back and tell us when Dan Summers can come in and give us at least a rundown on the --

MR. BELLOWS: Definitely.

CHAIRMAN STRAIN: And it would be a new business item, but please put it on an agenda or think about it ahead of time before we have a backed-up situation.

MR. BELLOWS: We'll coordinate that on the agenda with you.

COMMISSIONER SCHMITT: Yeah. You need to convey the concerns so he understands. If he wants to come in and discuss some kind of a program that he wants to move forward with, we're open to that as well.

MR. BELLOWS: Yeah. And we've had extensive discussions with him already, so he's willing to work with us.

CHAIRMAN STRAIN: Is there any public comment?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to adjourn?

COMMISSIONER DEARBORN: Motion to adjourn.

CHAIRMAN STRAIN: Made by Patrick. Seconded by?

COMMISSIONER SCHMITT: Second.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: We're out of here. Thank you, all.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:40 p.m.

COLLIER COUNTY PLANNING COMMISSION


MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 4-19-18, as presented or as corrected _____.

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