

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, June 21, 2018

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

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

ALSO PRESENT:

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

PROCEEDINGS

CHAIRMAN STRAIN: Okay, everyone. It looks like the chairs have been added, so hopefully everybody has a seat, and we can start the meeting. Welcome to the Thursday, June 21st meeting of the Collier County Planning Commission.

If everyone will please rise for the Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you.

Roll call by the secretary, Diane.

COMMISSIONER EBERT: Yes, good morning. This might be a little different, but I'm going to go.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Fryer?

COMMISSIONER FRYER: Here.

COMMISSIONER EBERT: Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: And Mr. Schmitt?

CHAIRMAN STRAIN: He had another arrangement. He couldn't be here today.

COMMISSIONER EBERT: And Mr. Dearborn also.

CHAIRMAN STRAIN: Okay. With that addenda to the agenda, we have three items on today's agenda. If there are no changes in any of them, we're moving forward.

Staff, you don't have any changes, right?

MR. BELLOWS: No changes.

CHAIRMAN STRAIN: Planning Commission absences, the next meeting is July 19th. There will be no meeting on July 5th.

So with that, does anybody know that they're not going to make it to the July 19th meeting?

(No response.)

CHAIRMAN STRAIN: Okay, we'll have a quorum.

Approval of the minutes, they were electronically disbursed, May 17th minutes.

Anybody have any changes?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to approve?

COMMISSIONER FRYER: I move for approval.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Mr. Fryer, seconded by Ms. Homiak. All in favor, say "aye."

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: No opposed. Motion carried.

Ray, is there a BCC report?

MR. BELLOWS: Yes, the Board met on June 12th, and they approved the Torres Family Trust CPUD on the summary agenda.

CHAIRMAN STRAIN: Thank you.

As far as chairman's report, the only thing I want to note today, we are in a different room. I tried to avoid this room for the cost it takes to set it up and move forward, plus it can't be videoed. Unfortunately, there was a conflict where the Board needed their room back, so we could not be scheduled at the main building today. So it was either cancel this meeting or -- or continue as we are here.

With that in mind, I do want to thank John Magwa and Perry Del Manuel -- we call him Manuel -- who set the room up and was making sure everything worked well and functioning today. And also Judy Puig, for making sure everybody was notified properly and got here okay. So, with that in mind, I'll move on to the rest of it.

Our next item up is consent agenda. We don't have anything for consent. And the first of the two -- the three advertised public hearings, we'll hear from the first two because they're opinion items. We'll discuss them concurrently and we'll vote for them separately.

The first advertised public hearing is 9.A. It's PL20160002360/CP-2016-3. That's the small scale -- no, the Growth Management Plan Amendment for the Goodlette/Pine Ridge Mixed-Use District. The companion item to that is 9.B. It's PL20160002306. That's the planned unit development for the same location and the same project.

All of those wishing to testify on behalf of this item, please rise and be sworn in by the court reporter. Any of the members of the public that are here that you're going to talk, you need to stand up and be sworn in.

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

CHAIRMAN STRAIN: Okay. We'll start with disclosures. Diane?

COMMISSIONER EBERT: Tons of e-mail and staff.

COMMISSIONER FRYER: A lot of e-mails and telephone communications with applicant's representatives and staff.

COMMISSIONER CHRZANOWSKI: Same as Ed.

CHAIRMAN STRAIN: And mine are the same as that. I did meet with the applicant's team a couple days ago, and I've also had a separate meeting with staff on my various questions about this project so everybody would be prepared to answer them adequately today.

Karen?

COMMISSIONER HOMIAK: I spoke with Mr. Yovanovich, and e-mails.

MR. EASTMAN: I've gotten several e-mails from concerned citizens, and letter as well.

CHAIRMAN STRAIN: And as a note, if you notice, the young lady here today taking the minutes for the court reporting is not Terry. Terry has been our -- been with us for a long time. She's at the other meeting today. And for the sake of the court reporter, everybody has got to clearly state their name to start with, including possibly some of us, for the first time, when we start talking, so can she get your name right.

And at the same time, these mics are a little different than what we're used to. They're activated by talking fairly close to them, so when you start to speak, try to get as close as you can to the mic so it picks it up immediately and kicks in. Otherwise, it doesn't get on the audio that we're having made.

With that, we'll move directly into the presentation made by the applicant.

Wayne, it's all yours.

MR. ARNOLD: Thank you.

Good morning, Chairman and Planning Commission Members. I'm Wayne Arnold, with Grady Minor & Associates, and I'm here representing the Barron Collier Companies and their entities that own the 31-acre Pine Ridge Commons PUD.

CHAIRMAN STRAIN: Might need to bring that a little closer.

MR. ARNOLD: Okay. Is that a little better?

CHAIRMAN STRAIN: I hope so.

MR. ARNOLD: Thanks.

With us today, I have David Genson, from Barron Collier Companies and Rich Yovanovich, the land use counsel on the project, and Norm Trebilcock, who is our transportation engineer.

CHAIRMAN STRAIN: Who is the young fellow with you on the first row?

MR. ARNOLD: The gentleman next to Mr. Genson is Parker Arnold, son of me.

He is an intern this summer with the Barron Collier Companies, and getting a look at all that they do.

CHAIRMAN STRAIN: I hope someone has questions for him today.

MR. ARNOLD: He'll have to be sworn because he didn't stand.

COMMISSIONER EBERT: He has a very nice mother.

(Laughter.)

MR. YOVANOVICH: She'll tell you.

MR. ARNOLD: She would agree with you. Thank you.

All right. So I think most of us in the room are familiar with the location of this project. It's a 31-acre PUD. It's also part of its own comprehensive plan subdistrict. And we're amending both the subdistrict language and the PUD, in essence, to accommodate a residential development opportunity. And that's restricted to multifamily rental residential community.

We have held two neighborhood information meetings for the project over the course of a little over a year that we've been in the process. And those meetings were well attended. You've obviously seen some of the correspondence that has come from those, but, in essence, the change is really to bring about the mixed-use component opportunity for the project. The approved Master Plan, the box is a little unusual, but the legibility on the Master Plan was so poor that we blew up the land-use summary to show that it's currently approved for 275,000 square feet of office and retail space, and there is a note restriction that allows no retail north of Panther Lane.

So the properties and office buildings located north of Panther Lane are part of the PUD, but they're restricted to the office uses.

The proposed changes that we're making to the Master Plan are pretty simple. We're noting the locations where the residential can be constructed on the property. So those would be the mixed-use tracts, and then we've amended the land use summary to include the reference to the 375 multifamily rental residential units.

We've -- as part of this proposal, we've obviously had to add development standards for residential development, which are reflected on the right-hand column on this slide, though commercial development standards remain unchanged. And one of the notations that we've made to the actual PUD Development Standards Table was to add a reference to no residential structures could be built within 350 feet of the southern PUD boundary. That came about after discussions with some of the residents at Northgate Village and looking at physically where the residential component could be constructed.

So there is a footnote in your table. If you look at that, that references that locational requirement.

CHAIRMAN STRAIN: You may want to slow down a bit so we get the transcript complete.

MR. ARNOLD: Sorry about that.

CHAIRMAN STRAIN: I noticed she was moving pretty fast.

MR. ARNOLD: I tend to speak fast, so I apologize.

This, I just created an aerial photograph that shows the proposed Master Plan change on it. It reconfigures the primary parcel here to accommodate, potentially, a future residential building. And out of our discussions with the Northgate residents, for instance, we told them we would create a sightline exhibit for them, and we did meet with them separately to talk about that.

CHAIRMAN STRAIN: Show us on this plan where the Northgate location it, for those people that don't know.

MR. ARNOLD: Let me go back to the ariel photograph. I think that picks it up a little bit better.

Northgate Village is the property located immediately south of Pine Ridge Road. They have a wall and landscape buffer between themselves and Pine Ridge Road, but they had some issues with regard to some of the potential mixed use and the visibility of the buildings. So we worked with them to establish that 350-foot setback for the residential building.

Out of that Mr. Genson and his group did a couple of sightline studies that we presented to them. I'll put those on the visualizer, just a couple of different views. And this was looking at north from Northgate Village, and that's depicting -- you can see the potential residential building, the roofline, visible from their view within their community.

Different view from another part of their community, again showing the residential building to the

right, and another view that was created that shows another very minor view of the building, as you look down one of their streets.

So I think they were satisfied that their view impacts were very minimized by the location of the building, the 350 feet from our PUD boundary, and I don't believe they carry an objection today.

When we had our second NIM, one of the residents from Pine Ridge asked why they hadn't been presented with a sightline study, and we simply indicated that nobody had asked us to, but we were specifically asked by Northgate.

So Mr. Genson and his group prepared a sightline study, depicting a view from -- I should show you that location. Excuse me.

The red line on there depicts the closest residential development lot in Pine Ridge to the project. So this cross-section demonstrates the proposed view from looking across the west side of Goodlette Frank Road, toward the building. And I think you can see that the Raymond James building is in view.

CHAIRMAN STRAIN: Wayne, it's not a technical question about the case, but on these renderings, I've never seen anybody do them hand done before.

Why wouldn't you have just stood in the field, taken a picture, and superimposed with Adobe Photoshop or something, the buildings in the background? Then we would have seen what's actually out there in place, versus what -- an artist's rendering. Just out of curiosity?

MR. ARNOLD: It's possible, but it's just not what we chose to do. This is easier to hand-sketch it in this case, because I think, in this case, the Raymond James building -- the height of the building is superimposed on the project, which shows there is no view from Pine Ridge of the proposed residential building. So that was our attempt to do the sightline studies.

COMMISSIONER CHRZANOWSKI: Plus, Wayne, as I look at Google Earth, that lot is fully treed, and if you were to take a picture from anywhere on that lot other than right at the sidewalk, all you would see is trees.

CHAIRMAN STRAIN: That was what I was asking for. I mean, I -- that would --

COMMISSIONER CHRZANOWSKI: Yeah.

CHAIRMAN STRAIN: Okay. You're north of that lake that's on the picture I've got. He's in the back of that field you're showing on your screen right now.

COMMISSIONER CHRZANOWSKI: I'm wondering, how that lot accesses. Does that lot access -- it couldn't possibly access off Goodlette, so it must access from the other side.

Okay. Never mind. I'm wrong.

MR. ARNOLD: I'm not sure of its accesses. Probably Pine Ridge would be its access within Pine Ridge, I'm guessing. I'm looking at Mr. Yovanovich as a Pine Ridge resident.

COMMISSIONER CHRZANOWSKI: I'm wrong. It would have the access off Pine Ridge.

MR. ARNOLD: Oh, Pine Ridge Road. I'm sorry, yeah.

CHAIRMAN STRAIN: Yes, ma'am. Go ahead.

COMMISSIONER EBERT: I have a question.

Wayne, is that property across the street not county owned? I thought part of that was county owned.

MR. ARNOLD: That parcel, where the red line is depicted, is owned by a woman that -- I think she sold the corner parcel to Collier County but retained that parcel. So the County owns the parcel where the retention pond is constructed, but it's privately owned north of there, where we depict the line.

COMMISSIONER EBERT: North.

MR. ARNOLD: Where -- the red arrow on the vacant Pine Ridge lot, that is privately owned.

MS. ASHTON: Do you have the rendering that shows the distance from the westernmost C parcel that's currently vacant?

MR. ARNOLD: I'm not sure.

MS. ASHTON: Because that one also is eligible for apartments.

Would you like me to show you what I'm referring to?

MR. ARNOLD: Sure. The outparcel --

MS. ASHTON: Yeah. This parcel also is allowed to have residential, and it looks like you're referring to this parcel.

MR. ARNOLD: That is correct, Heidi. The rendering does depict the footprint of the building in the central portion of the site, but I do think if you look a little farther north, where the outparcel is located, that site is heavily wooded and there is probably very limited view, if any, given the nature of the project.

One of the things that I would point out -- and, you know, we take these neighborhood meetings seriously, and we heard a lot of comments over the two meetings that we did have, and there were issues of traffic, and there were issues of height. So we're going to make a couple of proposed changes this morning that are not in your packet.

The first change we would like to do is reduce our height request as to the zone height, from 55 feet down to 50 feet, and keep the architectural embellishments at 60 feet, which is consistent with the allowed commercial buildings, office buildings on the site. So whether we put an office building there or a residential building there, the heights would be 50 feet for an office building, 50 feet for the multifamily rental building, with an actual height of 60 feet.

And then, also, looking at that, we've gone back and talked to our client, and talked a little bit about what else we can do here, because in doing so, the comp plan language that we added limited our height to four stories over parking. We would like to modify our comp plan language to strike that reference to "four stories over parking" and limit our height to "four stories," period.

COMMISSIONER EBERT: No parking underneath?

MR. ARNOLD: Correct. It would be a total of four residential stories that would be referenced in the comprehensive plan, and then we'll be subject to the height restrictions under the PUD of a 50-foot zoned height and a 60-foot actual height.

CHAIRMAN STRAIN: But if you're talking about four stories, you could do three stories over parking because you would still be four stories. Is that what you're --

MR. ARNOLD: That's correct, Mr. Strain. I think that would be accurate to say that.

CHAIRMAN STRAIN: That's why I wanted to make that clarification, whether it's four stories with one of parking or four stories, four stories is still four stories. And that's what I was trying to understand.

MR. ARNOLD: Thank you for the clarification, yes.

The other change we would like to make is to reduce our unit request from 375 units to 325 units. And we think that that's going to further address the traffic issue in a better way, although our traffic studies support that with 375 units, there is not an issue, but we know there seems to be a perception issue out there. So we're trying to address that, and we're making a request today to go down to 325 units.

I know that you all are going to have questions. I think that summarizes, in essence, what we're attempting to do here, and I would be happy to answer questions or have our team answer questions. I'm sure you'll have questions that we can address, or when you get to the public, we'll be happy to address those too.

CHAIRMAN STRAIN: Okay. Diane.

COMMISSIONER EBERT: Wayne, could you put up on the vision where these apartment buildings could be?

CHAIRMAN STRAIN: Wayne, do you want to borrow a pointer?

COMMISSIONER EBERT: I thought you had them marked.

MR. ARNOLD: We do. They are noted with footnotes. Maybe I'll do it on this aerial. It's maybe easier to see.

They could be built here or here or here or a portion of here (indicating), and not within 350 feet of our southern PUD boundary. That parcel or the main parcel, still subject --

COMMISSIONER EBERT: Only two parcels.

MR. ARNOLD: I'm sorry, yes. That's two parcels.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Anybody else?

Go head, Ed.

COMMISSIONER FRYER: So that I save myself some trouble here, opening up my spreadsheet, what is the number of dwelling units per acre at 325?

MR. ARNOLD: I didn't go back and recalculate it at 325, but it's 12 units per acre at the 375.

If you give us a moment, I would be happy to recalculate that for you.

COMMISSIONER FRYER: Well, it's more than eight, though, isn't it?

MR. ARNOLD: I believe it still would be more than eight, yes.

COMMISSIONER FRYER: 10, 11 something like that.

Okay. All right.

Then my next question is why you would need 10 feet for embellishments between zoned and actual height.

MR. ARNOLD: Well, the buildings aren't designed yet, and typically, we would find that. If you look at the office building number, for instance, it's restricted to 50 feet, and then it has 10 feet for architectural embellishments. It's not an uncommon number. Sometimes it's 5, sometimes it's 10.

COMMISSIONER FRYER: I thought 7 was more common.

MR. ARNOLD: Most of the projects I work on, it's closer to 10.

CHAIRMAN STRAIN: Would this building have elevator shafts?

MR. ARNOLD: At four stories, if we built a four-story building, I think we have to have --

CHAIRMAN STRAIN: Right. So you'd end up having an elevator mechanical room if it's not hydraulic, probably up on top?

MR. ARNOLD: That's correct. The 60-foot actual height would include the architectural embellishments and mechanical.

COMMISSIONER FRYER: With an elevator shaft you would need 10?

CHAIRMAN STRAIN: Yeah, it's above the zone height, so that's why we have separate numbers.

COMMISSIONER FRYER: I understand.

CHAIRMAN STRAIN: You would have a ceiling height in that. I think you would want to make sure it's adequate. 7-foot height might not be enough, but that's the only suggestion that I'm thinking they may need it for.

COMMISSIONER FRYER: Well --

MR. YOVANOVICH: Pending the arithmetic -- 10.5, okay.

MR. ARNOLD: Just make sure the record picks it up.

The recalculated density for the 31-acre project is now 10.5 units per acre.

COMMISSIONER FRYER: Okay. That's better. Still, my main concern, though, is the additional traffic congestion, additional number of trips that would result from exceeding the -- what is it, 245 calculation? I will say this is better, but I'm not sure it's really good enough. Okay. I would certainly try to keep an open mind.

We want to hear what the public has to say about that. My personal experience is, I really find it hard to believe that that intersection, at least when you're traversing Pine Ridge and then going south on the trail, which I do a fair amount, it's pretty darn busy.

And also, my other concern having to do with -- this is the timing of the traffic, when you have commercial and office establishments, you would expect to see traffic throughout the day, versus residential, where no matter what you've determined your peak hour is, common sense would say that you're going to have more traffic at the -- in the rush hour segments in the morning and the afternoon, which would further congest the congestion that people who already live there have to endure. And I've talked to Mr. Yovanovich about this, and I think we've agreed to disagree.

But please.

MR. YOVANOVICH: If I can. For the record, Rich Yovanovich.

I have Norm, Mr. Trebilcock, here to address the comments and questions we discussed yesterday, regarding how we do the traffic study, how the A.M. peak is addressed and -- well, typically we addressed the P.M. peak, because that's what the County asked us to do in the TIS, but we also asked Norm Trebilcock, our traffic expert, to look at the A.M. peak, because when you look at our traffic analysis, the A.M. peak number is actually higher than the P.M. peak because it's a residential use.

So I would like to bring Mr. Trebilcock up here to discuss the traffic-related analysis and the peak hour analysis both in the peak, in the morning, and in the afternoon, if it's appropriate at this time.

CHAIRMAN STRAIN: The thing I was thinking, Rich, there may be others of us who have specific traffic questions. We could go off on the tangent of traffic first, and then go into the PUD changes, but it

might be more effective to talk about some of the PUD changes because they would probably have an impact on the traffic.

MR. YOVANOVICH: Yes, sir, whichever way you want to do it. We're flexible.

COMMISSIONER FRYER: I would just go through my list, which --

CHAIRMAN STRAIN: I would hope we would do that. I think that would be best, and bring up all of the other --

MR. YOVANOVICH: Then we'll answer all the questions.

CHAIRMAN STRAIN: The County staff and experts can come after we get done with the general public.

MR. YOVANOVICH: Okay. That's fine.

COMMISSIONER FRYER: As you know, Mr. Yovanovich, I understand the concept that I think pervades traffic studies generally done for developers and other applicants that there's a comparison between what could have been done versus what is proposed to be done, and I understand that.

But under the applicable ordinances that the BCC is supposed to look at when they determine whether the density is too great and the resulting traffic congestion will be too great, I think -- I think they look at what the actual conditions are now, versus what could have been done but wasn't done, either for marketplace reasons or other reasons that are peculiar -- particular to a particular development such as this.

So, obviously, when the time comes, I'm glad to hear from Mr. Trebilcock, but the thing that's most important to me is what is going to happen in relation to actual current conditions under the ordinance. Is it --

MR. YOVANOVICH: 4.02.07, I think.

CHAIRMAN STRAIN: Right. And Mr. Trebilcock, when appropriate, will talk about what is actually out there today, what theoretically can be out there if we build what's currently approved, which will be our only option, versus how it will actually go down in traffic impact if residential is approved. So he'll address that during his presentation.

COMMISSIONER FRYER: Let's see. Rich, yesterday, we spoke about -- and I guess what I'm asking for is if Mr. Trebilcock can address this as well, when his time comes -- the question I asked about the actual 24-hour ingress and egress to that partially developed parcel right now, and how that would compare to what you're proposing if you were granted the rezone and the GMPA.

Then let's see. All right. That one has been covered. Oh, I know. I --

MS. ASHTON: Mr. Fryer, could you move your mic closer?

COMMISSIONER FRYER: Oh, I'm sorry.

MS. ASHTON: Thank you.

COMMISSIONER FRYER: Sure. Thank you.

I understand that there was a lot of criticism voiced by neighbors with respect to the conduct and the content of the neighborhood information meetings. I listened to the tape as I always do, and I did not find any serious issues having to do with the presentation, certainly it's an imperfect situation, as it frequently is, but I couldn't find any indication of let's say, an intentional failure to address questions. But I will say, one thing -- and maybe ask my colleagues to -- if they disagree, to weigh in.

I appreciate that you and Mr. Arnold both identified yourselves almost every time you spoke, and that's good. I don't think, though -- it certainly wasn't my intent, and I don't believe it was the Commission's intent, that members of the public also have to identify themselves each time.

Now, in most cases, members of the public are unintimidatable, and that's a good thing, but occasionally, someone might prefer not to be identified in order to speak candidly. So unless others up here disagree, since this was an issue that I originally raised, I sort of feel like I can address it, that I don't see a need to ask members of the public and neighbors to identify themselves before they speak. I think what we want to hear is when a developer's representative speaks, that that person be identified.

CHAIRMAN STRAIN: I strongly disagree. Twenty years on this Planning Commission, the purpose of the NIM is to understand who the people are that are concerned. If it's someone from Immokalee complaining about this project, it doesn't carry as much weight with me as it does if it's a resident nearby.

So, no -- Ned, I would strongly suggest we continue making sure everybody is identified, for the benefit of everybody that listens to that in the future.



COMMISSIONER FRYER: All right. I withdraw it. I just wanted to see what others felt like. To me, it -- well, it's not a big point.

Let's see. Then -- okay. Mr. Yovanovich, would you mind summarizing all of the changes that have been made by your client following each of the NIMs, so that we can see the level of responsiveness that you all undertook when you heard the public comments?

MR. YOVANOVICH: Sure. And I don't know that Wayne mentioned we had at least two meetings with representatives of the Northgate meeting outside of the NIM as well, as part of our public outreach.

So what we've done is, we have, one, set the setback of 350 feet from the southern boundary, in response to comments from Northgate.

Two, we included limited hours of amplified music, in response to comments from Northgate, because they're experiencing some loud music from -- not our project, but from a project to the east. So those are two things specifically related to Northgate.

We've also now gone with a consistent height for the residential, as well as the commercial, at 50 feet. We've reduced the overall -- initially, we came in at 400 units -- down to 375, and now that we've had more opportunity to look at changes, which included going to four stories -- either three or one, or however you want to do those permutations -- versus five stories with understory parking, four stories with one story of parking, we've reduced the density down to 325 units.

And then you'll see there will be some other ripple-effect changes throughout the PUD, to implement those major changes that we made in response to community comments at the two NIMs, as well as private meetings with Northgate HOA representatives.

COMMISSIONER FRYER: At the previous meeting -- transmittal hearing, I think, a number of us up here expressed a lack of persuasion from the market study, the market demand. And I was one of them. I looked back at the -- I guess it was the December of 2017 revision that Mr. Zimmerman prepared. And I was not any more greatly impressed by that than I was the original one. It seems to me that, that -- well, interestingly, the word "competition" is used in a lot of the materials, it's suggested that -- it's acknowledged, really, that there will be competition for renters between the developer here and other projects that are already in being.

And so I'm not sure that it's actually going to be creating housing of the kind that -- at least it's my sense, that the County Commissioners would like to see created. And, to me, it really is -- it's more of a zero-sum game than adding additional pieces to the pie, the latter being what I think has been intended by the County Commission.

And those, generally, are my -- my main comments.

CHAIRMAN STRAIN: Okay. Anybody else have any comments? Well, let me start with mine.

Let's go to the PUD document, Wayne. And the first page I have questions on, on Page 3 under "Statement of Compliance," and it's Number 1.

In most -- well, everything I've read, this has been referred to as a rental complex. And starting on that page, you refer to it as a "multifamily residential development." I think the word "rental" needs to be inserted into that category so it's consistent with the advertising and/or the NIM and all of the other documents that we've seen and the market study that you presented.

COMMISSIONER FRYER: Mr. Chairman, what page are you on?

CHAIRMAN STRAIN: I'm on page 3 of the PUD. The electronic, it's Page 20.

MR. ARNOLD: Mr. Strain, we agree with you. Our comprehensive plan language was conditioned that it's specific to rental. So however we want to refer to it, whether it's "residential rental" or "rental residential," we'll try to be consistent. I don't have a preference. If you do, let us know.

CHAIRMAN STRAIN: After the word "multifamily," before the word "residential," why don't you enter the word "rental," yeah. Multifamily rental residential development. That will clean that up.

MR. ARNOLD: It will.

CHAIRMAN STRAIN: If we move down to Page 24, electronically and Page 7 of the PUD, the same thing occurs in 2.2(c). You need to insert the word "rental," but also, there is one of the places you will be changing the density from 375 to 325, I would assume.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: If we move town to PUD Page 13, electronic Page 30, this one is -- starts a bit of an issue that we've had with projects in the past. And several months ago we finally got as frustrated as I saw some of the public, with trying to understand these conversions. They really aren't necessary. Plus, they provide opportunity to be more flexible than may be intended.

I would suggest that under "H" -- and that would be a subsequent adjustment later in the document, we'll get to it, where you bring out your conversion ratio -- simply acknowledge in H you're going to have -- basically the project shall be limited to a maximum. And then the first number, contrary to the original document, you didn't have a cap on the original document for traffic count.

That would generally mean that whatever you came in with, as long as it had the uses allowed by the PUD, without a cap on the PUD, you could basically obtain those uses. And, you know, some developments end up having a higher -- a mix of higher traffic uses than they do initially. So we have come in and, over the past many years, added caps.

So the 942 is the cap that has been created based on the most recent codes, to acknowledge the project as it sits today, with no changes. And you all have agreed to have that cap entered into this. But the 942 is for an adjusted P.M. peak-hour two-way. We have used a -- we have done away with conversions and gone back to a net external.

The net external would be a maximum of 736, if built as originally planned, as commercial, and then 688 if built with a residential component. But that would be net external. Talk separately to your traffic engineer, and I believe he concurs with those numbers in regards to how they apply.

And that's another disclosure I forgot to say. Yesterday, I think, I talked to Norm -- maybe it was yesterday morning -- to try to understand his traffic in more detail. So I would like to suggest that needs to be changed on this document.

I don't know if you have any comments to that or not.

MR. ARNOLD: Mr. Strain, I know that we've -- I'm not the traffic guy, but I know that we've spoken via e-mail, and I think we're fine with that, as long as the appropriate numbers get placed in there for the net external. And I think Heidi's already started working on some language similar to another project that incorporates the net external.

CHAIRMAN STRAIN: We've converted to that. It seems to be a much more transparent way of approaching these projects than to try and use a conversion that, for lack of a better word, is almost smoke and mirrors sometimes. So I don't want to get into it.

So thank you. That would be helpful to at least get that fixed.

If we move down to Page 30 -- 15 of the PUD, 32 electronically, all of -- that's already been answered. It was an issue about site, but you already took care of that. So now we would be on Page 37 electronically, Page 20 in the PUD. And this is a shared parking paragraph.

It's occurred rarely in PUDs, we do have it in a few. And the times that we have had it, basically what I tell staff is, you can have a shared parking mix without going through an administrative process to prove that it works, basically, and we've had some negative side effects of that. Some of the projects have gotten too jammed up, parking is not sufficient.

You already have that as a right for your commercial, but I would like language inserted in D which says that this does not apply for the residential components.

MR. ARNOLD: Mr. Strain, I don't think we have any issue with that, but I do think we might want to clean up the language that already exists in D, and maybe strike the word "primary" in the first sentence -- or, where it says "primary retail" -- and simply go to "commercial facilities."

CHAIRMAN STRAIN: I agree.

MR. ARNOLD: Freestanding commercial uses.

CHAIRMAN STRAIN: That would define it so that it's more separate from the residential.

MR. ARNOLD: And your language was simply that this does not apply to the residential component?

CHAIRMAN STRAIN: Right. If you came in for an APR, which is an administrative function, to show that you have a shared ability for the parking, you can't use the residential as an argument for that either way. So -- and Ray is the one that handles those.

And if we could go to Page 38, electronically, Page 21 of the PUD, this is the language that brings in the exchange, the conversion table -- conversion issue.

I think the new language added on the first part of that paragraph needs to be taken back out. And the second language, the second piece of that paragraph, towards the bottom, that was added that references 375, would have to change to 325, but that sentence would remain in.

It's just that first -- what I would suggest comes out is, "for each residential dwelling unit receiving site development plan or plan approval, the amount of square footage permitted within the PUD shall be reduced by 200 square feet for a maximum of 275,000 gross leasable area clearing for retail, commercial, office and financial institutional use."

MS. ASHTON-CICKO: Mark?

CHAIRMAN STRAIN: Sorry. I'm doing what he did. Thank you, Heidi.

Usually she sits next to me and she kicks me, so at least I'm not getting bruised by Stan today.

So, anyway, that's coming out. I think that solves that problem.

Are you fine with that?

MR. ARNOLD: We don't have an objection. I would just explain that we had the conversion in there simply so that people understood that to get residential, we had to give up commercial. I think it's pretty obvious to most people we're not going to maximize all of the commercial and the residential, but subject to the trip cap, we're fine.

CHAIRMAN STRAIN: And that brings in another question that, when Norm gets up here, I talked to him about it yesterday, and it might help Ned's question.

Ned said something to the effect that when you go above 245, which is a density that you could have requested by right, and now you're seeking more than that, it's going to give you a higher traffic count. But in my understanding your project, for every unit of residential that you bring in, you are going to -- you were going to take off a corresponding unit of commercial square footage.

Now, in the case of your square footage -- and by the way, by capping the residential at a number and by capping the traffic count at a number as a mixed-use with the commercial, you -- that still applies, but we don't have to do the conversion to get there.

MR. ARNOLD: Understood.

CHAIRMAN STRAIN: But what I notice in the numbers that are on the project currently, what is not built out is 50,000 square feet of retail and 20,000 square feet of office. And you were going to come in and take down some of the existing retail, about 4,000, maybe 5,000 square feet.

So you would have 55,000 square feet of unbuilt commercial and 20,000 square feet of unbuilt office, and you were going to use those numbers against the traffic generated by the residential to show that you are not going to -- if you built the residential, you wouldn't thus be building out the project. And the resulting traffic cap was what we spoke about in the previous one. I think it was 926 or something like that.

Now, I understand all of that. But, interestingly enough, in talking with Norm, the retail conversion to one residential of this type is about 70 square feet. So, theoretically, with -- I think Norm had said, if you were to convert just the retail at the rate retail converts to residential, you would end up having a lot of excess buildable square footage; where the way it's proposed now, on the basis of that new cap, you would have to use up all of your -- all your square footage to build your total amount of your residential, if I'm not mistaken.

MR. ARNOLD: I'll let Norm confirm that when he comes forward.

CHAIRMAN STRAIN: Okay. That's the discussion on that. That's -- we'll get rid of that conversion rate. That's fine.

I notice you have the outside amplified sound that was an issue from last time. That's great.

On the next page, top of Page 39, electronically, 22 in the packet -- or, in the PUD, insert the word "rental" there, like we've talked about before.

MR. ARNOLD: Mr. Strain, if I might. If we could go back to the prior page, 21 of 25, the same needs to apply, I think, to the reference, "multifamily rental" in the Paragraph A.

CHAIRMAN STRAIN: Yes.

MR. ARNOLD: It's simply referenced to multifamily.

CHAIRMAN STRAIN: Yep. Thank you.

On Page 25 of the PUD, Page 42 electronically, we get into the Development Standards Table. When I met with you all, I pointed out -- now, I know, first of all, the zoned and actual height are changing -- well, actual would stay the same. Zone is being dropped down to 50, but your minimum distance between buildings doesn't work.

And I think you were going to come back with a number for that. I didn't hear you say anything in the presentation, so I figured I would ask you.

MR. ARNOLD: I did not. Mr. Genson is going to let me know what that number is momentarily.

CHAIRMAN STRAIN: Right now it's 10 feet. That's pretty tight, for a 60-foot --

MR. ARNOLD: That was tight for a principal structure, correct. If you'll give us a moment.

CHAIRMAN STRAIN: Okay. Well, we can get into that later. You guys figure it out, and we'll move on and see where it goes from there.

That takes us past the stuff in the PUD. I have questions I'm going to be asking the staff, I want to make sure there is none here that would apply necessarily to you. Let me move through those pretty quickly.

That's staff. That's staff. Staff is going to have an interesting time. That's most of the PUD stuff. I have traffic issues, just like Ned does. So at this point, does anybody have any other questions of the Applicant?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Diane.

COMMISSIONER EBERT: You make this confusing when you change things when you're here today. I stood yesterday and went through all of this, and these changes are not -- to me, they're not good.

First of all, you're -- you changed the amount of units, which is still over what the TCMA allows. They allow eight. You brought it down to three-and-a-quarter, which is still too many. And now, with bringing it down to three-and-a-quarter, you don't have to get rid of any retail space. You can all snug this in. Because, before, you were going to have to get rid of 4,000 square feet, and now the 325 at 200 equals 65,000. So that is under the 70-some square feet, you know.

MR. ARNOLD: Well, I think Mr. Trebilcock, when he comes up, can address that, but when he ran this as a mixed-use project, he did make allowances for reduced commercial. And it's reflected in the new net external trip number, I believe.

I'll let him explain further how he did that analysis, but in essence, it's not 275,000 square feet of retail office and 375 -- or, now 325 -- units.

COMMISSIONER EBERT: But you still want to keep the 275 in there. You're just throwing these apartments in.

CHAIRMAN STRAIN: What he's -- he can't. If he builds residential, his traffic cap changes. He would not be able to do the maximum of both. He would only do a partial mix of either one, Diane, it would be impossible with the traffic cap.

MR. ARNOLD: The reason we structured it that way was twofold. One, the residential is an option.

COMMISSIONER EBERT: That's right.

MR. ARNOLD: We could continue to build out at 275,000 square feet of retail and office, but if we go to mixed use, the new trip cap comes into play, which is less than the trip cap just for commercial.

COMMISSIONER EBERT: That is correct, but you still do not want to give up. In here, even Mr. Genson said if somebody comes along and wants to do retail, we will be doing that.

So you're not really giving up anything on that portion.

CHAIRMAN STRAIN: But, Diane, wait a minute. You're mixing it up, and that's part of the problem with this kind of a project. If they build the retail -- if they build the residential, they cannot build all of the remaining square footage that you seem to think they can. It's impossible, they can't do that.

COMMISSIONER EBERT: I understand with the mixed use.

CHAIRMAN STRAIN: Well, if they don't get the mixed use, and the project doesn't change, they can build whatever they're entitled to.

COMMISSIONER EBERT: That's correct.

CHAIRMAN STRAIN: Okay. Then --

COMMISSIONER EBERT: Well, it's the way he explains it to the NIM meeting. To me, that was

confusing to the people that were there.

MR. ARNOLD: Well, it was confusing.

MS. ASHTON-CICKO: Mr. Strain, if I could just interject. I had asked the Applicant to add some language which hasn't been read in yet. We haven't gotten to staff yet. But on the trip portion that you're looking at, there is going to be language that says that it's based at the user codes in the ITE manual at the time of SDP or plat. And that language isn't in there.

So maybe that will help with your understanding of the maximums that will be determined at the time of SDP or plat.

CHAIRMAN STRAIN: Are there any other questions of the Applicant at this time?

(No response.)

CHAIRMAN STRAIN: Then we'll go to Norm Trebilcock.

When you're not using that handheld, can you stick it back in so that it might charge?

MR. TREBILCOCK: I may go ahead and just use that, because I have some overheads too.

Good morning. My name is Norman Trebilcock. I'm a certified planner and professional engineer with Trebilcock Consulting Solutions, and we prepared the Traffic Impact Statement for the project. I have 28 years of experience as an engineer, here in Southwest Florida.

I'm also a resident of the nearby community, Autumn Woods, and have kind of lived in the North Naples area since '93. So I'm familiar with conditions and things like that as well.

But what I can do is maybe cover some of the traffic analysis that we prepared. Sorry. The dog didn't eat my homework. I think the cat may have.

But I would maybe cover, as Wayne had mentioned, is in the traffic analysis that we conduct what is it, in fact, that we do and what are the issues that we cover that may be helpful for folks. You know, when we look at the description from a traffic standpoint, as Heidi had mentioned, we use the Institute of Transportation Engineers. They have land use codes for the different land uses, and they have a database of trip generation for those uses.

So that's what we'll use to prepare the trip generation that we project for the project, based on that, and then we'll do a distribution and assignment of the trips for the project as well.

When it comes to the background traffic, that information comes from Collier County planning staff, transportation planning staff. They provide that, and that comes from the AUIR, and they will provide a peak direction, peak volume. That is typically a PMP, so that's why we'll analyze the P.M. for the project.

And in the existing and future roadway network -- and that information is from Collier County as well, in terms of the existing conditions of the road. We'll use the planning document for that information as well.

And then when we look at the project impacts, so we'll project our trip generation that was created from the ITE source, and so that -- those numbers that are created from ITE would be a peak value and so that would be a peak-season-type number you would have.

And then the background traffic from the AUIR -- and the staff can kind of explain the difference as well -- that is their sort of background traffic that they have as well, and that's used from a kind of set hour. It's not the peak of the peak, but it really is a value that is not, you know, if we -- if we submit a TIS in July, we're using the AUIR numbers, which are the background numbers that the County uses, as far as the volumes on the roadways.

And so then we'll analyze the impacts of the area road network. Now, one thing on this project, we do -- so the AUIR data that we're using -- and we would either use -- I think we had, initially, the 2016 values here, and then they've updated to the 2017, but then we'll also project forward. And we'll use, normally, a growth rate for the traffic. The County has a minimum standard, we'll look at the actual lengths and look at the growth rates that are out there.

And, also, the County has a trip bank, where in that trip bank, what they're using is data of pending site development plan traffic or pending plat traffic, and also, they will use -- in a planning figure they will have a figure for a certain amount of planned development that is going to potentially come online as well.

So I'll use the greater of the percentage growth rate or the trip bank data. So, conservatively, we try to get as high a value as possible, in terms of what the background traffic is. So that's -- so then, when we

analyze those links, we will look at the specific roadway links and see what the impacts are on there.

When we go to a site development plan or a plat, we'll also look at, more specifically, some of the intersections, like -- so Goodlette Frank and Pine Ridge is a key intersection, and as Commissioner Fryer mentioned, that's a concern. And that normally gets analyzed during that time frame.

What we've gone ahead to do, though, is we did go ahead and get some traffic data for that intersection. And what we're -- to look at the impacts of that intersection, kind of ahead of doing a site development plan at this point. And what we'll plan to do is provide that to staff to review, but the numbers that we have is -- there's a satisfactory level of service here at that intersection as well, but we'll need to provide that to staff to verify.

But, for this particular analysis, that is really kind of above and beyond what we would normally do. But we did hear, again, from the folks at the NIMs, concerns with that. So we're looking to provide that information and allow staff to review that, do a specific intersection analysis there, too.

So in terms of the -- again, my information unfortunately, is a little dated at this point, but the approved PUD, as mentioned, is 125,000 square feet for the shopping center, and general office is 150,000 square feet, and those have specific ITE land use codes. And then what we were proposing, to basically have it as a trip neutral, or slightly less, from a trip standpoint, using the P.M. peak hour, which is a concurrency measure. What we had to do was reduce the shopping center.

And, as Commissioner Strain said, in doing the conversions and stuff, we actually had to reduce it less than -- to a greater degree than what would be there today, by -- because it's about 75,000 square feet today. And then the general office, you can see that number has gone down, and then we have the 375 dwelling units.

So, with our proposed PUD and what was mentioned, just a few of the items -- so these are the trips on a 24-hour basis, which was one of the questions, and a daily basis. And what we look at is internal capture values, and that's between the various uses. And so that's the second item.

So the proposed PUD -- this is the gross trips that's across the board -- 24-hour basis, two-way trips, and then A.M. entering and exiting the project for a total, and then P.M. entering and exiting. So those are gross trips that are projected.

And then we look at internal capture values. And we use the ITE, and then the County has guidelines on limits of how much internal capture we can count on. So that's a reduction factor, and that gives us an external. And then also there's what we call "pass-by" trips. And those are trips that someone is going to another place. So they may be going -- a simple one would be picking up a gallon of milk on the way home, or something like that. So you're planning to go home already, so you stop by and pick up the gallon of milk and move on. That's what we call a "pass-by" trip. And so we reduce it by that.

And, again, the ITE has values that are allowed, but the County has restrictions on those further, so we come up with a net new trips, both on a 24-hour basis, the 7,200 trips, and then we have the A.M. peak hour and P.M. peak hour. So that number, for instance, Commissioner Strain had mentioned as a limit for the mixed use was 688, and that's how that number is derived there, using the ITE analysis.

So when you look at the existing traffic conditions of the project, then the 24-hour is higher. It's 7,952 versus the 7,218, okay? The A.M. of the existing allowed, though, is lower, and then the P.M. of the proposed is lower than the existing approved. It's 736 for the mixed commercial, versus 688. So your P.M. peak hour volumes are higher anyway than our A.M.s. And that's the other restriction number that Commissioner Strain said.

So if we kept it strictly a commercial project that would -- and this is per the approved PUD, that would be the net new trips.

CHAIRMAN STRAIN: No, your -- yeah, your approved PUD does not have a cap in it --

MR. TREBILCOCK: Correct.

CHAIRMAN STRAIN: -- for external signal trips. So I just want to make sure that's understood, because right now, it's a free-for-all. Right now you don't have that cap.

MR. TREBILCOCK: Yes, sir. You're right, sir.

So kind of back, and leaving the traffic a tiny bit, so the -- what I call the "governors" to our development is the trip cap number, but it's also the prescribed not-more-than-325-units, for instance, and not

more than so many square feet. But then there's also the physical conditions. Even today, with limiting the height and the number of stories, you know, there is so much you can build with a variance requirement.

So, you know, the idea of a mixed use is you want to be able to give some flexibility to be able to build with, but we really kind of boxed ourselves in, to a certain extent, with these number of restrictions that you've, you know, identified, and without using the conversion factor, so --

And so a net new traffic, as I mentioned, from a 24-hour basis or less, from an A.M. peak hour is greater, and then for the P.M. peak hour, it's a lesser amount of trips.

COMMISSIONER FRYER: This is different than what you said at transmittal.

MR. TREBILCOCK: I don't --

COMMISSIONER FRYER: Let me quote.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER FRYER: (As read):

"Question: Mr. Trebilcock: Yes, what we did, part of the traffic study we did and what we're resubmitting with the update to the 2017 AUIR.

"Commissioner Fryer: P.M. peak is 5:29.

"Mr. Trebilcock: Correct. The current study that you have in the proposed net build-out is 698 trips. That's P.M. So it's 169 additional trips."

That's what you said.

MR. TREBILCOCK: Hum. Yeah, that's not consistent with the report. I must have -- I'm not sure -- I mean, the reports don't indicate that.

COMMISSIONER FRYER: Okay.

MR. TREBILCOCK: I'm --

COMMISSIONER FRYER: That's on Page 12 of the minutes of the transmittal hearing.

MR. TREBILCOCK: Okay. I'd have to double check that. I'm going off of the information from the reporters.

COMMISSIONER FRYER: So you're saying now that the P.M. peak will be less than actual current conditions?

MR. TREBILCOCK: No. This is -- this is approved zoning -- zoning traffic -- I'm sorry. Okay. I'm sorry. I'm --

COMMISSIONER FRYER: Forget about approved. I want to talk about current conditions.

MR. TREBILCOCK: Okay. Okay. Sorry.

COMMISSIONER FRYER: We don't have to put ourselves back in time. We know more things than we did, now. We know what the traffic situation is.

MR. TREBILCOCK: Okay. Yes.

COMMISSIONER FRYER: And it is my understanding that there will be an increase, at least from your testimony at the last hearing, that there's going to be an increase of a 169 P.M. peak trips, resulting from this development, in relation to current conditions.

MR. TREBILCOCK: Physical, correct. I'm sorry. I was mixing the zoning aspect up. You're right, yes. I'm sorry.

CHAIRMAN STRAIN: You need to explain that, then, because --

MR. TREBILCOCK: Yeah.

CHAIRMAN STRAIN: -- the whole premise that you're coming forward is that, if you mix this with residential, you're going to have a less impact on the road system. Now you're just telling Ned that, no, he's right; you have a greater impact on roadways. Explain that.

MR. TREBILCOCK: No, I -- thank you.

CHAIRMAN STRAIN: I think I know what you are going to say, but I want you to explain it so the room understands it.

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: If you think you can do that. Good luck.

MR. TREBILCOCK: I understand completely.

So the question there was related to physically on the ground and what exists on the ground as

opposed to what's approved by zoning.

CHAIRMAN STRAIN: You mean not built out yet?

MR. TREBILCOCK: Correct.

CHAIRMAN STRAIN: Okay. Because in your explanations, you're very engineering, and you're -- traffic engineers don't seem to talk in language that we all know what it means, and I think that's where the confusion is.

So, Norm, because you have 70,000 square feet, 50,000 of which is commercial retail, and 20,000 is office, building those out create the additional traffic above what exists today, but that's not --

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: -- necessarily more than the project was allowed to build out from its original PUD, correct? Because your original PUD allows you to go 70,000 more square feet than the average site?

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: If you were to build that, you'd add 100 and -- whatever Ned said -- from your initial transmittal --

MR. TREBILCOCK: Correct.

CHAIRMAN STRAIN: -- into the system?

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: But you could do that today, without being here today?

MR. TREBILCOCK: Correct.

CHAIRMAN STRAIN: That's what I'm getting at.

MR. TREBILCOCK: It's just a concurrency analysis.

CHAIRMAN STRAIN: It's the final build-out impact of both scenarios, is what we should be looking at?

MR. TREBILCOCK: Yes.

COMMISSIONER FRYER: Okay. Well, I'm not -- I understand that is one aspect of what we're supposed to look at, but it's my understanding, under the ordinance, is that what the Commissioners look at is whether there is going to be an unacceptable level of congestion at -- on nearby road segments.

CHAIRMAN STRAIN: The Commissioners and us look at the same thing. They're supposed to look at it the way we do. They have a little more authority than we do, for sure.

COMMISSIONER FRYER: Oh, I understand. That's why I'm trying to look at it that way. And actual congestion, actual conditions are more important to me than what could have happened because what could have happened didn't.

CHAIRMAN STRAIN: Well, we ought to be looking at the level of service that's on the road today, and it's going to be on the road when this is built out in either scenario, and we ought to have testimony from Mike Sawyer to support or deny what Norm Trebilcock has to say.

Go ahead.

MR. YOVANOVICH: Just briefly, because I think from a legal analysis standpoint, Norm gets to do the numbers, Mike Sawyer gets to do the numbers, when -- you cannot limit the analysis to what is on the ground today, because you obviously have vacant portions of the project.

COMMISSIONER FRYER: I don't want to limit the analysis.

MR. YOVANOVICH: But, Mr. Fryer, if I may, you're asking us -- you're saying -- which I said at the NIM -- there is going to be more traffic on that property than is there today. It has to be, because I have a big chunk that's vacant and I've also got a bunch of square footage that's vacant.

We are not saying there won't be more traffic than is generated from the site today, but the reality is, if you approve what we're asking, the theoretical potential traffic that can occur if we do the residential aspect will go down. If you don't approve what you're asking for today, there is no trip cap, the market will dictate what uses go in there, and I'll have no trip cap, as long as they're consistent with the allowed permitted uses.

But if you look at the original traffic analysis, and we built out the full 275,000 square feet -- and the community needs to assume that will happen if the mixed use doesn't occur -- there will be more traffic congestion in the today scenario than in what we're proposing to do if we do a mixed-use project.



And I think that's what the analysis needs to be. You can't compare us to vacant property.

COMMISSIONER FRYER: Let me now, if I may.

I understand the point you're making. You're comparing what you could have done -- although there's a question of whether market conditions would have enabled you to do what you could have done, and that's why you're here asking for exceptions, variances, and rezones. And so what I look at, in addition to what you could have done versus what you're asking to do, I look back at 4.07.02(d)3. And as the chairman said, that's what the Commissioners look at, and therefore, that's what, I think, we look at.

The BCC may lessen density or intensity of development when it has been determined that development to the maximum density or intensity permissible would create traffic congestion in the streets which adjoin or lead to the PUD.

MR. YOVANOVICH: What you can't do is -- the PUD is 275,000 square feet today. What won't happen is that a PUD gets approved by the Board of County Commissioners that is less than 275,000 square feet, through this process.

COMMISSIONER FRYER: I will grant you that you can do exactly what the PUD permits you to do now, but it's subject to the limitations that you're now trying to change.

MR. YOVANOVICH: And I understand that. So what you have to figure out is, do you want to give us an opportunity to develop a mixed-use project that will include residential that will result in less traffic on Pine Ridge Road and Goodlette Frank Road and in that intersection, or do you want to leave us where we are --

COMMISSIONER FRYER: I think what could have happened had what was visualized in 1999 --

MR. YOVANOVICH: And I'm telling you what will happen over time -- and we've had this discussion -- is there's an artificial cap on what's happening in that shopping center today, and that's called "Sweetbay," who left and is currently paying rent, and preventing that space from being released.

And, ultimately, the market -- I promise you this: The market will ultimately result in a full 275,000 square feet being built on that property. It may not be today, it may not be tomorrow, it may be five years from now or ten years from now, but that will get built out, and you will have more traffic if you leave everything as it is today than what we're requesting.

You can't fix it in time today, because we all know markets change, and space will ultimately be leased out and leased up, and you'll -- the traffic numbers, which Norm can talk to, clearly show in his report that traffic is worse if you leave it like it is today versus if you allow us to do the residential as a potential option.

COMMISSIONER FRYER: I follow you. I just don't think that we should be limited to looking at it in that fashion. And I think when we hear from the neighbors, I strongly suspect we're going to hear about present conditions and the fact that it's been acknowledged that the present conditions are going to get worse and what can be done about it.

MR. YOVANOVICH: Approve our project.

CHAIRMAN STRAIN: Just a second. Tom has a question.

MR. EASTMAN: Norm, I think the last time this project was before us we confirmed that what you are asking for, the traffic will be less than what you're currently approved for.

MR. TREBILCOCK: Yes.

MR. EASTMAN: But this morning, it seems that you're saying that A.M. traffic will be greater with the proposed.

Now, on Panther Lane specifically, will that cause us adverse impacts to school operations?

MR. TREBILCOCK: As far as that, the impacts on -- in the A.M., the overall volume in the A.M. is actually less than the P.M. volume that we've looked at, in terms of the cars coming in and out. So, no. So those type of issues can be addressed.

And one thing we'll verify when we go to site development plan is to make sure turn lanes are adequate length and stuff, so there is not a cueing or a stacking issue, in particular, for the school operations.

MR. EASTMAN: And that can be looked at, at site development?

MR. TREBILCOCK: Yes, sir. That's normally when it is, exactly, yes.

MR. EASTMAN: Just for the record, from my perspective, I'm concerned with what you have

permitted and what you are allowed to do currently versus what you're asking to change to become. And that's the way that I view it, and that's the way that we have to ultimately look at it from the perspective of the use on Panther Lane.

MR. TREBILCOCK: Yes.

MR. EASTMAN: Okay.

CHAIRMAN STRAIN: Any other questions further of Norm?

Go ahead, Diane.

COMMISSIONER EBERT: Norm, what is the A.M. peak hour?

MR. TREBILCOCK: The A.M. peak hour trip generation?

COMMISSIONER EBERT: Uh-huh.

MR. TREBILCOCK: Okay. There we go. So the -- let me see.

So, for the proposed conditions, the A.M. peak hour trips total would be 486 trips. P.M. peak hour trips is 688, for the proposed. For the existing approved PUD -- the approved PUD not built conditions -- is 392, okay? And then the P.M. is 736.

COMMISSIONER EBERT: Okay. I was looking at the, in -- back when you did this in '99, it was going to be 1,134.

MR. TREBILCOCK: I didn't. That was --

COMMISSIONER EBERT: Trip generation back then, but in '99 --

MR. TREBILCOCK: It was done by someone else.

COMMISSIONER EBERT: 1,134 is completely different than it is today.

MR. TREBILCOCK: No, that would -- that was a -- I believe that was a gross, the gross trips, 1,130 -- whoops -- okay. Let me see.

P.M. peak hour, you're right, it's 1,134. That's gross. Our current gross is 942, yes.

COMMISSIONER EBERT: What I am saying is, back in '99, when this was done, our roads and our amount of people and everything has changed. So back then, 1,134 did not sound bad at all; today it is bad.

MR. TREBILCOCK: Right.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Anybody else have any questions?

COMMISSIONER FRYER: I have one more.

I also looked back at the 1999 evolution of that PUD in relation to the GMP as it stood, as it continued to evolve. And the sense that I came away with was that the objective of the planners at that time was to create uses that would -- that would be in service of the current residential occupancies; that it would be office, retail, commercial, that sort of thing, not that it would be the additional residential having to compete for the same services.

And so I guess my question -- well, my concern is, let's just say for the sake of discussion that market conditions will change once, somehow, this Sweetbay lease ends, or you're able to get out of it. That would bring about more traffic, but would the additional traffic be more to the liking of the residents, who have said in their correspondence to us, they believe they have a right to expect that the GMP and the PUD in its current form will continue, and -- at least the general thrust of those documents, which was to create ancillary services for the current occupants -- that that would remain in existence.

And perhaps the additional traffic wouldn't be seen as so burdensome if the original expectations were fulfilled.

MR. TREBILCOCK: Well, a car coming out -- in and out of a commercial building versus a car coming in and out of a residential, a car is a car on Pine Ridge Road or Goodlette Frank Road. I mean, traffic is traffic.

So, I think, from a perspective on -- again, I live in that area, too, so in terms of the volumes going up, understandable, but the volumes going up as they go up whether it builds out as full commercial or a true mixed use, those -- you know, if we could have a lesser amount of overall external trips, I think that's beneficial to us.

And, again, it is the observed evolution of mixed-use projects of bringing in residential with

commercial and different types of commercials -- and we've seen the benefits of that and how that has evolved from 1999 to today, as well, so -- but, you know, again -- and this is -- maybe we need to look at it from the traffic standpoint: Trips are trips on the roadway. So...

COMMISSIONER FRYER: I understand.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN STRAIN: Diane.

COMMISSIONER EBERT: You're right. I'm going to disagree with you a little bit. A car is a car, true.

MR. TREBILCOCK: Yes.

COMMISSIONER EBERT: But you cannot tell me that between 7:00 and 9:00 in the morning, Coastland Mall has got all of this traffic. That's your A.M. peak hour.

MR. TREBILCOCK: No, you're right.

COMMISSIONER EBERT: And then -- so it is different for a shopping center because people are in and out of Sweetbay, or whatever market is there, maybe a couple times. It is not the same as it is with residential. So there is a variance there.

MR. TREBILCOCK: No, you're right. And that's what we do show in the A.M. values. We do show that that differs.

COMMISSIONER EBERT: All right. Okay. Thank you. But they were saying "traffic is traffic" and that's -- there is a difference in the -- the hours.

MR. TREBILCOCK: Right. It's the -- it's that measure, the concurrency measure that we use the P.M. peak, because we're trying to look at what is the highest volume of traffic on the road network and use that as the -- a matrix for what we're doing. And that's where that comes into play.

COMMISSIONER EBERT: Okay. That was just one of the things, because that was kind of said in the minutes in here. And I'm going, No, there is a difference.

MR. TREBILCOCK: Right.

COMMISSIONER EBERT: Thank you, Norm.

MR. TREBILCOCK: Okay. You're welcome.

CHAIRMAN STRAIN: Anybody else have any questions of Norm?

(No response.)

CHAIRMAN STRAIN: Norm, thank you.

We're going to ask Mike Sawyer to come up now. And I have questions of Mike, but I always defer to my other Planning Commissioners first. Mr. Sawyer is in charge of reviewing these at the transportation planning level.

So, with that, Mr. Eastman, do you have a question of Mike?

MR. EASTMAN: Good morning, Mike.

MR. SAWYER: Good morning.

MR. EASTMAN: Norm said earlier that at the SDP stage, they would look at the traffic on Panther Lane, and you guys would get together and review that and make sure that our operations are not adversely affected, and you guys can decide what improvements might be necessary.

Can you make sure that that actually happens and becomes part of this project?

MR. SAWYER: Yes, Commissioner. And for the record, Mike Sawyer, transportation planning.

We always make sure whenever -- you know, what we're looking at is the TIS that's in place today for this zoning petition. When the SDP comes in, there will be another TIS done at that time that will also include operational aspects. Certainly, Panther is going to be one of them, Goodlette is also going to be, as well as the intersection with Pine Ridge and Pine Ridge itself.

We always look at those operational issues, and it is done at SDP, and we want to have the latest greatest, and that's why we have another SDP -- or TIS that comes in at that time.

MR. EASTMAN: Thank you.

CHAIRMAN STRAIN: Anybody have any questions of Mike Sawyer?

COMMISSIONER FRYER: I just wanted to express a compliment to Mike, if I may. He very generously gave me about an hour of his time two days ago, to take me through the AUIR. And I learned a

great deal from it. So thank you.

MR. SAWYER: I appreciate that, Commissioner. It was a pleasure talking to you as well.

CHAIRMAN STRAIN: Mike, the original project -- by the way, in 1999, you were doing what for Collier County?

MR. SAWYER: In '99 I wasn't even at the -- at Collier County. I was still in Minnesota.

CHAIRMAN STRAIN: Oh, were you? Okay.

COMMISSIONER EBERT: You betcha.

CHAIRMAN STRAIN: I was hoping you might have been one of the original reviewers. I know Ray was here, so I might get some comments from him.

MR. SAWYER: Commissioner, I am familiar with the project, I worked on a number of the SDPs early on, when I first got to Collier County. So I am familiar with the project.

CHAIRMAN STRAIN: Okay. The 1,134, which is the original TIS number, it was not incorporated into the PUD.

From the perspective of a limitation on the PUD, how would your office look at that in a review?

MR. SAWYER: At this point we would not, quite honestly. At this point what we want to have is the current information, the current ITE information that we've got, as well as the current AUIR information that we have got for the project. Every time a project comes in, we want to make sure that we've got the latest, greatest basis to determine if a project is approvable or not, whether it meets the comp plan or not, if it's consistent.

CHAIRMAN STRAIN: Okay. In the ITE analysis, the views in the original version of -- the original version of this project and the current one, the shopping center ITE No. 820, when we say "shopping center," what does that include -- or, what does it have to be, to be a shopping center?

Because we have all kinds of uses out there, and as you well know, we have been dealing with those for years, with SIC codes, but in the ITE, when they include a shopping center, I know it's probably a mix of some number of uses. Are there any limitations on those uses that can be in that mix, other than what the zoning document says?

MR. SAWYER: I would go back -- I would need to go back to the ITE itself and double check what -- all of the uses that are in there, but it is similar to what we have in the LDC, as far as the uses that can occur in a shopping center. It would include retail, as well as restaurant uses, generally speaking. And if you go to the LDC, it has to be a minimum of eight businesses.

CHAIRMAN STRAIN: So the big traffic generators are things like restaurants?

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Are there any other big ones?

MR. SAWYER: You've got restaurants. You would certainly have other bigger uses in there, but generally it's going to be that restaurants and retail are going to be the bigger generators, for the most part.

CHAIRMAN STRAIN: Left as it is today, they could put more restaurants on that site. Is that a -- be -- let's assume they have the excess retail -- which they do have. They have 50,000 square feet.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: You guys wouldn't stop them from coming in and saying, We want more restaurants on that site? And you wouldn't be looking at a traffic cap, because there isn't one on the PUD; is that correct?

MR. SAWYER: That is correct. There is not.

CHAIRMAN STRAIN: So, in essence, they could go above the original PUD's traffic estimate because it wasn't put in as a cap. And they could do that by adding more intense uses to the current PUD, as it stands today.

MR. SAWYER: From a transportation standpoint, definitely.

CHAIRMAN STRAIN: I did check. They also have the ability to put in a racetrack or a Wawa or a high-intensity convenience store, 24-pump item together. They have other rules that apply, to get the buffers and berms and setbacks, and all the other things that go with it, but those intensities are still there. So they could be added again against that total number of traffic estimate that doesn't have the cap?

MR. SAWYER: Correct. I would point out, too, there is an outparcel, or even two outparcels that

are still available for development, which could easily accommodate those uses.

CHAIRMAN STRAIN: That's the kind of understanding that differentiates what we're trying to do today versus what happened before. Without that cap, that we now can institute at even a lower value than originally, we have got a better outcome on what could go there versus what could go there if it doesn't get capped. And that's one of the important aspects of this, and I wanted to make sure I understood your point on that.

The TCMA that this is in -- the TCMA is a unique animal in the sense that you could have failing roads in that part of the county, but as long as there wasn't a failing road on the far-distance part of that TCMA and that, averaged together, they still show they could add more traffic -- this area could actually get worse in traffic because an area further to the north or the east isn't as bad and the overall percentage of traffic in the TCMA is what you look at.

Is that a fair and plain explanation of a TCMA?

MR. SAWYER: I think that's a good explanation of it, yes.

CHAIRMAN STRAIN: In this location, in this TCMA location, what are the conditions of the roads, as far as your department goes, in this TCMA location?

MR. SAWYER: In this location -- I'll start with Goodlette -- Goodlette, north of Pine Ridge, is operating at a level of Service B. It is operating at a level of Service C, if you go south.

CHAIRMAN STRAIN: What is the level of service that road would be allowed to go to under the most intense provisions? We don't go to F in any of them, I don't believe, right? So wouldn't it be E, or is it --

MR. SAWYER: You are correct. And I'm looking for Trinity to help me on this, since she's much better on this.

But, yes, correct, it would be a level of service E, as far as the acceptable levels on Goodlette.

CHAIRMAN STRAIN: So B, north of Pine Ridge; C -- yeah, south of Pine Ridge, but we still have at least two, if not three levels of service to get to, to get to an E before the road is considered as bad as the rest of Pine Ridge Road, which we never want to see it to be.

But I'm trying to understand from the TCMA, if this area still has sufficient capacity, it's not even relying on the rest of the TCMA to have its traffic counts judged.

MR. SAWYER: Exactly. And on Pine Ridge -- I'll also note that Pine Ridge, both east and west of this location, is operating at a current level of C. We don't get to a rating of F until we get to Livingston, east.

CHAIRMAN STRAIN: Okay. That was going to be my next question. Pine Ridge Road, okay.

And is Pine Ridge part of the TCMA?

MR. SAWYER: Yes, it is.

COMMISSIONER FRYER: At Livingston it is?

MR. SAWYER: Yes, it is.

COMMISSIONER FRYER: And it's deficient there already, isn't it?

MR. SAWYER: That is operating at a level of F currently, yes.

CHAIRMAN STRAIN: Okay. I remember a lot of this, and the reason I'm asking you to refresh the memory of this Board, because not everybody was on this Board at the time Arthrex came through. And that intersection of Immokalee Road and 41 and also the abandonment of Creekside Boulevard, all were very controversial. The people there felt they were already at their maximum levels of service.

And I believe that area was more intense, but because it wasn't a TCMA, it actually benefited from an area like this that, technically, probably wouldn't be impacted by the traffic to the north, but because they're in that TCMA, they got lumped in together for an averaging of percentage on the roadway instead of just isolatedly looking at it.

Is that a fair enough statement?

MR. SAWYER: That's fair. Keep in mind, too, in that, because the nature of what was being requested, there was actually a developer agreement that we arrived at, as far as totaling the impacts of that particular project on the roadway system and getting specific, as far as the improvements that Arthrex was going to be making to the road system itself.

Basically, for lack of a better term, what we did is take the overall amount of impact that we were

going to be experiencing and put those into specific improvements.

CHAIRMAN STRAIN: There were a series of conditions in the original PUD that involved transportation. The notes on this version that we've now got show they were never completed.

Did you review those?

MR. SAWYER: Yes, I did.

CHAIRMAN STRAIN: So they have met their commitments, similar to the kind of commitments we would impose on them if they were increasing traffic?

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Okay. The result of the application that they have today and mixing the potential residential and reducing equitably the commercial and office because of a reduced traffic cap if residential is imposed, you would then not require any additional improvements in the road system because of that reduction?

MR. SAWYER: I would not say that.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: What I would say is, at this time we certainly find the petition consistent with the GMP. When they come in for their SDP, to actually do the project, we don't know yet if there's going to -- if they're going to trip additional requirements, as far as turn lanes and those sort of operationally-related improvements.

CHAIRMAN STRAIN: But from a developer contribution improvement at the time of zoning, is there anything that should be triggered as a result of their actions that they're coming in here for today?

MR. SAWYER: Not as part of the PUD, no.

CHAIRMAN STRAIN: Okay. With that, I'm going to ask you to come back after a break. I just noticed it's past the hour-and-a-half. Our court reporter needs a break. We'll take a 15-minute break and resume at ten minutes to 11:00.

(A recess was taken.)

CHAIRMAN STRAIN: Okay, everyone. If you would please take your seats, we're finished with the break.

Just so my disclosures are clear, during the break, I spoke to the Applicant about a potential recalculation of some of their numbers. They may have done that. And if they do, they'll come up and speak about it before the meeting is over.

Other than that, everything remains the same. We left off with Mike Sawyer.

And, Mike, I had -- I appreciate the gentleman from the audience, who reminded me of something. Before I started working in the office I have today, I had not as frequent use of acronyms. And I can understand the public's frustration when government speak comes in and uses acronyms.

So TCMA is traffic concurrence and management area, if I'm not mistaken; is that right?

MR. SAWYER: Yes.

CHAIRMAN STRAIN: Okay. And the gentleman asked if I would explain at least once what the acronyms stand for. So traffic concurrency and management area is the area generally bounded on the north by Immokalee Road, and the south by Pine Ridge and the west by the Gulf, and on the east -- is it Airport Road?

COMMISSIONER EBERT: 75?

MR. SAWYER: I apologize. I'm going to actually have Trinity come up and answer that, because she's got it right in front of her, as always.

Thank you.

CHAIRMAN STRAIN: Well, if it's in front of her, she can put it on the overhead. That would be easier.

MR. SAWYER: She will.

CHAIRMAN STRAIN: It's worth a thousand words. Nope. That doesn't --

(Laughter.)

CHAIRMAN STRAIN: Thanks for that.

MR. EASTMAN: Clarity.

MS. SCOTT: For the record, Trinity Scott, transportation planning manager.

The north central transportation concurrency management area is bound by the Lee County line, the Gulf of Mexico. It comes down to Pine Ridge Road, and then is bound by I-75.

CHAIRMAN STRAIN: You said the north central one is what -- we have multiple ones. This is the only TCMA. We have a TCEA; is that correct?

MS. SCOTT: We actually have two TCMA's.

CHAIRMAN STRAIN: Where is the other one?

MS. SCOTT: It's the east central one. It is bound by Pine Ridge Road, Collier Boulevard, down to Davis and up Livingston. So they kind of adjoin one another right here, in the Pine Ridge area (indicating).

And then we also have a transportation concurrency exception area which is further south, south of U.S. 41 -- or, I'm sorry, around the U.S. 41 area, around Airport.

CHAIRMAN STRAIN: Okay. Good. Thank you.

I had left off with questions I had of Mike. Did anybody else have any follow-up questions of Mike? (No response.)

CHAIRMAN STRAIN: Okay. You're free.

MR. SAWYER: Thank you, Commissioners.

CHAIRMAN STRAIN: With that, we'll turn to the staff for a staff report.

And, Tim, I believe this is yours.

MR. FINN: For the record, I'm Tim Finn, principal planner.

The project and the companion large-scale GMP petition is compliant with the GMP and the rezoning criteria within the LDC, therefore, staff recommends approval.

CHAIRMAN STRAIN: Okay. Are there any questions of staff?

(No response.)

CHAIRMAN STRAIN: Tim, I had met with you yesterday, told you some questions I had in reviewing your staff report. Let's go to the first one. It's on electronic Page 8. It's on staff report Page 8, and it's the third sentence. It talks about -- it says, "The maximum zone height proposed for the multifamily structures is 55 feet. There are currently three 3-story buildings within the Pine Ridge commons PUD."

And this kind of parallels one of the findings in the PUD about height. I understand there are three-story buildings in the Pine Ridge Commons PUD. I actually use the Starbucks there a lot. 55-foot height, how does that compare to the other buildings?

MR. FINN: I did talk with the Applicant right before the meeting, and the Raymond James building, plus or minus, that's about 45 feet.

CHAIRMAN STRAIN: So they have the ability with those buildings, as well as the limitation they suggested on the current new buildings --

MR. FINN: Right.

CHAIRMAN STRAIN: -- to go to the 50 and 60-foot, to be within 5 feet of the buildings?

MR. FINN: Yes, that's right.

CHAIRMAN STRAIN: Okay. Are there any other buildings -- did you have time to check in the nearby vicinity -- that are of that nature or that height?

MR. FINN: I did. To the north -- the PUD, to the north is the North Naples Unified Methodist Church MPUD. The zoned height is 50 feet and four stories. The actual height is 75 feet and four stories. The actual height for the permitted church steeple only shall be 75 feet. And that's to the north.

CHAIRMAN STRAIN: Okay. Thank you. That's helpful. That's the closest neighbor -- or, one of the closest neighbors.

When we get into some of the language in the findings -- and let's turn to Page 10 of the staff report, No. 7. It says, "The ability of the subject project and the surrounding areas to accommodate expansion." And then you went in to explain the infrastructure and everything is there, but just for clarification, they're not expanding, are they?

MR. FINN: That's correct. They are not expanding.

CHAIRMAN STRAIN: Okay. No. 12 under the findings -- this is on Page 12 of the staff report -- "whether the proposed change will constitute a grant of special privilege to an individual owner as

contrasting with the public welfare," basically the answer says because they are going through a GMP amendment, it's not a special privilege.

And I know this is old language but, really, then, what you are saying is, anything that's consistent with the GMP isn't a special privilege; is that accurate?

MR. FINN: That would have to pass first and this would have to pass right after it. So, no, it wouldn't.

CHAIRMAN STRAIN: Did you -- the comments that were made by the Applicant in response to the questions of this panel this morning, did you see anything from a staff's perspective that would be objectionable or problematic?

MR. FINN: No, I did not. No.

CHAIRMAN STRAIN: That wouldn't change your recommendation?

MR. FINN: No.

CHAIRMAN STRAIN: I don't have any other questions of staff. Anyone else here?

(No response.)

CHAIRMAN STRAIN: With that, thank you. And we'll start -- we'll hear the public now. Anybody wishing to speak, you're going to have to be sworn in and introduce yourself for the record.

We don't have a set limitation. It's supposed to be five minutes, but if you've got new information, we're here to hear it, so we'll welcome your discussion.

So would anybody in this audience like to speak?

Ma'am, if you would come up to the microphones.

The first question I'm going to ask: Did you stand and get sworn in earlier?

LYNN MILLER: Yes, I did.

CHAIRMAN STRAIN: Okay. If you could identify yourself. You'll have to pull those mics -- that's fine. That works.

LYNN MILLER: Does this work?

CHAIRMAN STRAIN: Yes. Please identify yourself.

LYNN MILLER: I'm Lynn Miller, and I live in Northgate Village, and I'm representing just myself, but I'm also on the Board. And I have been to, I think, every meeting that there has been, either your meeting, the Commissioners, or the NIMs.

CHAIRMAN STRAIN: And Northgate Village is the one to the south, across Pine Ridge Road?

LYNN MILLER: It is directly south of -- we have a wall that's our wall that was built 20-some years ago when we were developed and it borders Pine Ridge.

CHAIRMAN STRAIN: Okay.

LYNN MILLER: I recognize that the property that we're discussing is an underdeveloped asset of the owner, so it is going to be developed, one way or another. And we have -- I have four concerns. They are -- I'll comment on each one: Traffic, noise, transparency, and some sort of a buffer, like trees.

And concerning the traffic, as we've all been talking about, it's all a matter of math. I've spent some time as a math teacher, so I'm pretty good at math, and I recognize that now, as the property is underdeveloped and even the Sweetbay portion is developed but not in use, that any traffic study is really not a fair evaluation of what 275,000 square feet of commercial property could do, and that we really do need to take a look at the traffic issues.

The traffic, particularly on Pine Ridge, is very, very busy at many times of the day. And as Mrs. Ebert was commenting on, yeah, there is a difference between if it's Coastland Mall traffic between 7:00 and 9:00 in the morning or it's a bunch of people who live there. So I do think we need to get to the bottom of that, in terms of the studies and what the numbers are we're really capturing.

Noise has been an issue to Northgate Village because there have been some establishments on the north side of Pine Ridge that have been noisy, and one still can be noisy. So, yes, we are concerned about that, and if there is going to be a nightclub, if this is going to be a Mercato-style arrangement, where there is a lot of noise.

And we do recognize that -- the owners developing this have spent some time with us and met with us several times. And as they said, one of their concessions would even be setting a time of evening limit on



noise that there could be, like, open doors and windows for music.

CHAIRMAN STRAIN: Before you lose that train of thought, did you note that they did put that clause in the PUD?

LYNN MILLER: Right. They mentioned that today.

CHAIRMAN STRAIN: And did you note that it wasn't consistent on them having the residential component. The way they worded it in the PUD: If they still build out all commercial, their noise limitation is at 9:00 A.M. So that's across the board for either application at this point.

COMMISSIONER FRYER: P.M.

LYNN MILLER: That's right -- P.M.

CHAIRMAN STRAIN: P.M., I'm sorry.

LYNN MILLER: P.M.

And they also talked about having a setback on the north side of Pine Ridge of 350 feet, which could be helpful and useful. And we've also talked about the placement of the residential areas, too.

So traffic, as we said, noise, transparency about what they're going to be doing.

Again, yes, we know that it's an underdeveloped asset that they need to use better, but every time we look at their various different pictures, I think what hits several of us, and particularly me, is that they never draw in potentially: These are the buildings we are going to be putting in; or this is where we're going to have apartment buildings. They talk about it, but there is never any drawing of that.

And so I do know, of course, they're asking for this mixed use, but is that truly what they want? What came up at the NIM -- and maybe out of frustration -- but they said, Hey, we're also considering whether it's going to be a car dealership, assisted living, another big tenant like a Sweetbay or something.

So I think that -- I don't understand your business and this whole process. This is not my bailiwick, but clarifying what's really going to happen there. It's not in drawings. There aren't renderings.

And then the last issue concerns some sort of a visual buffer. And, yes, they did make us these site drawings, but as someone else said, Why didn't you take a photo and superimpose the buildings is -- I would like to clarify, I think it would be important to understand, there was an awful lot of green, of trees and things like that, in those drawings. And I'm not so sure that it's quite that dense.

We've talked to them but not come to a final conclusion about the idea about adding some higher foliage, whether it's on their side of Pine Ridge or on our side of pine Ridge, just to be both a noise buffer and a visual buffer.

So those are my points.

CHAIRMAN STRAIN: Okay. One item. Have you ever had the opportunity to see their planned unit development document? It's on -- it's 25 pages, and in it --

LYNN MILLER: No, I don't have it.

CHAIRMAN STRAIN: Okay. In it is a listing of the uses they are allowed to have, and that is what was put into effect in 1999. And also on there are 20 groups of uses they are not allowed to have. That may be helpful for you to see.

LYNN MILLER: Okay.

CHAIRMAN STRAIN: If you want to get in touch with the planner, who is the guy in the maroon shirt, after the meeting, and get his e-mail address, he could send you that document.

LYNN MILLER: Well, I'm not -- I understand it's --

CHAIRMAN STRAIN: It would help understand what could be there.

LYNN MILLER: -- an underdeveloped asset, and they're going to do something. It's not clear -- we're all sort of -- those of us who talk about it, like, on the Board, we talk about the fact that, no, are they -- especially after the NIM and the comment made at the NIM, Well, we could put this or this or this there -- is, what is it that they really want to do? Is the mixed-use concept just one more feather in their cap? One more item they could consider, or are they really serious about this? Because we haven't seen any renderings that reflect a concept of that.

And sometimes seeing is just -- you know, "a picture is worth a thousand words" type thing. It would be very nice to see what they had in mind of where they would put the apartment buildings and all of that.

CHAIRMAN STRAIN: They can voluntarily submit that. It's just not a requirement for zoning at this stage. So just, I think they are serious. They're spending a lot of money. These operations don't take -- it's usually almost \$100,000 to get through this process.

LYNN MILLER: Right, and it's been over a year just doing all this.

CHAIRMAN STRAIN: Right. Okay. Thank you very much, ma'am.

Is there anybody else that would like to speak on this matter?

Yes, sir. Come on up.

First question when you get to the mic is if you've been sworn in or not.

GEORGE SZCZERBANIUK: I was not sworn in this morning.

CHAIRMAN STRAIN: Okay. Then the Court Reporter will swear you in.

(Speaker sworn.)

CHAIRMAN STRAIN: State your name for the record.

GEORGE SZCZERBANIUK: My name is George Szczerbaniuk. I live in Pine Ridge Estates, and I represent myself and my wife and, I think, many others who could not be present here.

COMMISSIONER CHRZANOWSKI: Could you spell the last name?

GEORGE SZCZERBANIUK: Sure. S-Z-C-Z-E-R-B-A-N-I-U-K.

On June 4th, there was a NIM for the Rural Lands West project development that's proposed. We went to that. We were not sure what it was all about, but we have some land in Section 11, so we decided to see what that's all about.

CHAIRMAN STRAIN: Slow down a little bit.

GEORGE SZCZERBANIUK: Oh, I'm sorry.

CHAIRMAN STRAIN: She has to write as fast as you talk.

GEORGE SZCZERBANIUK: So we went there, my wife and I went there. It was at the small church, Cornerstone Church on Immokalee Road. Despite the fact that it's a small church, there were numerous signs outside, venue advertising the NIM. There was a lady in kind of like orange, like the safety-type brilliant vest thing, directing people into the building, even though it's a small building so everybody knew where to go.

Once inside, there were all sorts of handbooks and brochures, detailed poster boards of what this Rural Lands West project was going to be. Now, you say, Why do I bring this up?

The very next day, on June 5, there was a NIM for this proposed petition held at North Naples Church on Goodlette Frank. There were no signs outside. There was nobody there to direct traffic where to go. North Naples Church is a huge complex. It may have been an advertised event, but it was certainly not publicized well.

Once inside there were no handouts, no brochures. Many of us felt that the answers given were nebulous. For example, a traffic study was done, and they said the results were published on December 5th. When asked, When was the study actually done? Nobody knows. Well, obviously, it was done before December 5th, way before peak season. A lot of people don't even come here until after Christmas, the seasonal people.

So to many of us that NIM was kind of a sham. It was something that was a legal obligation or county obligation -- whatever, but it provided a minimum amount of information to as few people as possible. So, you know, that just left a bad taste.

With respect to the traffic, you know, there are traffic issues for Northgate. There are traffic issues for Autumn Woods. For us, in Pine Ridge Estates, if we want to go southbound, we have to -- I'm sorry, if we want to go northbound, we have to make a right onto Goodlette Frank and then a U-turn shortly thereafter, by Naples Church.

That's difficult to do already, especially in season. It will be that much more difficult with all this development.

There's the issue of fire safety. I'm a retired physician. North Collier Fire Rescue #40 is on Pine Ridge, just east of the intersection. I've seen many times where it's almost impossible for the emergency vehicle to go through there. Yes, they can control the traffic lights. I realize they have that capability, but they can't control the traffic.

And when you have -- whether it's 375 or 325 new residences, with 750 or 1,000 new cars there in that area, that's going to mess things up.

Also, with respect to the school, do we really want to put 375 or 325, rental units no less, next to a school in this day and age, where you have all of these school shootings and sexual predators and lock-downs and worries about that? I mean, do we really want to put a high-density residential area that close to a middle school? I think not.

It really -- you know, the bottom line is that for people who live in the area, projected build out of the current zoning with retail and commercial stores would be a benefit in many ways. I mean, the developer could, I'm sure, work out a deal with Bi-Lo or Del Hayes, whoever is the current lessee, on the remaining years on the contract with the -- a previous suite-based store, or they could get a new tenant in there.

They chose not to do that. That's their prerogative, but commercial retail development there would have benefits to customers, to residents. There are no benefits, none whatsoever for the neighbors of the surrounding communities Autumn Woods, Pelican Marsh, Pine Ridge Estates Northgate, et cetera, et cetera -- Park Shore, Pelican Bay -- with the current proposal.

No negatives. The only positives are to the developers. There are no positives for the residents. Many negatives.

And, again, I'm concerned of safety issues with the fire station. You talk to firemen, you know, talk to -- you know what the response time is. Minutes count, seconds count. And, you know, I just think that I myself -- and I can only speak for myself -- I would be happy to live with a full build out commercial and deal with whatever traffic that consists of, rather than having all of these extra residential units which will have more congested traffic as a definite, not a possibility.

You know, numbers can lie. Anybody can come up with statistics, just like polls. Whether you are a Republican, a Democrat, an Independent, you can find a poll that suits your needs. But I think most of the people in the area, if you were to poll them, they would much rather live with the current zoning and what that could entail.

And it could be a benefit to them if there were to be a new grocery store there, or some other retail thing. There is no benefit from hundreds of rental, no less, potentially itinerant type situation owners in that area. And I think that the threats to the school and fire safety are real, which were not really mentioned or addressed.

So, you know, that's a small area. Remember, the fire station is only like a hundred -- couple hundred feet away from there. The school is very close to there. We're talking about hundreds of units. That means potentially 1,000 people or more, residents year-round. We're not talking about visitors popping into a store in midday.

So that's all I have to say. Thank you.

CHAIRMAN STRAIN: Thank you.

Anyone else in the room like to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Okay. I'll turn back to the Applicant.

Go ahead, sir. Come on up.

Cliff, I don't know if you were sworn in or not.

MR. SCHNEIDER: My name is Cliff Schneider. I have been sworn in. I live at 234 Tupelo Road, Naples, Florida. That's the Pine Ridge subdivision, in the second extension. Not the estates, it's Pine Ridge subdivision. There's three of them.

I support the amendment. I've lived here since 1972. The amendment calls for conversion of commercial use to multifamily residential or substitution -- however you want to put it -- provides for a mixed-use development, which I think is reasonable.

The landowner, I firmly believe, has a right to request such use. They own the land. And in my opinion, the pure commercial use that was originally envisioned for the project was, perhaps, a mistake at the time, or later. The traffic counts on the arteries probably warranted full commercial use, but what I think the original market study may have missed, as the actual surrounding uses, such as golf courses, an industrial park, a school, a church, low-density Pine Ridge, two-and-a-half square miles with 550 lots, a self-contained

residential retirement community to the south -- these uses didn't provide enough around-the-clock base to generate support for a grocery store, as Sweetbay.

Personally, we miss Sweetbay. We went in there a lot, my wife and I, but most of the time it was empty. So there was a reason for that. There wasn't enough customer base. The current center is basically underutilized, and I think a change is for the good.

I don't believe there is going to be any measurable difference in traffic impact. The one thing I do see, there is going to be a limit, where it doesn't exist now. So I moved to Collier County in '72, as I said, as a young engineer just returning from Vietnam and duty in the Air Force. And I remember how hard it was to find a nice place to live, to rent, until we could find a place and build or buy.

And later in my career, I learned how difficult it was for young professional employees to find a nice place to live in Collier County. Our employees, we'd hire them, and the first question was: Where are these people going to live? And many had to commute or live in Lee County.

The same case exists today. And I think that having a mixed-use community, with some rental potential in our area is positive. And this is not a bad project. I think if it was reversed, and if it was residential, and it was a request to convert to commercial, everybody would be screaming up and down, just like a few are now.

It doesn't make any difference. I have no objection to this, and I think it's a good change and allows the owner to find the best use.

Thank you.

CHAIRMAN STRAIN: Thank you.

Any other members of the public here that would like to speak in this matter today?

(No response.)

CHAIRMAN STRAIN: Okay. With that, I'll ask the Applicant if they have an opportunity for rebuttal or final comments.

And I do have a question on the GMP. There was some corresponding story referenced in the GMP, so we need to clean that up. So I hope you'll address that at least.

MR. ARNOLD: This is Wayne Arnold, for the record.

Yes, I thought I mentioned that as part of my presentation, that we needed to take the corresponding number of stories out of the text of our plan amendment. I can open it up, or you may have it in front of you, Mr. Strain. But we have no objection to --

CHAIRMAN STRAIN: It just says it shall be four stories over parking. I think you're going to just change it to four stories. And whether parking is included in those or not, that's part of the story.

MR. ARNOLD: That's correct. That would be the change.

CHAIRMAN STRAIN: But "over parking" drops off, so it would just be "four stories."

MR. ARNOLD: That's correct.

And I think Mr. Yovanovich wanted to make some closing remarks. But we appreciate all the feedback, and we hope that you appreciate the reduction in units that we made, as well as the other revisions.

CHAIRMAN STRAIN: Diane.

COMMISSIONER EBERT: See, that's what happens when I don't sit next to you.

Wayne, could you please take and show me on what you have on the Master Plan, where that apartment would be in the section where the grocery store and retail is?

MR. ARNOLD: I don't know exactly, Ms. Ebert, where the buildings and parking may be, but we have established that the buildings would have to be at least 350 feet from our southern PUD boundary, which puts it somewhere into the retail building, which means some of the retail could remain.

But -- David, you may have to help me -- it's probably no more than a hundred feet of the retail that is within the 350 feet. So everything north of, probably, this line (indicating) would have to be eliminated to put residential there.

COMMISSIONER EBERT: Well, I guess I feel like the First Lady does. There is nothing there. What goes with these apartments? Do you have places for children? What amenities are there, or are these just plain apartments and there is nothing? I mean...

MR. ARNOLD: I don't think we know yet.

COMMISSIONER EBERT: Well, I know, but this is where the public has been crying out lately: Show us something.

When you do -- when Arthrex came, they showed us a building. When you do these things -- and I see the frustration, because I couldn't see where you are going to put this, and you are just not going to tear out all of your retail. And you've even lowered it, so you don't have to really tear out anything. And it's hard to visualize.

MR. ARNOLD: I appreciate that. I understand it is tough.

COMMISSIONER EBERT: And what the amenities and things would be.

MR. YOVANOVICH: If I can, at the NIM, we did tell people exactly where the apartment complex could go. It's two places. It can go here (indicating), in one of the parcels, which we said would result in basically the strip commercial going away. And here (indicating), on the vacant parcel. Those are the two eligible places.

So we told people that's what was going to happen if we did the residential. We also explained that all of this would remain, and obviously all of this would remain (indicating).

You're correct we didn't show them schematics or architectural renderings because we don't have those yet. But we were very open and honest with people as to what would be removed as we went forward, which was essentially the Sweetbay and the strip and the in-line stores in that Sweetbay Center.

So we did share that with the residents, and we were honest that this is a use that we're adding to the PUD. We are not doing this just for fun. We're cautiously optimistic that it will come to fruition, but if it doesn't, it will remain a strip center.

COMMISSIONER EBERT: Rich, I guess what I'm saying is, right now, with what you have there and with you reducing the number of apartments, you don't have to take one piece of that commercial away.

MR. YOVANOVICH: You are absolutely wrong. The reason you are wrong is because I have a trip cap in there that says I can only do so many trips. So I'm going to have to reduce the retail and commercial to bring the trips down to the new number that comes around from the 325 units. So there will be a reduction from the 275,000 square feet that is currently approved.

Frankly, one of the reasons we had the conversion formula in there, which was to confuse people, because it showed it. It actually said it was a measurable standard of what we were going to do -- and we were criticized for actually trying to put a measurable standard in to show you how many square feet would come off, by the community, in their e-mails to you. And I don't think that was a fair criticism.

We told people what will go away. Physically it has to, to build the units. Physically it has to, and it has to under the trip caps.

CHAIRMAN STRAIN: Anything else you want to add?

MR. YOVANOVICH: Sure, if I may, real quickly.

I'm not sure we clarified on the record your distance between buildings.

CHAIRMAN STRAIN: You just said something that I didn't know if you had the numbers for it or not. You said that the trip cap number --

MR. YOVANOVICH: I don't know. Between now and going to the Board, we'll recalculate the trips. So the trip count will come down from the number that's currently been discussed, but obviously, we're 50 units less. So we'll make that adjustment before the BCC hearing.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And it's 20 feet between buildings.

CHAIRMAN STRAIN: 20 feet. Thank you.

COMMISSIONER FRYER: Before Mr. Yovanovich wraps up -- and I know he's going to make some other comments --

CHAIRMAN STRAIN: No, he's done.

So go ahead.

MR. YOVANOVICH: I wasn't planning to.

CHAIRMAN STRAIN: He's going to stand there.

COMMISSIONER FRYER: I thought you were going to say a word about the marketplace conditions.

MR. YOVANOVICH: Oh, I can. Absolutely.

COMMISSIONER FRYER: Before you do that --

MR. YOVANOVICH: I thought you were going to ask me a question about that.

COMMISSIONER FRYER: No, no.

Before you do that, I wanted to address something that was said a little earlier. I believe it was by the physician who spoke concerning the fire station which also houses, not only fire suppression equipment at Station 40, but also Medic 40.

As it happens, I'm chairman of the County Emergency Medical Authority -- and I should have checked these numbers earlier. I am pleasantly surprised to see and want to report to everyone that Engine House 40 has the very best -- by that I mean, shortest time to response -- of all of the engine houses in the entire County of Collier. They get to their destination with ALS medical capability, 96 percent of the time under eight minutes, which exceeds all other stations.

So that -- I wanted to just put that into the record.

CHAIRMAN STRAIN: Thank you.

Tom.

MR. EASTMAN: Speaking on behalf of the school, the school has no objection to residences being located near a school. It's good for people to be able to walk to school. It reduces the expense on taxpayers for busing. And residential frequently produces a lot of kids. We would have more kids living close by and attending the school.

I would like to ask Tim, from a planning perspective, does he see any problem with residential apartments being located next to a school, as a professional planner?

MR. FINN: No, we don't.

MR. EASTMAN: Thank you.

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

And the Applicant, are you finished?

MR. YOVANOVICH: I think, during the break, Mr. Fryer asked me to comment on the current market conditions for the shopping center.

COMMISSIONER FRYER: Let me set this up, if I may.

My main concern has been with respect to the increase in density creating more traffic and looking at the marketplace that applies to that area. And under ordinary circumstances, you would say that the current uses have not been successful. And that may or may not be the case.

And since that's a very important issue upon which I will base my decision how I vote, I asked Mr. Yovanovich if he would mind again explaining the uniqueness of this situation and why, perhaps, it is not -- it is not entirely fair to look exclusively at the historical failures, if you will, or at least lack of -- lack of significant activity, to make a judgment on what could have happened, how this could have been developed without a change in the PUD.

CHAIRMAN STRAIN: When you said it's unique, what did you think is unique about this situation?

COMMISSIONER FRYER: That's what he's going to talk about.

CHAIRMAN STRAIN: Because it isn't unique. We've got --

COMMISSIONER FRYER: There is a unique aspect to it.

CHAIRMAN STRAIN: What is it? I would like to know what you think it is. Maybe you don't even know, there are two other projects -- there are multiple projects in the County converting commercial to residential right now. Because of the Internet trade that's going on, it's reducing the retail components of a lot of them. So this kind of fits the trend that's happening in other parts of the County.

That part I saw, but if you have a different go on it, let's hear it.

MR. YOVANOVICH: Well, I think I said this in one of my comments -- was -- and let me take a step back, if you don't mind.

Comments that we've been receiving from the community have generally been: Traffic is an issue, traffic is an issue, traffic is an issue. I've never heard anybody say, We want more traffic that would be generated through the development of a commercial project. I've not heard that.

I have heard people say that -- and I think what they are doing, and this is just my two cents from doing this for a few years -- is they believe, that that commercial center will always remain an underutilized asset; it will never generate the traffic that could be generated from the 275,000 square feet. And they say Exhibit A is the fact that the center has a tremendous amount of vacancies. So they use that as proof that this will be an underperforming asset.

The unique aspect of this center and the amount of vacancies is Sweetbay -- and the Green Tree Shopping Center is another Sweetbay where it's still vacant. But Sweetbay has a lease, and they continue to pay the rent on that vacant space. So we cannot lease up that vacant space because Sweetbay controls the space.

And, in controlling the space, the traffic generated from that shopping center is artificially reduced because that space is not yet back into the marketplace. It will at some point be released back to the owner of the shopping center because, eventually, Sweetbay's lease is over and they no longer have to continue to pay rent.

So when I say to the community: Don't bet that this shopping center is going to remain underutilized, it's with that understanding, that Sweetbay, someday, will stop paying rent, and my client will be able to actively market that space for other uses which will bring the other vacancies in the center to be utilized.

The outparcel is a nice outparcel. It's going to get developed, probably with medical offices or whatever, some day, if it becomes developed -- office space, whatever. I mean, it's -- so the center is going to get leased up, and all 275,000, or thereabouts, is going to be traffic-generating use.

So that's why I have been pushing back. I don't think it's fair to say, Compare me to what's there today. Compare me to what I could have, because one day I'm going to have that, when this artificial condition that's artificially keeping us low on traffic goes away, and that's the Sweetbay lease that is preventing that space from being re-purposed or used by someone else because Sweetbay controls that space. We do not control that space.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Anybody else have any questions?

COMMISSIONER EBERT: Rich, according -- in the NIM meeting, they have nine more years on this lease.

MR. YOVANOVICH: Yes.

COMMISSIONER EBERT: So you have to sit there for nine more years and can do nothing?

MR. YOVANOVICH: As long as they're paying rent, that is correct.

COMMISSIONER EBERT: Isn't it a little premature, then, coming in and asking for this?

MR. YOVANOVICH: Unless we negotiate with them a buyout. At some point, reasonable business people sit down and say, What's the best option? At some point there -- if we have another option to put on the property, Sweetbay and the shopping center developer will probably have a meeting of the minds to figure out what's the best business decision for those two parties.

COMMISSIONER EBERT: Okay. Then I have another question for you.

Would you be willing to bring your apartments down to 245, which is the GCMA at eight per acre?

MR. YOVANOVICH: No.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: I don't have any other comments. I'm going to let --

CHAIRMAN STRAIN: You wouldn't. I mean, it's a moot point. You wouldn't be here for -- planning a GMP amendment if you were going to do that, so I don't know why you would have gone through all this effort if that was the answer.

MR. YOVANOVICH: Yeah, this is not something we do --

COMMISSIONER EBERT: Wait a minute. There was no residential on their original. It was only commercial.

CHAIRMAN STRAIN: But they didn't need a GMPA to modify the density. That's the difference.

MR. YOVANOVICH: I'm not going to respond to some of the comments that the public made,

other than I think a rental complex does not connote, as implied, that you will have a lesser quality of resident. And, frankly, there will be -- there will be opportunities for, as we use the phrase "essential service personnel," teachers and others that need places.

When I first came to town a long time ago, it was hard to find an apartment that was a reasonably priced apartment. And the reason -- there is a shortfall of apartments in this town, and eventually, we're going to get to the point where we satisfy that demand, and the market will make sure we don't build too many. But it will bring prices down, even on rentals, because there is a shortfall for young professionals, as Mr. Schneider pointed out.

And I experience that when I hire young associates. We pay them a nice wage, but it's difficult for them to find a place in Collier County to rent, until they figure out where they want to be. And this is going to meet that -- help meet that need. And that's all I wanted to talk about.

CHAIRMAN STRAIN: Okay. With that, I think we've exhausted the questions we have. With it, we'll close the public hearing. And at this point, we'll open it up for discussion before a motion by the Planning Commission.

Anybody have any comments they want to make?

COMMISSIONER FRYER: I do.

CHAIRMAN STRAIN: Ned.

COMMISSIONER FRYER: I have struggled with this one and have come to the conclusion that I believe the developer has made significant concessions that -- in particular, reducing the number of units from 375 to 325. I think that's a significant concession.

I think the noise limitation is good. And I realize that a lot of the problem in that area comes from another establishment that starts with an "N" -- and I won't mention the name -- that turns into a totally different kind of an operation after about midnight. But that's not the fault of these folks.

The traffic cap, I believe, is probably better than the conversion factor at controlling that. The 350-foot setback, I think, is a good concession.

And most significantly, I have moved away from insisting upon comparing present conditions to what they want versus what they could have had versus what they want because of the unusual marketplace situation involving Sweetbay's still paying rent, even though it's not there. That's a pretty unusual situation.

And so I have to take the point, no one has a crystal ball and can look in the future, but I have to take the point that, in time, if this development were not approved, something without a trip cap and less desirable could come down the pike. So for that reason, I'm going to vote in favor of it.

CHAIRMAN STRAIN: Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: If there is a motion to recommend approval, I would suggest that the following stipulations be considered in that motion.

No. 1, we discussed various changes to the PUD, and they will be included in some of those, but not limited to the following: Height limited to four stories, including any underbuilding parking, not to exceed 50-foot zoned or 60-foot architectural -- or, actual.

Unit maximum is going to be 325, with the corresponding trip-cap reduction that will be entered into that paragraph that we changed -- or, the section we changed in the PUD, when it's known. The net traffic numbers in both cases will be added to the PUD to remove -- and removal of the conversion language.

The word "rental" will be added to all new use references in the PUD.

The shared parking language will be modified as discussed.

The distance between structures, the Applicant noted they would agree to 20 feet, and the GMP change will be required to limit it to four stories and striking the "over parking" reference.

Those are the notes that I made during the discussion today.

Anybody have any comments?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion?

COMMISSIONER FRYER: You want to do the GMP first?

CHAIRMAN STRAIN: That would be fine.



COMMISSIONER FRYER: I make a motion to approve the GMP with such of those conditions that the chairman mentioned that apply to the GMP versus the PUD.

CHAIRMAN STRAIN: All those in favor of the motion to approve --

COMMISSIONER CHRZANOWSKI: I'll second.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Second -- I'm sorry. Seconded by Stan, made by Ned.

All those in favor of motion to approve PL20160002360/CP-2016-3, signify by saying aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Motion carries 4-to-1.

Next item for the similar request is Item PL20160002306, which is the PUD.

Is there a motion for --

COMMISSIONER FRYER: Same motion.

CHAIRMAN STRAIN: Motion made by Ned, subject to the conditions --

COMMISSIONER FRYER: Yes.

CHAIRMAN STRAIN: -- to approve. Seconded by Karen.

All in favor say aye.

Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5 to 0.

COMMISSIONER FRYER: Mr. Chairman, will we -- I'm not suggesting we need to have a consent hearing, but is there a way that, perhaps, you could verify that all of those changes have been made before it goes to the BCC?

CHAIRMAN STRAIN: I have been doing that normally anyway, but, yes, I'll make sure this one is done.

And, Diane, just for the record, since you did this one time previously, I didn't hear you say "aye."

Did you say aye in supporting the motion of recommendation for approval?

COMMISSIONER EBERT: I did not approve the growth management plan.

CHAIRMAN STRAIN: But you are in favor of the PUD?

COMMISSIONER EBERT: Yes, I do.

MS. ASHTON-CICKO: Mrs. Ebert, would you recap your reasons for opposition to the growth management plan amendment, please?

COMMISSIONER EBERT: Absolutely. If they would have done the 245, if they -- and I understand what Mark is saying, but, you know, it's -- they are just not following our GMP. And this was done in '99, when normally it's done prior to '89. It just seems not in -- how do I want to say this?

They're just putting too many "if" things in there, and that's -- I'm just not comfortable with it.

CHAIRMAN STRAIN: Okay. With that, that ends those particular two cases, and we'll move on to the final case today. It's item 9.C. It's an amendment to the Land Development Code of Collier County. Specifically it's amending landscape requirements. And this is the one for shopping centers that we asked staff to review and come back with more information. So with, that, Jeremy is here to address the issues we may have today.

Jeremy, it's all yours.

MR. FRANTZ: Good morning. Jeremy Frantz with the growth management department.

As you recall at the last time we reviewed this amendment, we were asked to take a look at availability and costs for larger tree plantings. We did that analysis. We had just kind of a short time to come back to you all, but we did get kind of a snapshot, basically, at this moment in time.

And you see in your memo that the prices are, in fact, higher for those larger trees, as expected, and, also, that availability is somewhat difficult to come by for those 5- to 6-inch trees. It was also noted in some of our interviews with the nursery owners that even our current requirement of 4 inches can be somewhat difficult.

So with that in mind, and kind of thinking of the Board's direction and their discussion about this item, I don't think that they want to see us come back to them with a standard that is not feasible. I don't know the asking desires of all the board members, but I think that we may -- we may be able to come up with some language that is more feasible to comply with, but also meet the desire of the Board to maintain some of that canopy.

So, unless you all have some questions or discussion about the language that we presented in the packet, I could go over some potential changes.

CHAIRMAN STRAIN: I had the advantage of talking with you yesterday about the potential change you're suggesting. So before we go in and chew on what you've redone and brought back to us, why don't you tell us the other option so maybe we can expedite and decide quickly whether we even like the other option or not, and focus on that versus something else.

Would you mind walking through that scenario?

MR. FRANTZ: So what we were looking at in the scenario we presented previously is, if you're replacing and replanting your landscaping trees, you would come back with larger trees. And because of the availability and pricing difficulties with that potential method, in talking with some of our landscape architects and mulling over this issue amongst staff, we thought that, perhaps, a better way to go about maintaining some of that mature-tree canopy would be to place a limit on the amount of trees that could be removed at a given time, say, something like a maximum of 50 percent of the tree -- a maximum of 50 percent of the trees in a shopping center at a given time.

So, rather than coming -- removing everything, coming back with larger trees, it would be more of maintaining a portion of the existing trees.

CHAIRMAN STRAIN: And that is something that could be elaborated on in our discussion.

So, with that in mind, is there any questions?

I think, Ned, you have questions.

COMMISSIONER FRYER: Yes, I do.

When last we talked about this, I raised the question of clustering and the proximity of clustered, let's say, palm trees. And there was no reference to the distance -- the tightness of that clustering, if you will, and the material presented. And I think the county attorney indicated, Well, of course, we don't have everything in front of us here. And outside of what we have in the four corners of our material is language that addresses that.

So I didn't pursue it any further. Now if I understand correctly, you're proposing that we disallow clustering. And I don't favor that. I would rather -- particularly with the cost analysis that you're coming back with from nurseries and other folks, that we should allow, for instance, palm trees to be clustered together closely, and together they would -- they would create a sufficient canopy.

So I would rather not take that option out and go in that direction.

MR. FRANTZ: So I can let our landscape architects speak to the clustering issue. The provision that we reviewed the last time, we were not necessarily requiring trees to be clustered. We were gearing that provision more toward allowing for smaller trees to be used to meet that requirement.

We did hear your comment the last time. I think we also got comments from some of the members of the Planning Commission that, allowing for smaller trees was maybe not the best way to go, considering all of that discussion and the -- the version that we sent back.

COMMISSIONER FRYER: But now we've found out that the other option is very expensive, and perhaps prohibitively so, right?

MR. FRANTZ: Right.

COMMISSIONER CHRZANOWSKI: I've seen sabal palm clusters, and they do give a canopy. I'm curious, though, I'm seeing a lot of people -- I guess we're overreacting to last year's hurricane season. I'm seeing a lot of people trim a lot of their trees, especially the sabal palms, to make sure they don't get knocked over by the hurricane this year.

Are you guys recommending that?

CHAIRMAN STRAIN: CLDC language, I don't think -- I mean, you're probably going to have to ask somebody else that question.

MR. FRANTZ: I don't know if we have anybody else here who can answer that question.

COMMISSIONER CHRZANOWSKI: Is there a rule against it?

MR. TEMPLETON: For the record, Bart Templeton, development review.

There is no restriction against trimming the palm trees.

CHAIRMAN STRAIN: Okay. Anyone else have questions of the staff?

(No response.)

CHAIRMAN STRAIN: I have plenty, but I'm not going to waste my time on what's in front of us because I've already taken a look at it, and I'm concerned about the cost and the punitive nature in which it's going to happen when someone simply may have to replace these trees periodically because they get too large for where they're at.

However, the alternative that you have come up with, I think, is a pretty good idea. If we look at a percentage and how that percentage is applied to the locations of the property -- I mean, you don't just go and cut half the property down in a swath in one location, but if you've got a big parking lot, like a grocery store or something, we scatter the 50 percent, not in a lump sum, but throughout the project, that would leave us with a decent canopy for a number of years. The years is something that needs to be determined.

And then, while those other mature units are in place, the younger ones get time to grow up and start to get a canopy so that they could then follow through and remove the rest in a timely manner. That may not be a bad idea if we can structure it right.

You verify what I was concerned about at the last meeting, and that's availability. I have been in that position. I've tried to buy some of these larger oaks, and it's difficult, if at all possible. And I'm not sure that's the fairest way to proceed with this amendment at this point.

So I'm real concerned about it with the information you've recently supplied, but that's my comments on the two ideas.

So anybody else? Diane?

COMMISSIONER EBERT: Jeremy, I have spoke with different landscapers, and they're telling me because of the hurricane, there is nothing out there. They can't get anything at this point. And it will probably be a year down the road, because if anything comes in, it's taken.

Is that part of this problem this time, is because demand -- I mean, the prices are really up, are we going to have problems like this because of what happened for Irma?

MR. FRANTZ: I know that the feedback that we got was that the hurricane did affect price and availability for all sorts of sizes of trees. In terms of how much of an impact that was on our snapshot of what's available now, we didn't get into that much detail about how much of an impact that was, but it was noted in our discussions.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: We can resume our discussion after we hear from the public speakers.

I know Dr. Doyle is here. I don't know if anybody else is.

So, Jeremy, unless you have anything you want to add, we'll hear public comment, and we'll get back into it after that.

Doctor, if you want to come up.

You'll need to be -- identify yourself for the record. This isn't a matter to be sworn in, so we're okay with that.

DR. DOYLE: Is it still morning? Yes, it's still morning. Good morning. Dr. Joseph Doyle, Naples. As you know, I was here in May to discuss this situation with the remodeling of the shopping plazas. Just to refresh your memory, in 2012, we had Riverchase, and then just most recently, in December, we had The Marketplace in Pelican Bay.

In The Marketplace in Pelican Bay, all of those -- all but one of the 140 mature live oaks survived Hurricane Irma. And then, in December, they all came down within a couple of days with saws. So going back to Riverchase.

Riverchase, the slash pine and ball cypress replacements have really been inadequate to provide a canopy -- here we are five-and-a-half -- well, in July, it will be six years. And that canopy has not come back. And I don't think it will because of the species. And I know there was something in this memorandum today, actually dated June 13, about slash pine and bald cypress.

I would not like to see those species at least -- maybe a smattering of them, but certainly not a preponderance as a replacement for the live oaks.

Regarding The Marketplace at Pelican Bay, I do think that some of the trees looked nice. They picked a better variety of species -- bless you -- but I will say that, of the 140 trees that came down, 54 of them were new immature live oaks. So that's a third.

So I think this discussion that we're having now about, you know, whether we should go with, like, a third, and that sort of thing, that might be -- bless you again -- then you won't have the problem of also trying to find those trees to come in, if you do it in percentages scattered throughout the plaza.

Because I know right now I'm looking for shade. The last couple of days, with the heat index at 104, I've been parking the car in the shade. The steering wheel gets very hot if you don't park in the shade and you don't have -- you know, those visors don't cover everything. So that's one thing.

But the other part of this that I'm concerned about is the lack of public input in the administrative review under the SDPI. And I want to clarify my remarks, because I think when you had the discussion after I made my public comment last month, I didn't really make myself clear.

I want the public input similar to what we're going to be doing with the golf courses; to have two or three town hall-type, put on by whoever is proposing the renovations, that they have public meetings with the state.

So, for instance, at The Marketplace at Pelican Bay, not only just the residents of Pelican Bay, but you have the catchment area of Pelican Marsh, Vanderbilt Beach, Naples Park, and Pine Ridge, who are all customers to that plaza. And there is, like, a local church that you could have this type of town hall, that sort of thing.

And that has to be a check-mark that goes in with the application to say, yes, to the Planning Department, we have had -- we've notified the affected stakeholders who shop in that plaza and, you know, continue on with the review. That's the type of public input I'm looking for so at least the public are aware of it.

We have this exchange of ideas, the property owner -- property -- usually it's the property management companies may see a different solution to their supposed problem, as they do the renovation. And that's all I'm asking for, is more public input, because those -- because even though it went through the Pelican Bay PUD Foundation, that's only for the voice of the Pelican Bay residents and not the other affected areas of a commercial property.

Thank you.

CHAIRMAN STRAIN: Thank you.

Any other members of the public wish to speak on this?

I don't know this lady coming up here (laughter).

Welcome back, Ms. Caron.

MS. CARON: Donna Reed Caron.

I would like to say that I think that the idea of only allowing a percentage at a time is a good idea as long as it's spread out over the whole project, and you cannot take down half and then the other half the following year. I think it makes sense to -- to spread it out over the entire project so that the effects are not as dramatic.

Other than that, I would have to agree with Mr. Doyle on most of his comments.

Thanks.

CHAIRMAN STRAIN: Anybody else in the audience wish to speak on this issue?

(No response.)

CHAIRMAN STRAIN: Okay. Further discussion by the Planning Commission then.

Diane?

COMMISSIONER EBERT: I remember the Collier's Reserve one where -- I mean, it was -- the owner of the shopping center did not go to the Board of Collier's Reserve, and I guess there was something where they were to be notified. So I think there was a huge outcry there. And you're right. They put in stuff that is -- I mean, everything was just taken away, and the shopping center does not look good.

But even though it's an SDPI, if there is something in their contract where it should be, and the shopping people don't do this, is there something that we can do, Jeremy?

MR. FRANTZ: What contract are you referring to?

COMMISSIONER EBERT: Well, Collier's Reserve had an absolute fit because the shopping center, it was in -- it was in their articles that they were supposed to come to them, and they never did, when Kite did that.

MS. ASHTON-CICKO: I think she's talking about a private agreement, and we generally don't interfere with private agreements unless we are a party to it.

COMMISSIONER EBERT: So Collier County would have to be a party to it?

MS. ASHTON-CICKO: Correct.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Any other discussion?

(No response.)

CHAIRMAN STRAIN: Well, I'll at least put something on the table for this panel to consider.

I would suggest that we abandon the idea that's in front of us today and rewrite it as a code section and, instead, move forward with what staff has suggested as a percentage, a scattering, as applicable to that percentage, how the percentage is then replaced with something that is either -- and I would suggest, if any replacement trees go in, regardless of the size of the shopping center, they go to that larger caliper on Page 1, which is more available, 3 to 4 inches. Initially, though, if they may have to come in under the smaller caliper, that fine.

But I think if we look at situations like that, that you guys -- it was a very good suggestion, Jeremy. So I would suggest from this Planning Commission, we recommend to the Board to pursue that avenue, as a better way to handle these situations, and the language here that could prove to be almost impossible to meet.

MS. ASHTON-CICKO: So I think that staff needs a vote today.

CHAIRMAN STRAIN: We're going to get one.

MS. ASHTON-CICKO: So if the Commission desires to go in that direction, then I would recommend --

CHAIRMAN STRAIN: That's where I was going. I'm trying to get there.

MS. ASHTON-CICKO: Okay. Thank you.

CHAIRMAN STRAIN: Go ahead, Ned.

COMMISSIONER FRYER: I'm fine with that solution, the percentage solution, but I guess I would be making a motion to amend, or just looking for consensus.

I would like to restore the option to put in clustered palm trees so that there is more than one option: The percentage and/or using clustered trees to get where they need to go within the framework of what is economical or not cost prohibitive at this time.

CHAIRMAN STRAIN: How did you guys take it out?

MR. FRANTZ: They are not prevented from planting clusters of palm trees now, without any amendment.

COMMISSIONER FRYER: Looking at Page 1, it says, "Remove the provision allowing multiple smaller trees to satisfy the replacement tree size requirements." And it says, "The revised amendments includes this change," and below, "add a cross-reference to existing standards for the clustering of trees; the

change was not made since the provision in question was removed."

CHAIRMAN STRAIN: I'm not --

MS. ASHTON-CICKO: He's referring to the prior amendment where, in order to equal the caliper, you could replace it with three trees instead of one. But there is another section of the Code that allows for clusters of three trees, up to 30 percent of the project, something like that.

COMMISSIONER FRYER: Okay. So that is permitted elsewhere in the LDC. And, for instance, could palm trees be used for clustering, and if -- what about other kinds of trees?

MS. GUNDLACH: Good morning, Commissioner Fryer. I know you know me as a land use planner, but I'm also a Florida registered landscape architect for over three decades. And our current code already allows for clustering.

COMMISSIONER FRYER: I'm satisfied.

MS. GUNDLACH: Oh, I didn't state my name. Nancy Gundlach.

COMMISSIONER HOMIAK: They don't give shade in a parking lot, though, because they did it at King's Lake, and it's awful.

CHAIRMAN STRAIN: Well, eventually they do.

COMMISSIONER HOMIAK: They took out the canopy, the shade trees and put in clusters of three palms, and there is no shade.

CHAIRMAN STRAIN: But, honestly, we could, just like we do if we substitute palm trees for buffers, we have a limitation as to how many times those could be used. The same situation could occur here with this new language on replacement after we allow a certain percentage at a time, like the alternative that we're talking about today. That could all be weaved into that new language, and that kind of allows some clustering of palms, for example, but not 100 percent clustering of palms.

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: The code currently doesn't allow 100 percent clustering of palms.

MS. GUNDLACH: Correct.

COMMISSIONER FRYER: I am fine with that. I guess what I was trying to get at is to find more economical solutions, since these other trees are so pricey. It sounds like there is no problem to be solved here then.

CHAIRMAN STRAIN: No, the problem, I think, to be solved is that, if we go forward with this current language, we do run into the problem you're talking about, especially if we want to get large enough trees. If we want to keep some large trees, I think it's a really neat idea to look at it as a percentage.

COMMISSIONER FRYER: I like that idea. That's fine with me.

CHAIRMAN STRAIN: It fits together really well. If you guys were to suggest that to the Board as a recommendation from this panel, to offset this language, and we recommend not to adopt this language, that would solve the issue, I think. And it may not get done at our next meeting, but it will get done over the summer.

MR. FRANTZ: Yeah. I agree.

COMMISSIONER CHRZANOWSKI: The idea of a percentage now, that's 50 percent one year and 50 percent five years from now?

CHAIRMAN STRAIN: Let them come up with that -- the standards. We haven't got that. Just the concept of how much the percentage should be, because Dr. Doyle suggested 30. Well, it could be anything. I think you landscape people ought to come back with that recommendation as to how we keep some of those canopies so we don't look like we've gone and clear-cut everything and walked away, and it looks terrible.

But take that into consideration, come back with a duration when they can go to the next phase. If they take so much percent out now, they can take so much of a percentage out years later, which takes into consideration time frames of the maturity of the trees that will be replanted so their canopies are coming up to replace the next phase that comes down.

But I think that's a really good idea on a way to handle it. So I commend you guys for coming up with it.

COMMISSIONER FRYER: I'll put that in the form of a motion.

CHAIRMAN STRAIN: Just a little more discussion. Let me make sure Jeremy doesn't have

anything he wants to throw in here.

Go ahead.

MR. FRANTZ: Well, I don't need to, but I have some potential language that I could show you, to maybe help you visualize this idea of what that percentage might look like. It doesn't incorporate the scattering throughout the property, but...

CHAIRMAN STRAIN: Okay. We're all ears. I think it needs refinement because we've just heard about it and not read it, but let's go forward.

MR. FRANTZ: So the language that we tried to put together -- so this would identify that no more than 50 percent of the required trees -- and again this is limited to the type D landscape buffers and the vehicular use areas -- could be replaced within a period of 20 years.

So that was where we had started. There would need to be some additional language to address that 50 percent couldn't all be in one area.

CHAIRMAN STRAIN: For us to weigh in on that, I think the percentage will always be a discussion for sure, but I think the years ought to be dependent on the species and the time which they take to mature enough to give a meaningful canopy. Not their full canopy but, you know, I've got trees that, you know, within five years, some trees, or eight years, they give gorgeous canopies.

So I don't think a broadbrush approach is what we are going to end up with if we go this route. I think we'll need input from the landscape people, in taking a look at the more popular trees and saying, Generally they take eight years, ten years to mature, and that's when the next phase of planting -- of changes could go. And maybe it's done with a shorter time frame in years but with a lower percentage to start out with.

So you do it in three phases or two phases or ten years or eight years or fifteen years. I think jumping to 20 years at 50 percent, irrelevant of this canopy spread, is a jump that may be too drastic. So I would consider tightening that down with some further input on how fast those trees grow.

MR. FRANTZ: And I think -- Nancy could maybe speak to it more -- but I think that 20 years was based on the projects that we've seen up to now, that, you know, that they tend to be older projects that are coming in to replace the entirety of the landscaping.

CHAIRMAN STRAIN: But, see, that poses another problem.

If they take the 50 percent down and the trees that remain are already so mature they are meeting their expected, say -- what do you call it when a tree dies? -- death, how is that? -- they meet the time frame at which they are no longer going to be viable at that location.

Now we've got the property owner in a trap. I would rather not set us up to have to deal with that. By looking at this in a little more, say, conservative nature, a less percentage, reduce the change in the year time frames based on canopy growth and things like that, then I think it's more realistic than just: Here are the numbers, this is what we have to live with.

I don't think that's the way to go at this point.

COMMISSIONER CHRZANOWSKI: Something like 25 percent every two years?

CHAIRMAN STRAIN: Yeah, whatever the percentage comes down to and whatever the time frame comes down to, it ought to be thought out in relationship to the growth rate of the trees and how mature they are, what's left. I mean, actually, if you've got -- if someone comes in and takes out all of their good trees, knowing that the other trees are going to die off, we're not winning anything in that battle.

There are a lot of parameters like that I don't think we've thought about in regards to this process, but I think this is the better process. And it preserves, especially with what I've heard from the public, that you've got at least some -- someone may not even know if they're thinned out like that. You may drive by and not even know it.

And that's, I think, the goal.

MR. FRANTZ: Okay. So I'm hearing that we should look at a lower percentage than 50 percent, a shorter time frame than 20 years, and that time frame should be based on the expected life of the species.

CHAIRMAN STRAIN: That, and the canopy growth of the new plantings.

MR. FRANTZ: Okay.

CHAIRMAN STRAIN: Because the goal is that, as a percentage, you wouldn't be taking the next

percentage down until you had some growth of the new stuff so that you still look like you have a mature parking lot.

MR. FRANTZ: Okay.

CHAIRMAN STRAIN: Other than beat-up asphalt.

MR. FRANTZ: I would want to point to one other -- two other provisions, to see -- let you all weigh in on those.

So I think we would continue to allow for that extra spacing within the type D buffers, to allow for visibility. We would like to keep that provision.

CHAIRMAN STRAIN: It doesn't bother me either way.

I don't know about the rest of you.

(No response.)

CHAIRMAN STRAIN: Okay.

MR. FRANTZ: And the next portion was the prohibited tree species.

We would suggest that we keep -- maintain that prohibition on slash pine and bald cypress.

CHAIRMAN STRAIN: I like both of those trees, but nobody else does. But...

COMMISSIONER CHRZANOWSKI: I do. Bald cypress, I have --

CHAIRMAN STRAIN: I thought both of those trees did well. I like them both.

MR. FRANTZ: The reason we think that it's appropriate to prohibit those within the type D buffer is because -- and, again, I can rely on the landscape architects here, but we do have some images of bald cypress. Unfortunately, it doesn't show up very well on the visualizer. But you can see that bald cypress are deciduous trees. They don't provide a canopy for a certain portion of the year and given that this amendment was intended to address canopy, we didn't feel it was getting to the point.

CHAIRMAN STRAIN: Or, you could consider a percentage of them, like you do palm trees, that are intermixed with canopy trees.

MR. FRANTZ: Okay.

CHAIRMAN STRAIN: Just something. We keep promoting native species, and now we are saying, no, you can't use them. It just seems kind of ridiculous.

MR. FRANTZ: They do provide kind of a canopy during the worst part of the year, the summer. And they do open up when you have the tourists down during the winter so you can see them. So maybe there's some good sides there.

CHAIRMAN STRAIN: Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Well, from what Heidi indicated, and I think she's absolutely correct, we need to tell the Board of County Commissioners something as far as a recommendation.

I would suggest that the recommendation be that the current approach to these parking lot reductions in trees or changes in trees is not effective, not as effective as it could be, and we think that the percentage in rate of return that the staff has suggested could be refined to a better point and be the solution to the issue.

COMMISSIONER FRYER: So moved.

CHAIRMAN STRAIN: Motion made by Ned.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Now, Heidi?

MS. ASHTON-CICKO: So it would be a motion not to adopt primarily because of the cost and --

CHAIRMAN STRAIN: Availability.

MS. ASHTON-CICKO: -- and availability, and it would be direction to have staff come back and route a new LDC amendment through the advisory boards that would address a percentage that is allowed to be removed and based on the rest of the direction we get today.

CHAIRMAN STRAIN: And I think the reason is because the cost, availability, and a better idea. Might as well acknowledge when we've got a better idea, and we think it is, that that's part of the reasoning. I think staff did a great job in coming up with this solution. So I think it will save both Boards a lot of headache.



So, with that, there has been a motion made and seconded.

Any further discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, say aye.

Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-to-0.

Thank you.

Jeremy, thank you very much. Appreciate it. It was a productive way to approach it.

There's no new business listed, there is no old business listed.

Any members of the public here that would like to comment?

(No response.)

CHAIRMAN STRAIN: Hearing none, this meeting needs a motion to adjourn.

COMMISSIONER FRYER: Our next meeting is the 19th of July, right?

CHAIRMAN STRAIN: Yes.

COMMISSIONER FRYER: I'll move to adjourn.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Seconded by Stan.

All in favor, say aye.

Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: The motion carries 5-to-0. Thank you.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:08 p.m.

COLLIER COUNTY PLANNING COMMISSION

MARK STRAIN, CHAIRMAN

ATTEST

CRYSTAL K. KINZEL, INTERIM CLERK

These minutes approved by the Board on 7-19-18, as presented  or as corrected \_\_\_\_\_.

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