

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, October 1, 2020

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:

Edwin Fryer, Chairman  
Karen Homiak, Vice Chair  
Karl Fry  
Joe Schmitt  
Paul Shea  
Robert L. Klucik, Jr.  
Christopher T. Vernon (via webcam)  
Tom Eastman, Collier County School Board  
Representative

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager  
Jeffrey Klatzkow, County Attorney  
Heidi Ashton-Cicko, Managing Assistant County Attorney

## PROCEEDINGS

CHAIRMAN FRYER: Good morning, everyone, and welcome to the October 1st, 2020, meeting of the Collier County Planning Commission.

Will everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Before I ask the secretary to call a roll, I have a couple of announcements -- well, they're really recognitions.

First of all, it's my distinct pleasure to honor -- and honor to welcome two new Planning Commission members. One who is here live, Mr. Robert Klucik, and he comes to us from the Fifth District, and welcome, sir.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: And Mr. Chris Vernon, who is -- has been appointed to serve for the Second District.

Commissioner Vernon, are you on with us?

COMMISSIONER VERNON: Yes, sir, Mr. Chairman. Thank you for that --

CHAIRMAN FRYER: Welcome.

COMMISSIONER VERNON: -- warm welcome.

CHAIRMAN FRYER: Warm welcome to you. Look forward to working together with you both.

COMMISSIONER SCHMITT: Wait a minute. He's sitting at the beach.

CHAIRMAN FRYER: Wonderful.

COMMISSIONER HOMIAK: A lot of them go to that same beach, I've noticed.

CHAIRMAN FRYER: Next, it's a real honor and pleasure for me to ask our former esteemed colleague, Stan Chrzanowski -- who has graciously brought bagels to us this morning -- if you wouldn't mind doing so, to please come in and be recognized and possibly say a word. Stan had been out in the lobby. I hope --

COMMISSIONER HOMIAK: I just saw him.

CHAIRMAN FRYER: We'll call the roll while we're waiting for him to come in. Secretary.

COMMISSIONER FRY: Thank you, Mr. Chair.

Mr. Shea.

COMMISSIONER SHEA: Present.

COMMISSIONER FRY: I'm here.

Chairman Fryer.

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRY: Mr. Klucik?

COMMISSIONER KLUCIK: Here.

COMMISSIONER FRY: Mr. Vernon, remote.

COMMISSIONER VERNON: Here.

COMMISSIONER FRY: Mr. Chair, we have a quorum of seven. Full strength.

CHAIRMAN FRYER: Full, full house. Thank you, Mr. Secretary.

Planning Commission absence -- excuse me. Addenda to the agenda. Is Ray here or, Jeremy, do you have any -- either of you have any addenda to the agenda? Here comes

Mr. Bellows.

MR. BELLOWS: Good morning. For the record, Ray Bellows.

No addenda to the agenda today.

CHAIRMAN FRYER: Thank you, sir.

COMMISSIONER HOMIAK: You could have just shook your head no.

COMMISSIONER FRY: You should do a little dance while you're saying that.

COMMISSIONER KLUCIK: Excuse me, Mr. Chairman. If someone on staff can -- my mouse isn't working, so I can't manipulate the --

CHAIRMAN FRYER: All right. Mr. Miller, we have a mouse problem that Mr. --

COMMISSIONER SCHMITT: You won't be able to manipulate that. That's controlled from the dais.

COMMISSIONER KLUCIK: Okay.

COMMISSIONER FRY: None of our mice work.

CHAIRMAN FRYER: All mice are dead here.

COMMISSIONER KLUCIK: It won't be the first error that I make.

CHAIRMAN FRYER: That's not an error.

Okay. Approval of minutes. We have one set of minutes before us. Those are for the meeting of September 3rd, 2020, which have been mailed to us. Are there any corrections, changes, or additions to those minutes?

If not, I would entertain a motion to approve.

COMMISSIONER FRY: So moved.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of approval, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: That passed unanimously. Thank you very much.

Chairman's report: I have none today.

Consent agenda: I don't believe there is any.

\*\*\*So we go right to public hearings. And the first public hearing is PL20180003710.

This is Temple Shalom. This is coming back to us on adoption. It is a large-scale Growth Management Plan amendment, and it also -- also will require EAC review, and companion to it -- excuse me. I just read out the numbers for the PUD. So now I'll read the numbers for the Growth Management Plan amendment. That's going to be 20180003708. That's on a small-scale Growth Management Plan amendment adoption hearing.

So will all persons who wish to testify in this matter please rise and be sworn in by the court reporter.

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

CHAIRMAN FRYER: Mr. Yovanovich, before you start, I neglected to ask about absences.

We've got a meeting coming up on the 8th. It's an evening meeting at 5:05 p.m. with one matter on the agenda. And then -- so I'd ask if anyone knows that they would not be able to be here for that meeting.

COMMISSIONER FRY: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: I'd like to attend remote, if that's still going to be possible.

CHAIRMAN FRYER: We believe it is, yes. Thank you, Commissioner.

COMMISSIONER FRY: Mr. Chairman, I'm iffy for that evening. I have some projects that are going to take up my evenings this following week.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: And so I'll be here if I can, but there is a possibility -- a decent possibility I may not make it.

CHAIRMAN FRYER: Understood.

And for my part, I'll be here electronically as well, and the Vice Chair will proceed and also Vice Chair call the roll, too, when the time comes, if the secretary is not here.

COMMISSIONER HOMIAK: Wow, I'll be busy.

CHAIRMAN FRYER: Yes, you will.

Mr. Yovanovich, please proceed.

MR. YOVANOVICH: Mr. Chairman, I believe we still need to do disclosures.

CHAIRMAN FRYER: We certainly do. Thank you very much. Ex parte disclosures, starting with Commissioner Shea. Thank you.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials, conversation with applicant's counsel.

CHAIRMAN FRYER: Staff materials; meetings with staff; conversations with representatives of the applicant; conversations with representatives of the various opposition groups, presidents of their organizations, consultants, and lawyers for their organizations.

COMMISSIONER HOMIAK: I didn't have anything different except for emails from last time.

But I just want to say one thing first, if anybody read the staff report for this GMP amendment, that it said that I was opposed to it. In case anybody thinks that, no, that was wrong, because on the 11th of June, the Planning Commission voted unanimously to transmit.

MR. YOVANOVICH: Correct.

COMMISSIONER HOMIAK: So.

COMMISSIONER SCHMITT: That was going to be one of my questions as well, because I knew this was on the consent agenda for the Board, so it was unanimous. So that's incorrect in the staff report.

But disclosures, I did speak with Wayne Arnold and Rich Yovanovich concerning this petition.

And for the new folks, understand this is the second time we're hearing this, because we heard it through transmittal, so this is the adoption phase.

MR. EASTMAN: No disclosures outside of what's in the public record.

COMMISSIONER KLUCIK: I spoke with staff, and I received a lot of emails. And I will take this opportunity to explain that I will not read emails that are sent to my private email. I understand that I don't have a county email yet, but that's my business email. So if you use it, I'm just deleting things. I will have a county email, and it will be published, I'm sure, as soon as it's available. But I did receive emails regarding, I think, Naples One.

CHAIRMAN FRYER: Okay. Thank you. And I misspoke in my disclosures when I was talking about members of the opposition. That's obviously for another matter, so I stand corrected.

Please proceed, Mr. Yovanovich.

MR. YOVANOVICH: Good morning. For the record, I feel much better now that you've clarified that. There's not three lawyers opposing me on this.

CHAIRMAN FRYER: Oh, Commissioner Vernon, we need a disclosure from you. I'm sorry.

COMMISSIONER VERNON: Yes, sir; yes, sir. On this matter, simply staff materials, staff discussion. Just to tag on what Mr. Klucik said, if I got an email regarding this, I did not read it.

CHAIRMAN FRYER: Okay. Thank you.

Now I believe we're ready to proceed.

MR. YOVANOVICH: All right. Good morning, members of the Planning Commission. As the introduction was made, there are two petitions before you today: The adoption hearing for the Comprehensive Plan amendment that you unanimously recommended transmittal on as well as the PUD for the combined temple property with the Jewish Federation property. We are going to do a brief -- we're going to go over some of the things we talked to you about because there are two new members for the Planning Commission, just to give them a little bit of the history of what was transmitted, but we'll do that quickly.

We have the same team that we had here last time with Daryl Sissman as the president of the Temple, and Jane Schiff, chairperson for the Jewish Federation; Jeffrey Feld, the CEO; Mr. Saperstein is participating by phone, if necessary; myself; Wayne Arnold; Michael Herrera; Jim Banks, who's out in the -- I think he's in the hallway; Marco Espinar is our environmental consultant; and James Knafo is our architect. Only Wayne and I will speak, but the rest of the team are here to answer any questions that you may have after -- Jane will also speak.

The proposed request is to create a new subdistrict that will incorporate the existing Temple property as well as other property owned by the Temple that will be leased to the Jewish Federation on which a 22,000-square-foot building will be constructed. The sanctuary on Tracts 65 and 68 already exists, and so does the 200 -- well, there's a preschool on the property, and we're clarifying the number of students that are attending the preschool on Tracts 65 and 68. And that total building area for 65 and 68 will not exceed 50,000 square feet.

The property is located on Pine Ridge Road west of Collier Boulevard and east of the Santa Barbara/Logan Boulevard extension. The property is approximately 13.5 acres in size.

As I indicated earlier, there are three tracts. Tract 65 and 68 is the existing Temple and preschool, and 64 is where the new Jewish Federation building would go, which is approximately 22,000 square feet in size.

The current land-use designation is Estates and mixed-use district residential Estates subdistrict. Because it's within the Estates, we are required to do the Growth Management Plan amendment to create a subdistrict, and under the existing Estates zoning, we would then rezone property to a CF, community facility, PUD for the property.

As I mentioned during the transmittal hearing, the Tract 64 was initially in the original conditional use approved for the Temple; however, the Board of County Commissioners requested that Tract 64 not be included because at the time there wasn't a planned -- there was not a specific plan for how Tract 64 would be developed. So that was removed from the original conditional approval with the intent that it would come back in the future to be added to the approval from the Board.

In the interim, the Comprehensive Plan changed, which now required us to both do an amendment to what would have been the conditional use but also an amendment to the Growth Management Plan. So that's why we're here for both petitions.

I'm going to turn it over next to Jane to give you a brief introduction to the Jewish Federation, what they do, and how they'll work together with the Temple, and then Wayne will

come up and go over the two applications, and then we'll open it up to any questions, and we'll, obviously, answer questions whenever you ask. But we, obviously, reserve time to respond to any public comments.

I do want to note for the members of the Planning Commission that at the last public hearing there were some questions about actual engineering on the site. For your information, we have actually submitted to Collier County the Site Development Plan where all that hard engineering information is located. Mr. Herrera can answer any questions you want about meeting required parking, meeting required management, but if there are concerns from the public about having an opportunity to verify whether all of these things fit on the site, the public now can review the actual hard engineering documents. It's typically not reviewed by the Planning Commission, but I wanted the Planning Commission to know that those documents are in, submitted, and available for critique from anybody who would like to critique those documents.

And with that, I'll turn it over to --

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Mr. Chairman, if I wanted to --

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: -- clarify something minor while, you know, the petitioner's speaking, is that something you'd rather I wait until the end or --

CHAIRMAN FRYER: Well, I think if it's germane to what the speaker is talking about, so that if you need clarification in order to understand what the speaker is talking about, you should interrupt the speakers and get clarification; otherwise, I think things flow more smoothly if we wait until the speakers finish.

COMMISSIONER KLUCIK: Sure.

CHAIRMAN FRYER: Thank you.

Yes, ma'am. Welcome.

MS. SCHIFF: Good morning.

CHAIRMAN FRYER: Good morning.

MS. SCHIFF: I'm Jane Schiff. I'm the chair of the board of directors of the Jewish Federation of Greater Naples. We are partnering with Temple Shalom on this rezoning application so that we can build a new home for Federation on Temple Shalom's undeveloped property.

The Temple has, for over 30 years, been a wonderful neighbor in the Golden Gate's Estate and until now has not found an appropriate use for this land consistent with their approved usage.

The Jewish Federation's mission is to enhance, enrich -- and enrich the quality of Jewish life in Greater Naples by recognizing, supporting the charitable, educational, humanitarian, and social service needs of the Jewish community locally, nationally, overseas, and in the state of Israel.

We do this in two impactful ways: One, we raise funds and make financial grants of over \$500,000 a year to local agencies, including Temple Shalom, four other congregations, Naples Senior Center, and the Holocaust Museum. We sponsor directly, through our affiliates, programming that includes, speakers, films, a book festival, all kinds of classes, games like canasta, Mahjong, bridge, cooking classes, meetings for many of our organizations, organizations like the Catholic/Jewish dialogue, Jewish Community Relations Council, the B'nai Brith Youth Organization for teens, mix and mingles for seniors, Jewish Professionals, Israel Advocacy Committee, Jewish Russian Cultural Alliance, Families with Children, Women's Cultural Alliance, and the Men's Cultural Alliance, and a few more.

In 2017, we commissioned a needs assessment demographic study through Brandeis University. It showed there were 8,800 Jews in the Greater Naples, and at that time -- at that time and through growth, it's now likely over 10,000. The study showed that there was a strong need

for a Jewish cultural center for Greater Naples. The study also showed that a location close to I-75 would be well suited, as 30 percent of our constituents live equally split between Marco and lower Lee County.

This is a perfect location for us. We currently reside at the corner of Airport and Vanderbilt Beach Road in 4,000 square feet. Given the growing needs of the overall community, this is insufficient to meet the expansive programming needs of our men's group, women's group, Jewish Book Festival, and our Jewish youth organization, BBYO.

Our hours of operation are counter cyclical from Temple Shalom. We are closed on all Jewish holidays, including weekly from 3:00 p.m. on Friday until sundown Saturday. Those are the times Temple Shalom is busiest.

When Jews are looking for a place to settle, having a Jewish federation that provides programming is a huge plus for newcomers to Collier County. It's place to integrate quickly into the community, especially if they are not particularly religious, as we offer no religious services or life-cycle events. Those are the purview of the synagogues.

There are few or maybe no organizations that could be as compatible with Temple Shalom as the Federation to locate on their current vacant property. When the zoning was originally granted, it was suggested that Temple Shalom return for approval for the exact use of the land, and here we are today.

Temple Shalom and the Jewish Federation of Greater Naples hope that you will agree that this is the perfect use for the land and send our request on to the Collier County Commissioners for approval.

Thank you for your time and attention.

CHAIRMAN FRYER: Thank you, Ms. Schiff.

Any questions from up here? Commissioner Vernon, any questions on the phone?

(No response.)

CHAIRMAN FRYER: Ms. Schiff, my compliments to both organizations for all the good work they do in Southwest Florida. Thank you.

MS. SCHIFF: Thank you.

CHAIRMAN FRYER: Okay. Mr. Arnold?

MR. ARNOLD: Good morning, Mr. Chairman and Planning Commission members. I'm Wayne Arnold, a certified planner representing the Jewish Federation and Temple Shalom today.

And the slide I have up on the screen is considered an activities comparison, and these are activities that were identified that currently occur at the Temple on the left -- on the right, and when you look at all the activities, they're involved in philanthropic services, they're involved in youth operations. They're involved in many numerous events that they host at the Temple today.

And when we look at what the Federation does, they do it on a little bit larger scale because they service all of Collier County. But the things that they don't do, they're not conducting religious services and they're not conducting a daycare or religious school, such as the Temple operates.

So those are about the only two things that they don't do; that's why we thought it's a perfect fit for these activities to occur on the vacant parcel that the Temple owned.

And I'd just like to clarify that as we're talking about these tract numbers and things of that nature, the Temple originally had the vacant property in its conditional-use application. They were asked at the County Commission hearing, since you don't know exactly how you're using that portion of your site, why don't you just remove it from the current application and come back and amend your conditional use when it's the appropriate time?

Well, since that occurred, we have a new Golden Gate Master Plan that doesn't allow you to piggyback on existing churches to have another conditional use. So that is the reason we're here for the Comprehensive Plan amendment, to clarify and create a subdistrict that allows the Temple

complete ownership of its property to be master planned as we have today.

The subdistrict language is before you. It's unchanged from the transmittal. It is authorizing all of the existing uses that the Temple has today as well as on this tract of land that's vacant to allow the Federation to build its facility of 22,000 square feet maximum and to conduct its charitable activities.

This is an exhibit showing you simply the location of the property under the Golden Gate Master Plan. We're the little black spot that's on the upper right-hand side of the viewer.

The companion rezoning that's here today, we gave you a small taste of that back when we had the transmittal hearing, and I'll go through some of the particulars of that again while we're here today. We have a list of proposed principal uses and so, just to clarify, we're including all the activities that occur at the Temple today, which is the preschool activity and the synagogue, and then we're also adding the civic, social, fraternal, association, religious affiliated uses to clarify the Federation's activities.

And, you know, we looked for a way to conduct this as a simple conditional use, and it was trying to fit sort of that not quite a round peg in the round hole; just some of the activities that the Federation does, were they broadly a church? Probably not. So it made much more sense for us to identify by SIC code the activities that could occur here.

As you've seen in some of the other PUDs, we wanted to make it clear that there are prohibited uses here. This is not a soup kitchen. They don't operate a homeless shelter. It's not a public welfare office, things of that nature.

We have included development standards that are very consistent with the balance of Golden Gate Estates with the exception of treating our western boundary. We have an increased setback that's normally 30 feet in Golden Gate Estates for a side setback to 100 feet, so that would be for the Federation building set back away from our nearest property line to the west.

We've asked for some deviations. I'm not going to go through all of those, but these relate largely to us allowing to have a fence for security purposes in a location that your code doesn't allow chain-link fencing. It allows for us to have grass parking for the Federation building as well as the Temple, because the intent is to share the parking lot that's currently existing for the Temple as well as constructing new parking for the Federation on part of that building. We think that that is -- makes a lot of sense to treat the parking lot similarly rather than to have a transition that doesn't look like it's part of the same overall campus, and I think staff certainly concurs with all of those.

Here's our master plan. On the far western side is the proposed activities for the Federation. We're depicting on here a building area that's sort of central to the site, and of most interest probably is that we have our required preservation area along our western boundary nearest our closest neighbor. To the east of that, we're designing our water management system, and those two activities will separate our building from our nearest neighbor.

We're depicting a new access point on Pine Ridge Road, we'll retain the existing access point. I would point out, though, if you go through all the old minutes, there were always intending to be two access points to the existing Temple facility, so this is consistent with that, and it meets your current separation requirements for Pine Ridge Road.

We've identified the buildings and the components that are part of the existing Temple campus. There is one setback notation that I'll point there's -- part of the preschool program, there was a small play area that's covered with a tarpaulin. It doesn't meet the standard 75-foot setback for all structures. We've asked for a clarification that our existing play structure can be located in that existing area.

And then I'll just point out, it's of no contention, but the original approval for the Temple was before we had the same preservation requirements we do today. So there's a small preserve area in the middle of the parking area that's part of Temple. That's going to be encumbered with a



conservation easement. And if you've been out to the site, you'll see it's a really nice little oak hammock, and it's got a pathway through it, and that's going to be retained as it is.

This is an aerial photograph depicting the improvements, and you can see how we relate to our neighbors. Nothing, really, that's on the improved portions of the property are changing with regard to our neighbors, and then you'll see to our west we have one of our neighbors who's in attendance today, and that's where we've placed our preservation and water management areas to give us the separation.

This is a building elevation rendering for what the Federation hopes to build. It's, obviously, subject to some further modification as we continue to get into the design-build process. But you can see it's an attractive-looking building, it's designed to be two story. There will be Federation offices upstairs and community rooms, et cetera, on the lower floor.

I've got several slides related to surface water management and septic systems. Those were issues raised by the neighbor last time. Mr. Herrera's here to answer any specific questions, but I'll just kind of point out the highlights for these. We're located not in a flood zone. We have to meet South Florida Water Management District criteria. We're going to be providing on-site retention of our water management that's created. We're two separate -- entirely separate basins from the Temple. We're going to design it so that it's a stand-alone system. We're going to discharge out to Pine Ridge Road, and the water's going to find its way over to the canal that's farther to the west. But we will be obtaining our South Florida Water Management permit to do that.

Septic system, the regulatory agency for us is either DEP and the Collier County Health Department; they issue septic tank permits. We have done the final designs. We've even hired a third-party group to look at the septic system design to make sure that we were on track. I know that's been questioned by the neighbor, and we can assure you that we meet all of the DEP and Collier County standards for septic systems, and they specifically do allow you to have these for nonresidential systems, and we're designing in accordance with those criteria.

More of the standards. You can see there's a whole list of standards we have to deal with and sizing requirements, et cetera, and there are built-in safeguards into that system for oversizing the systems.

We also looked at parking calculations. We'd meet the parking calculations for both facilities when we jointly use the parking lots.

And that's really the conclusionary of our presentation. Like I said, Mr. Herrera's here to answer any specific engineering questions, Mr. Banks is here for any transportation questions, and Rich and I will try to field anything else.

CHAIRMAN FRYER: Thank you, Mr. Arnold.

For the benefit of those of us who were lucky enough to be at the dias, the electronic signaling device works. Unfortunately, Commissioner Klucik, we don't have that capability where you're sitting. So if you wish to speak, please do whatever you need to do to get my attention, and I'll try to look in your direction, and the same thing with Commissioner Vernon on the telephone. Please just interrupt.

Having said that, any members of the Planning Commission have questions for the applicant?

(No response.)

CHAIRMAN FRYER: I don't have anybody lit up at this point.

Commissioner Vernon, do you have any?

COMMISSIONER VERNON: No, sir.

CHAIRMAN FRYER: Okay. Thank you. I just have a couple, and I don't have anything further on the Growth Management Plan because all my questions and comments have already been addressed in that at the transmittal.

With respect to the permitted uses -- and, Mr. Yovanovich, this goes to the matter we discussed yesterday by telephone. I have no concerns or reservations whatsoever about any activities, including weddings and receptions that would be put on directly by either the congregation or the Federation, and I don't have any concerns about activities on the part of licensees, lessees, or tenants indoors. My only concern is that if you get once removed from a charitable organization to a licensee or a tenant or a lessee who is a social organization, to me, I think if we were to put some kind of a limitation on those participants, it might reduce the potential for, shall we say, raucousness outdoors, and I think that would address some of the noise concerns that the neighbors had expressed.

And you and I, Mr. Yovanovich, discussed some possible language that you were going to talk to your client about having to do with recognized charities and also you were going to suggest, perhaps, a numeric limitation on just those activities by outside organizations outdoor.

MR. YOVANOVICH: Yeah. And, for the record, Rich Yovanovich.

What we'd like to propose, Mr. Chairman, is the following; that events on the outdoor patio for non-Federation affiliated organizations to be no more than nine annually and none lasting more than one-and-a-half hours. So these would be -- these would be special events actually related to the indoor use if you wanted to have a cocktail reception or something because it's nice weather outside. But it would be affiliated with the indoor portion of the event that would be hosted.

So it would further go on to say, there would be no special events just on the patio but rather just a reception before dinner for an event in the community room. So that's the concept. It would not be just an outdoor event for those types of events.

And any event, whether it's for the Federation or non-Federation, would be -- the outdoor portion would be over by 8:00 p.m., and then no amplified music would be permitted after 7:00 p.m. So hopefully with those limitations we could -- we can agree to very limited use of the outdoor area by non-Federation users.

CHAIRMAN FRYER: It's nine times a year?

MR. YOVANOVICH: Nine times a year.

CHAIRMAN FRYER: Okay. I believe I'm satisfied with that. What about the other members of the Planning Commission? Commissioner Shea?

COMMISSIONER SHEA: I'm okay with that.

CHAIRMAN FRYER: Commissioner Fry?

COMMISSIONER FRY: Just to clarify, you're saying there could be, really, no activity on that outside patio that lasts more than 90 minutes?

MR. YOVANOVICH: No more than 90 minutes, and it has to be over by 8:00 p.m., whether it's -- yes.

COMMISSIONER FRY: And affiliated with an indoor event?

MR. YOVANOVICH: And affiliated with an indoor event.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Klucik.

MR. YOVANOVICH: And I'll provide this language to staff because I haven't had a chance for them --

CHAIRMAN FRYER: Okay. All right. Mr. Klucik, are you okay with this?

COMMISSIONER KLUCIK: Yeah.

CHAIRMAN FRYER: Okay. Commissioner Vernon on the phone, any issues with that?

COMMISSIONER VERNON: Yes, sir. I think it's a good change. So approve.

CHAIRMAN FRYER: Thank you very much.

Any other comments or questions for the applicant?

COMMISSIONER HOMIAK: So that will be under operational standards?

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Commissioner Shea again.

COMMISSIONER HOMIAK: Number 3.

MR. YOVANOVICH: I have to pull my -- we'll add it to the PUD for limitations, operational standards.

COMMISSIONER HOMIAK: So that's separate, those events, separate from the outdoor -- no amp -- outdoor amplified music between 8:00 p.m. and 9:00 a.m. That's a separate?

MR. YOVANOVICH: Yes.

COMMISSIONER HOMIAK: Okay.

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER KLUCIK: Mr. Chairman, I did have one thought.

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: I would just -- maybe it should specify that they should be nonconsecutive uses as well so they -- or on different days. All nine of those uses must be on different days or not consecutive with one another. Because I've just experienced that exceptions like this end up -- I don't think there should any limit at all, but if we're going to have a limit, it should be meaningful, and it won't be meaningful if they could have nine of them in a row on one day one-and-a-half hours. And I don't think that's their intent but, like I said, I've seen exceptions be used to bulldoze something through that ends up being not at all what the panel that is making a decision thinks that it would be.

CHAIRMAN FRYER: Mr. Yovanovich?

MR. YOVANOVICH: I don't have any -- I don't have any issues with that, but I just want to make sure the limitations I was discussing applied to the parcel where we're putting the Jewish Federation building, because I think that goes to what Ms. Homiak wanted clarification on. Because we already did have some amplified music limitations that applied to the -- it was going to be the entire property, but now there's a subset for that one -- for that parcel, and I think it's 64. I have to go back. But I think -- it's the Federation parcel.

CHAIRMAN FRYER: Okay. I hope we don't have to come back on consent to review these.

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: My suggestion is that the Planning Commission allow me to act for it in a quick review of the language so that --

MR. YOVANOVICH: I can actually -- if you need me to, I can put it on the screen.

CHAIRMAN FRYER: That will be best of all. I take it the County Attorney does not have any issues with this?

MR. KLATZKOW: (Shakes head.)

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: Mr. Chairman, I have a question.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER FRY: Commissioner Klucik, I guess I'm -- as a -- putting myself in the position of a neighbor, I'm asking myself, you know, I want to maybe explore this scenario you're describing a little bit more. Would I be concerned whether those -- if I know there are nine total events outside for 90 minutes, would I be concerned if they were in a row or if they were spread out? So describe --

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Well, this is the idea of, oh, we have an exception for 90 minutes. This group wants to use it for, you know, four hours, so we can just back the same event up one-and-a-half, one-and-a-half, you know, until we're done with our event?

COMMISSIONER FRY: Oh, you mean actually try to go more than 90 minutes on a

single day?

COMMISSIONER KLUCIK: Right.

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: Like I said, my thought is I don't even think we need this restriction. You know, that's my thought. I don't know if that's necessarily required. But if we're going to have a restriction like this and that's what we're going to be, you know, considering when we vote, it actually should be a meaningful thing we know what this really means, not that it opens up the door for an abuse, what I would think is an abuse.

COMMISSIONER FRY: I absolutely agree. I guess I thought that would be implicit in the condition you stated.

COMMISSIONER KLUCIK: Well, we should all understand that things that we think are implicit aren't necessarily the case when -- you know, down the road.

MR. YOYANOVICH: We have no objection to that, and, unfortunately, I can't make it fit my screen in a way without -- without disclosing some stuff I don't want to necessarily disclose in an email.

COMMISSIONER FRY: So it could be nine events in a row, and that takes --

MR. YOYANOVICH: It would be nine days in a row. I just can't --

(Simultaneous crosstalk.)

MR. YOYANOVICH: -- have whatever nine times one-and-a-half hours would be on one day.

CHAIRMAN FRYER: Mr. Shea.

COMMISSIONER SHEA: Just the additional clarification, because the way we've divided this now is a little different. Is that nine -- is that an event at the new facility?

MR. YOYANOVICH: Yes.

COMMISSIONER SHEA: Could you also have one at the church at the same time? Where does it -- originally we talked about not allowing that.

MR. YOYANOVICH: And we would not be allowed to have them both on the same time. It would be just if we had an event on that property, these additional limitations would apply.

COMMISSIONER SHEA: And I have one more question.

CHAIRMAN FRYER: Please.

COMMISSIONER SHEA: Just the -- you know, I appreciate that you went ahead and did the detailed engineering, because those were very big questions for me as well. It looked like a very tight space to put that septic system in.

The neighbor raised a good question. Maybe this is really for Jeff. So you guys come ahead, you follow the codes and the requirements, everybody says it's good, and his well fails, and it's proven that it was contaminated by that septic system. Who's liable to help take care of that well problem for the neighbor? He asked that question, and I haven't seen an answer anywhere.

MR. YOYANOVICH: Well, not -- I can appreciate my colleagues on the Planning Commission who are also attorneys. It's very fact-specific, and I don't think it's fair for me to have to address a hypothetical like that without knowing all of the facts. So I'd prefer not to get into that hypothetical analysis.

COMMISSIONER SHEA: Well, it would seem like, if you follow the county codes, it wouldn't be the development's problem. It would be the county's problem.

MR. YOYANOVICH: I don't want to -- I don't want to -- if you prefer --

COMMISSIONER SHEA: I just think it's a fair question.

MR. YOYANOVICH: It is a fair question, and that is probably one of the defenses a property owner would raise: I followed the code. I did everything appropriately. We'll just deal with it if it ever happens.

COMMISSIONER SHEA: You're not going to touch that one, are you?

MR. KLATZKOW: No. I mean, it is going to be fact specific. I know the county's not going to be liable. And, you know, a judge will issue whatever opinion a judge issues on this. I don't know what to say. It's a hypothetical question for a problem that may never exist.

COMMISSIONER SHEA: Yeah.

CHAIRMAN FRYER: Okay. Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes. Well, I was going to go down that road as well, but I was waiting to hear from the public for the issue to be brought up. But since we brought it up, Rich, do you have any idea, from looking at this as presented, where the well is, the existing well, the neighbor's well?

MR. YOVANOVICH: I'm going to ask Michael to come up and answer that.

COMMISSIONER SCHMITT: Because the real issue here is, you have to go through all the permitting process through the county, and I know we have a county representative here. We discussed this last time. But the fact is, it has to go through the permitting system and, also, I believe it has to go through DEP, does it not? Septics.

MR. HERRERA: My name is Michael Herrera, civil engineer, state of Florida.

So it is regulated by DEP but reviewed through the Department of Health. And in relations to the distances for a private well, a septic field must be located 75 feet away from a private well. From a public well, you know, so that is 200 -- yes, 200 feet, and to our west property, we are 327 feet.

COMMISSIONER SCHMITT: And where you show on this, then, the septic system, that's the system. The leach field is there as well, or is this a leach type of septic system?

MR. HERRERA: Yes, it's a mounded trench system.

COMMISSIONER SCHMITT: Okay. It's a mounded trench system.

MR. HERRERA: Yep. It's got --

COMMISSIONER SCHMITT: Yeah, I -- I'm kind of in your camp, but it's something, if it happens, it happens, and they deal with it. It's just like any septic tank in the Estates. I mean, all the entire Estates is on septic, almost -- there's no water/sewer out there. Everybody pretty much has their own well and septic.

And if and when there ever is a time where there is water/sewer in that area, then it would require -- typically would require a connection, but I don't see that happening soon. Some will debate whether it should happen, but I don't see it happening anytime soon.

MR. YOVANOVICH: Just, if you recall, Mr. Schmitt, there actually is water available.

COMMISSIONER SCHMITT: Okay. There is water.

MR. YOVANOVICH: We did discuss assisting in connecting the home --

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: -- to water, but there was also a concern raised about the well would still be used for irrigation. But we did -- we did offer to address the drinking water and showering water through connection to the existing water line in Pine Ridge Road.

CHAIRMAN FRYER: Okay. Any other questions of the applicant from up here?  
(No response.)

CHAIRMAN FRYER: If not, thank you, sir.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: We'll now hear from staff.

MS. JENKINS: Good morning, Commissioners. Anita Jenkins, Interim Zoning Director. On behalf of the Comprehensive Planning staff, we are recommending approval of this item for the Growth Management Plan amendment.

I will correct the record for the transmittal on this, the Planning Commission did have a unanimous vote of 6-0. The Board of County Commissioners also voted unanimously to transmit

this to the State. It was transmitted on July 27th. There were no comments provided by state agencies other than Fish and Wildlife who provided information regarding bear interactions, and that information has been provided to the applicant.

So staff recommends approval.

CHAIRMAN FRYER: Thank you, Ms. Jenkins.

Any questions or comments for staff?

COMMISSIONER FRY: Yes.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Hi, Anita. One question. Pine Ridge is a major arterial roadway. Is there no county septic available anywhere along that thoroughfare?

MS. JENKINS: I would have to defer that to those that --

COMMISSIONER SCHMITT: County water/sewer? You mean sewer, not --

COMMISSIONER FRY: Sewer. Yes, sewer. Because we're talking about a septic system, and I'm just surprised that county sewers was not an option on a major thoroughfare.

MS. JENKINS: Right. I believe water's available there. Not the sewer.

COMMISSIONER FRY: Not the sewer, okay. Thank you.

CHAIRMAN FRYER: Thank you. Any other questions or comments for staff?

(No response.)

CHAIRMAN FRYER: Mr. Bellows, are you going to speak to the PUD?

MR. BELLOWS: Yes. For the record, Ray Bellows. I'm filling in for Tim Finn who was the principal planner for the PUD rezone.

Staff -- and I have worked with Tim on this project. It is consistent with the Growth Management Plan and the PUD and rezone criteria of the Land Development Code. The deviations requested were deemed adequate for the type of project being proposed, and we are recommending approval.

CHAIRMAN FRYER: Thank you. Questions or comments for Mr. Bellows?

COMMISSIONER FRY: One.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER FRY: Ray, were there any changes to the application that have not been discussed today?

MR. BELLOWS: Just the presentation on the hours -- and thank you for reminding me. I am supporting of those changes.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Thank you. Anyone else?

(No response.)

CHAIRMAN FRYER: All right. Let's see. Do we have any registered speakers? Mr. Frantz, are you keeping track of that, sir?

MR. FRANTZ: Yes. We have several registered speakers in the room and on Zoom.

CHAIRMAN FRYER: All right. I'm going to ask them, the ones who are in the room, to alternate on the microphones so that young lady who is cleaning the mics can be cleaning one while you're speaking on another.

Who's the first one?

MR. FRANTZ: So our first two speakers in the room are Douglas Loewer and Bev Loewer.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: I'd like to point out for the rest of the commissioners, it's -- I believe Mr. Loewer's letter is 9A1L --

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: -- in our packet.

CHAIRMAN FRYER: Thank you, Commissioner.

Please proceed, sir.

MR. LOEWER: Good morning. My name is Douglas Loewer, and my wife is Bev Loewer back in the wheelchair in the back. We reside at 4780 Pine Ridge Road, which is directly to the west of the property, and we will be impacted more than anyone else by this project.

I am a professional engineer. I am licensed in Florida with six other states.

COMMISSIONER KLUCIK: Sir, excuse me.

Mr. Chairman, so that's your home right there that we can see on the screen?

MR. LOEWER: Yes. It's this one right here.

COMMISSIONER KLUCIK: Thank you.

MR. LOEWER: I guess it's right here. Okay. Getting used to the program here.

CHAIRMAN FRYER: That's okay.

MR. LOEWER: I've done thousands of presentations to planning boards and zoning boards, whatever, in my local area, and usually I'm sitting where Mr. Arnold is, and I don't have a time limitation, which is the reason that I submitted the engineering letters that I did back before the last hearing. And I'm not going to speak about things I did last time.

There's the two deviations that they're asking for, which is the 70 percent grass parking area. I don't know how that fits in, because the only grass parking that I could find in the code was 15 percent for a religious organization and, obviously, the new building and the daycare don't qualify for the same qualifications. The reason that was put forth originally was that you have an overflow parking one morning a week in most cases, and that's okay for a religious organization, but for a daycare and a new office building, you have a regular five-day-a-week, eight, 10, 12 hour days of usage, and it really doesn't qualify for 70 percent grass parking.

The second item on the deviation is putting the stormwater management into the reserve area, and if you're going to approve that, there isn't going to be any reserve area, because the stormwater management properly designed for this building will just barely fit on the lot, particularly when you have to revamp the existing building area and preschool for the new code and not the 1991 code that it was originally designed for.

There's basically three kinds of design. There's good engineering, which we all hope we do on the buildings, everything we design. There's minimal engineering, which is acceptable and in most cases the cost is so small between minimum engineering and good engineering that people go ahead and go upgrade for the good engineering.

Then there's minimum standards. Minimum standards were never designed to be associated with a building of this nature, any kind of commercial building. The minimum standards are an accumulation of things that have been approved by the legislature which has had lobbyists and all bureaucrats and all people that are not engineers making those decisions.

The minimum standards are -- were basically originally designed for residential building inspectors that did not know what they were looking for in the field. If they went out in the field and they found a 2x10, they could look in the standards and see it could only go 14 feet as a joist. They could look in the standards and see that the building 2x4s have to be 16 inches on center. There's nothing in there that would apply to this building and the commercial grade -- the commercial applications of it.

There's nothing in the minimum standards about how much rebar is the minimum you can put in concrete. There's nothing in the minimum standards about what the factor of safety is when you design a concrete beam. That's all done by engineers and submitted and approved by your reviewers. In fact, I think your reviewers review that.

So this is a minimum-standards building. My first meeting with Mr. Herrera, he made that

perfectly clear; that none of my suggestions that I presented at that first meeting would be put into the plan because they would cost additional money, and that was not a good thing, which is the reason I wrote those letters.

Unfortunately, applications of minimum standards like 75 feet for the distance between a well and a septic field, that's a residential field and a residential well. That's not a -- that's not a field that's going to put somewhere between 3,000 and 19,000 gallons a day into the septic field.

They're obviously planning no updates to the septic field with a package plant, and I just want to tell you, that's a big mistake, because this is my area of expertise. I put in septic fields for years, designed them, put in the largest one in the state of Maryland.

Those septic fields are going to fail every four to five years if you don't put a package plant on them, and they're going to have to be replaced, and the cost of replacing those septic fields is much greater than the cost of putting in a package plant now and treating the sewage so you have good stuff going in the ground. Seventy-five feet is not nearly enough between a well and a septic field unless it's -- they're both residential, and this is a commercial problem.

As long as -- if they would upgrade the project to a good engineering practices, I wouldn't have any problem with it. I think this is a good use for the property; not objecting to the Federation or the Temple Shalom or anyone. But my wife and I moved here nine years ago, and my wife had only one thing she wanted me to put in the record and that was, please don't contaminate the groundwater, because it's not going to just be our groundwater. That groundwater's going to be a thousand feet around Temple Shalom, and it's not just me that's going to be affected by that. It's all the neighbors that don't know what's coming, and that's not fair to them.

So there are provisions in the code for the county to require that above minimum standards is required, and I would ask that they be done.

CHAIRMAN FRYER: Thank you, sir. Before you step down, Commissioner Schmitt has a question, I believe.

COMMISSIONER SCHMITT: Yeah, just -- I'm not going to debate your qualifications and certainly respect your qualifications. But I need to clarify, standards are standards. It's a binary decision. Either they meet the standards or they don't. I'm not clear -- a building official, certified building official or inspector, goes out and inspects a job; either it meets the standards or it doesn't. Uniform Building Code -- I don't understand. You're saying that it meets the standards but you personally want it to be -- exceed the standards. Does it or does it not meet the standard?

MR. LOEWER: I haven't seen the design. I don't know the building.

COMMISSIONER SCHMITT: This board --

MR. LOEWER: This is fairly -- this is much different than the plan they gave me, and they won't talk to me anymore, and they won't give me anything.

COMMISSIONER SCHMITT: We typically don't approve site plans. We look at the impact of the site plans both for ingress/egress and other type of elements that impact the code.

But what I heard you say is, you're not happy with this because they're not exceeding the standards, and you and Mr. Herrera are having a dispute over the engineering aspects of it.

When the county reviews a plan, the plan is certified by a professional engineer, and when those plans go through review, all the county does is verify that the plans meet the minimum standard, both in the -- with the LDC as well as the International Building Code, the IBC.

So I'm confused. What you're asking us to do is say -- excuse me. I'd like to finish.

What you're asking us to do is say, impose additional standards because you believe that -- they meet the minimum standards, but you want us to impose more demanding standards; is that what you're asking?

MR. LOEWER: No. I'm saying --

COMMISSIONER SCHMITT: That's what I heard you say.



MR. LOEWER: -- the minimum standards don't apply to this commercial building, and I can guarantee with my 40 years of experience, in doing this for 40 years, that No. 1, you're going to have a lot of accidents and people get killed out on the highway with the traffic design that they presented to me; that, No. 2, with this stormwater management plan that they have here, they're going to flood out the neighbors, no question; and, No. 3, you are absolutely going to contaminate the groundwater.

COMMISSIONER SCHMITT: Okay. But let's --

MR. LOEWER: Absolutely.

COMMISSIONER SCHMITT: You opened the door. But, again, I just look at the standards. To go through --

MR. LOEWER: And that's exactly the reason that we couldn't get a comment from Mr. Yovanovich about what happens to my well after it's contaminated.

COMMISSIONER SCHMITT: To go through the standards, to go through the permitting process, they have to get a -- go through the South Florida Water Management District for a permit for stormwater management. And I don't know if they've submitted for that yet, but that is the process. And if you disagree with the permitting for water runoff, water retention, that's through the South Florida Water Management District. You certainly have an opportunity to either present your complaint to the Water Management District or appear before the district when this ERP, environmental resource permit, is submitted to the South Florida Water Management District. That is not under the purview of the Planning Commission.

So I just really don't understand. You're asking us to do something that is outside of the -- I think, our authority.

MR. LOEWER: I will close by saying that I hope everybody enjoys their minimum-standards building, because minimum-standards buildings almost invariably cause the occupants to go bankrupt but they can -- they save so much money on the construction that the operating cost of the building become so high that the person that's renting or owning the building cannot survive.

COMMISSIONER SCHMITT: Okay.

MR. LOEWER: That's a -- that's just -- that's just a fact. I've done thousands and thousands of these. That's how it is. So if you're going to -- you're condemning the project to failure and --

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: A binary decision, it either meets the standards or it doesn't. So I'm done. Thanks.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: A couple questions for you. How far is your well from this proposed septic tank?

MR. LOEWER: Well, there's no septic tank shown on here.

COMMISSIONER SHEA: Yeah, there is.

MR. LOEWER: It's a septic system. That's different from the septic tank. Septic tank does not have to be within the septic system.

COMMISSIONER SHEA: How far is your well from that block shown on the drawing?

MR. LOEWER: I measured it at 275; two hundred and seventy-five feet.

COMMISSIONER SHEA: Okay. You also wanted to explore a question you talked about earlier about the grass paving. Are you for or against additional grass paving?

MR. LOEWER: I don't really care, but it's a method of modifying the stormwater management so that you can reduce the amount of stormwater when you actually have more. It's one of those things that I wrote to you about about how to fudge that stormwater management. I could design -- I designed stormwater management before there were computers. We used Q

equals CIA, and I wrote that to you in the letter. And I could design this from the standpoint that there is no stormwater management. In fact, the county owes me water. And I can design this in such a way that there's no room for the building because the entire building area has to have stormwater management on it.

So it's the ethics of the engineer as to how much you get here. And every time I've looked at their plan, we got -- we have more detention area here, and pretty soon it's going to -- it's going to be over on my property.

But it's not just me that's impacted here. The way the -- the way the water runs down Pine Ridge Road --

COMMISSIONER SHEA: Excuse me. You're not going where I wanted to go, so. I'm just wondering, are you proposing that instead of more grass parking that we have paved parking? Which, to me, grass parking seems to be more friendly towards water management on the site.

MR. LOEWER: My problem is not with the paved or the grass.

COMMISSIONER SHEA: Okay.

MR. LOEWER: My problem is that it's a means of fudging --

COMMISSIONER SHEA: Okay.

STPHAO: -- the stormwater management that's required to be impounded.

COMMISSIONER SHEA: Thank you.

MR. LOEWER: If it's not impounded and fudged this way, it's not going to be me that's impounded -- impacted the most. That water crosses the road right in front of my property, and those three people on the other side of the property are going to have an awful lot of water, because right now, with that empty lot and the stormwater that the Temple Shalom currently have, which is going to be covered up by the new building, there's no water leaving that property because it's all going into the vacant lot.

So not only are you dealing with the building and the stormwater management that goes with it, you're dealing with all of the stormwater management for what's existing, and what they have here is not -- not 10 percent of what they're going to need.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SHEA: Thank you. That makes -- that's what I was looking for.

COMMISSIONER SCHMITT: I'd like to hear from the engineer, staff. I want to ask -- pose a question, and --

COMMISSIONER KLUCIK: And I have a question for the witness.

CHAIRMAN FRYER: All right. Let's first question the witness and then -- please. Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Yes.

So it seems as though Temple Shalom has a right to use that land for something. It's obviously very nice to live next to a lot that's, you know, just wooded. What do you -- what did you think that they would be doing with that land, and what would you like them to do with that land that would be acceptable to you? Because it seems like, that, you know, we all would like, you know, vacant land to stay that way, but I'm just trying to figure out what you think would be an accommodation that you would find acceptable.

MR. LYDON: I think the project they have planned for here, the uses of it are perfect for the land. I have no objection to the land, to what they are trying to do here. My objection is how they're accomplishing it. My objection is that they are going to 100 percent contaminate that groundwater. Not going to -- I'm the only one here complaining because the other people don't know about it.

COMMISSIONER KLUCIK: Are you thinking that our standards for the county aren't good enough then?

MR. LOEWER: Yes.

COMMISSIONER KLUCIK: Okay. So it's a much bigger question than this project?

CHAIRMAN FRYER: Commissioner Schmitt, did you have anything further for this witness?

COMMISSIONER SCHMITT: Nothing for the witness. I would just like to discuss this with the representative --

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: -- representing Grady Minor.

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: Mr. Chairman?

CHAIRMAN FRYER: Yes.

COMMISSIONER VERNON: Mr. Chairman, before we move on to the next witness, I have a --

CHAIRMAN FRYER: Yes, Commissioner Vernon. Please go ahead.

COMMISSIONER VERNON: It sort of follows up on what Mr. Klucik asked about. It's more specific to the septic system, and I think Mr. Shea asked about that as well.

And so what, in your mind, Mr. Loewer, in terms of minimally costly, what's the minimally acceptable change that this project could make where it addresses your concern about contaminating the groundwater?

MR. LOEWER: A small package plant, and -- first thing they do is they combined the two septic systems together so they would only need one septic system and one -- so that they only needed one small package plant.

Second thing is that they use gray water where they -- within the building so they cut down on the amount of flow. There's -- I discussed this with Mr. Herrera at length. There's all kinds of things that can be done out there that upgrade the septic field to the point -- you're still going to have the septic field to get rid of the sewage, but you can cut down on the amount of sewage by gray water systems, sprinkler systems, things along those lines. And the sewage that remains you can treat, and then you will not contaminate the groundwater.

I put in the largest septic system in Maryland. I had 100,000-gallon-a-day plant extended aeration on that. I received awards for my extended aeration plant and how it was run. Yeah, I know how -- I know how this stuff works.

MR. KLATZKOW: Mr. Chair? Mr. Chair?

CHAIRMAN FRYER: Yes, sir.

MR. KLATZKOW: May I? And staff can confirm this.

My understanding, that the septic issue is really state standards that we've adopted. My understanding is staff is under the opinion that this meets the state standards.

I know that one of the criteria for approval is whether the property can support a septic system. If it meets state standards, I don't know how you can say no, because what you would be saying is that we disagree with the State and the way things are done throughout the entire -- entirety of Florida. They're all wrong. He's right. And I don't know how you can do that.

I think Commissioner Schmitt was spot on. He's got his ability to challenge this when the permits are filed for it. That would be his venue. But I don't think from a criteria standpoint -- and that's really what you look at -- you can say we disagree with the state standards. We disapprove. I don't know how you can do that.

CHAIRMAN FRYER: Thank you, County Attorney.

Commissioner Shea.

COMMISSIONER SHEA: One more question. Is there any sign that the existing septic system is failing? I would assume it's pretty close in size to what we're proposing here.

MR. LOEWER: No. It's much, much smaller.

COMMISSIONER SHEA: It is?

MR. LOEWER: It's only got a 1,500-gallon tank on it, which is -- which -- that wouldn't even be -- by their calculations, that wouldn't even be one-fifth of what it would have to be, 20 percent, and that's their calculations, not mine.

And just to respond to the County Attorney here for a second, in two instances in the state of Maryland, I disagreed with the code.

MR. KLATZKOW: This is the state of Florida.

MR. LOEWER: I went to the State of Maryland, and I beat them twice.

MR. KLATZKOW: Sir, I understand, but you are asking the Planning Commission to violate --

MR. LOEWER: I hope you'll enjoy --

MR. KLATZKOW: -- criteria.

MR. LOEWER: I hope you'll enjoy your minimum-standards building, and when it's empty in a few years, I'll be right here letting you know that it -- what happened.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: Yes. I would just like to thank the witness. I really do appreciate everyone who comes and speaks before these boards. I've been in that situation before. And it does matter when people speak out, but then we have to apply the standards, and --

CHAIRMAN FRYER: Thank you, Commissioner, and I -- we extended ourselves by going way over the five-minute time for this witness, so I believe that he had a full and fair opportunity to be heard.

Okay. Do we have any other registered speakers?

MR. FRANTZ: Our next speaker was Bev Loewer. After that we have Susan Suarez or Suavez.

CHAIRMAN FRYER: Okay. Did Ms. Loewer still wish to speak?

(No response.)

MR. FRANTZ: Our next speaker is Susan Suarez, and after that we have Samuel Cadreau.

CHAIRMAN FRYER: Ms. Suarez, please proceed.

MS. SUAREZ: Good morning. My name is Susan Suarez. I'm the president and the CEO of the Holocaust and Cohen Education Center. Thank you for the opportunity to speak today.

We strongly support the efforts of Temple Shalom and the Jewish Federation of Greater Naples to seek approval for change to the Golden Gate Master Plan on Temple Shalom's property and allow the Jewish Federation to build its new home on Temple Shalom's campus.

I wanted to share with you a little bit about the broad scope of the benefit to the Greater Naples community because of these two wonderful organizations.

The Holocaust Museum works with Temple Shalom and the Jewish Federation of Greater Naples on our education programs for Collier County students in grades K through 12 about the lessons of the Holocaust, which means not only the facts and figures of history, but stories of real people and what they suffered, who helped them, who persecuted them, and who stood idly by doing nothing to stop it. Through these stories, students and adults learn lessons for our lives today such as the importance of mutual respect for all people, learning about people different from ourselves, promoting kindness, and standing up against hatred.

We also offer special educational programs for adults through the entire area, often at Temple Shalom or at churches in partnership with Temple Shalom and the Federation.

The Jewish Federation provides a generous grant each year to support our programs that

serve thousands of people every year from Collier County. Our museum attracts thousands of visitors from 45 countries and every state. It is a popular place for tourists to visit and another reason for them to come to Collier County.

The Holocaust Museum would not be the strong organization that it is today, serving every school in Collier County, without the important partnership we have enjoyed with both Temple Shalom and the Jewish Federation for our entire 20-year history.

We hope that Collier County will grant this project approval, as it will greatly benefit not only the Jewish community but the Greater Naples community as well.

Thank you for your consideration.

CHAIRMAN FRYER: Thank you, Ms. Suarez.

Next speaker, please.

MR. FRANTZ: The next speaker is Samuel Cadreau.

CHAIRMAN FRYER: Samuel Cadreau. Sir, would you use the mic that's already clean.

MR. CADREAU: Yes, sir.

Good morning, Commissioners. I'm Samuel Cadreau. I live at 4655 Pine Ridge Road directly across from Temple Shalom.

I want to open up this conversation, first off, saying the Temple has been very good neighbors. We've had very good rapport with the Temple, especially in regards to this project. So I don't stand against the project, but I do have some serious concerns.

My first serious concern is, number one, like Mr. Loewer said, the water drainage. If you're not really informed about how the water drainage is on Pine Ridge Road, the water comes all the way from 951 to the canal. I moved out there before it was Pine Ridge Road. It was White Boulevard. It dead-ended at the canal, okay. They put Pine Ridge Road through. The drainage runs to the canal to the west. West of this piece of property, what happens is everything on the north side has to accept the water from the south side. It runs through drainage ditches or pipes, I should say, underneath Pine Ridge Road to the north side of the road --

COMMISSIONER KLUCIK: Excuse me, sir. You're on the north side?

MR. CADREAU: I am on the north side.

COMMISSIONER KLUCIK: You're opposite on the other side of Pine Ridge.

MR. CADREAU: I'm on the north side, yes.

COMMISSIONER KLUCIK: So you're receiving the water from the south side?

MR. CADREAU: Yes, yes.

So what happens is, when it was engineered by Mr. Archibald back years ago -- we won't go there -- and just to give you an idea, I did six year of surveying, land surveying, so I know how land lays, how water flows and everything to that effect. Also, I worked for a big company that did traffic engineering and accident -- major accident investigations, so that will play into what I'm going to say also.

With that being said, water from the south side of the road flows through pipes to the north side of the road, to the canal to the west, and then through a box culvert. Instead of being bridged over the canal, it's a box culvert. So it can get restricted very easily with debris. And then that water ends up running south through the box culvert.

So, as Mr. Loewer said, all the water that's being retentioned on that property is now going to go to the north side, to my side of the road, to the canal, and then not back down south.

So I think everything from that piece of property to the west of the canal needs to be reengineered in that ditch to assist that drainage. That's my first thing.

Next thing, like Mr. Loewer said, water contamination of my well. All of us are on wells. Luckily, there is a 16-inch main running parallel on the south side of the road, which the Temple was able to hook into both domestic water and sprinkler water. I would hope that the new building is going to be hooked into that for both sprinkler water -- for fire sprinkler water and

domestic water, but all the sewer drainage is still going to be back into that private septic system on that piece of property. It's a major concern. It's not like a residential where you're having five and six people in a house into that septic system. When you're having large activity of increasing the school and social activities, I understand it's not going to be every day, but it's going to be a large influx.

So where is -- how is that truly being treated and handled within that property? Okay. I don't know the engineering about that, but my concern is, we're all on wells, adjacent property around it and even across the street. I have serious concern about wells being contaminated.

My next big gripe with --

CHAIRMAN FRYER: You have about a minute left, sir, just so you know.

MR. CADREAU: Okay. My next big concern with the engineering is the traffic engineering. Pine Ridge Road is a four-lane divided road, no curbs. When it was first put in, it was put in at 45 miles an hour. Now it's 50. As a retired firefighter and even on duty on my days off, I have gone to every accident that has been in front of that Temple coming out of that driveway.

You're going to increase the traffic flow for the daycare of people in and out twice a day, dropping kids off and picking them up, and other activities. The Temple, we've had meetings with the Temple, all the property owners, and their Temple has shown that they're in favor of a traffic light. Your own traffic bureau -- or Traffic Division says, it's too close together to put a traffic light.

I've got a traffic light at Pine Ridge Road and 951, and the other one's at Logan. That's a 2-mile stretch. I don't buy the idea it was too close together. But we're giving up a dangerous -- we're considering a dangerous consideration -- a dangerous situation instead of working together with the Temple and the county to put some kind of light. The light can be controlled by timers, it can be controlled by targets in the pavement, and cameras.

CHAIRMAN FRYER: All right, sir.

MR. CADREAU: I see it's a serious situation.

CHAIRMAN FRYER: Thank you very much. Any other questions or comments for this -- Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes. Sir, you mentioned -- how long you been in the Estates? How long have you lived out there?

MR. CADREAU: I moved onto my piece of property in '83.

COMMISSIONER SCHMITT: Eighty-three.

MR. CADREAU: Yes, sir.

COMMISSIONER SCHMITT: Are you aware that the Estates had no vertical control until about 2002?

MR. CADREAU: Yes, sir.

COMMISSIONER SCHMITT: So you're aware of that?

MR. CADREAU: Yes, sir.

COMMISSIONER SCHMITT: It wasn't till probably 2002, 2003 that the county finally put vertical control out there, third order, because at one time it was -- if I remember the standards. And I'm looking for the staff -- maybe two feet above the crown of the road was the -- basically what they --

MR. CADREAU: Right.

COMMISSIONER SCHMITT: -- built septic to. So if you had a road doing undulations, you basically created different heights. And it wasn't until 2002 that there was a base flood elevation. So all of the buildings that were built out there prior to, let's say, 2002, 2003, there was no vertical control.

MR. CADREAU: Correct.

COMMISSIONER SCHMITT: So that --

MR. CADREAU: Okay. Go ahead.

COMMISSIONER SCHMITT: So that, basically, is one of the largest factors that contributed to some of the stormwater issues in the Estates.

But the extension of Pine Ridge Road was designed and engineered.

MR. CADREAU: Right. Understand.

COMMISSIONER SCHMITT: And certified by the State for stormwater control. You're saying that what was designed is not adequate?

MR. CADREAU: What was designed, I feel, as a surveyor and understanding the way water flows and everything --

COMMISSIONER SCHMITT: Yes.

MR. CADREAU: -- that you don't take an excess amount of water and dump it into a restricted box culvert --

COMMISSIONER SCHMITT: Okay.

MR. CADREAU: -- when you've already got a box culvert. If you want to demo [sic] through a canal, you're going to add more water in on the inlet side versus putting it on the outlet side of that box culvert.

COMMISSIONER SCHMITT: That's your personal assessment, not an engineering assessment.

MR. CADREAU: Well, okay. So be it, okay.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Just a comment, sir, and I feel this is a similar conversation that we just had with Mr. Loewer.

MR. CADREAU: Yes, sir.

COMMISSIONER FRY: And not being a traffic engineer or a stormwater engineer or a septic engineer -- I know we have some engineers on the panel, which I'm grateful for -- I'm in a position where I feel like my hands are somewhat tied. We have a staff that's professional that has standards that are documented that they have to review, and by the time it comes to us, they say that traffic, the stormwater, the septic meets those standards. So I guess I find myself in a position where, while I'm sensitive to the concerns that you and Mr. Loewer present, I don't see any way that I can, without being an engineer, being part of the process, decline this application on the basis of those concerns. So I feel like I'm in a rock and a hard place here.

MR. CADREAU: Sure.

COMMISSIONER FRY: Not meaning to be insensitive but seeing no way that I can't put faith. We have to put faith into our county staff and the standards that have been approved. If they're not sufficient, they need to be changed, and that's where, I think, you and Mr. Loewer can take your efforts. I can't imagine what it's like to visit the accident scenes of accidents that are out there, but yet I still feel we have to put our faith in what the Traffic Department has and the traffic standards have in place.

MR. CADREAU: I will put one more note, that the Temple has been good when they have major, that they now hire Collier County Sheriff's Department or Highway Patrol, okay.

I'm concerned about, like I say, all three, but my major concern is somebody getting killed out there on that road. The way the traffic configuration is and the way they propose this with the amount of people ingressing and egressing the property or exiting to that effect, I don't think the engineering traffic design that they have proposed is going to be adequate and safe. By doing surveys on new engineering on roadways and then accident -- major accident investigations to show where there was things lacking.

I hate to see somebody get killed out there. I hate to see anybody get hurt, and here we're

going to have a daycare with parents and children coming in and out on a regular basis. And I hear the horns blowing when they pull out, and they're not judging the distance properly or whatever, and they're pulling out, and I'm hearing horns blowing, and I'm just waiting to hear the crash any minute. So that's my major concern.

I don't want somebody coming back and suing the county to, hey, you did a sorry job on engineering for this. So I think it should be seriously looked at on a new design.

So thank you.

CHAIRMAN FRYER: Thank you. Any further questions, comments?

(No response.)

CHAIRMAN FRYER: All right. Mr. Frantz, do we have other speakers?

MR. FRANTZ: We do have, on Zoom, Larry Fohrman.

CHAIRMAN FRYER: Mr. Fohrman, can you hear us? Mr. Fohrman?

MR. FRANTZ: Mr. Fohrman, can you hear us?

CHAIRMAN FRYER: All right. Any other speakers?

MR. FRANTZ: We don't have anyone else registered for this item.

CHAIRMAN FRYER: Okay. Are there any members of the public in the room who have not registered but wish to speak on this who haven't already spoken?

(No response.)

CHAIRMAN FRYER: If not, and before we close public speaking, I think Commissioner Schmitt wanted to get an answer to a question.

COMMISSIONER SCHMITT: Well, I would like to question the applicant's engineer, if I could, Mr. Herrera.

MR. HERRERA: For the record, Michael Herrera.

COMMISSIONER SCHMITT: Mr. Herrera, what firm do you work for?

MR. HERRERA: Grady Minor.

COMMISSIONER SCHMITT: And how long has Grady Minor been in Collier County doing business?

MR. HERRERA: 1981.

COMMISSIONER SCHMITT: 1981. And you're a registered and certified professional engineer in the state of Florida?

MR. HERRERA: I am.

COMMISSIONER SCHMITT: How long you been registered?

MR. HERRERA: Almost 19 years.

COMMISSIONER SCHMITT: And you signed and sealed these drawings?

MR. HERRERA: Partially, yes.

COMMISSIONER SCHMITT: And Mark Minor, probably.

MR. HERRERA: We have another professional engineer on the project.

COMMISSIONER SCHMITT: Another professional engineer.

MR. HERRERA: We're both working on the project.

COMMISSIONER SCHMITT: And have you applied for the ERP yet, or is it going through the process?

MR. HERRERA: It should be submitted by the end of this week. We just submitted the SDP last week, and we'll be submitting it to the Department of Health by the end of this week as well.

COMMISSIONER SCHMITT: So both your stormwater management and septic system --

MR. HERRERA: Yes.

COMMISSIONER SCHMITT: -- were designed, approved by Grady Minor --

MR. HERRERA: Yes.



COMMISSIONER SCHMITT: -- and going through the permitting process. And of course, if there's any reservations that they State review staffs may have, you'll deal with those upon a State reviewer comment.

MR. HERRERA: Absolutely.

COMMISSIONER SCHMITT: As far as stormwater runoff, is it your understanding that any stormwater runoff has to -- any stormwater issue has to be retrained and dealt with on this site, that you're not allowed to move any stormwater runoff beyond a certain level; is that correct?

MR. HERRERA: Right. There's an allowable discharge rate from the site, and we're within that allowable discharge.

COMMISSIONER SCHMITT: And your discharge point is where?

MR. HERRERA: Pine Ridge Road right-of-way.

COMMISSIONER SCHMITT: Pine Ridge Road.

So -- as far as the staff is concerned regarding Pine Ridge Road, the staff has approved at least as a proposal, which, of course, will go through the Water Management District.

MR. HERRERA: Absolutely.

COMMISSIONER SCHMITT: Okay. Let me get back -- let me go to traffic. Traffic is -- I see the most easterly point. Is that a -- is that a right-in -- a full opening?

MR. HERRERA: The eastern point is actually going to be right-out only, but it will have full access with an attendant under special events.

COMMISSIONER SCHMITT: So it's right-out. And the western is?

MR. HERRERA: It's right-in, right-out.

COMMISSIONER SCHMITT: It's right-out as well. So any traffic that leaves turns right, would have to go to a certain safe point to make a U-turn to head west.

MR. HERRERA: Absolutely. There will be access on the eastern entrance. As vehicles are moving west, there's going to be a decel left lane.

COMMISSIONER SCHMITT: And that is your understanding that that is what was concurred with and approved by the county staff?

MR. HERRERA: So Jim Banks is actually --

COMMISSIONER SCHMITT: Jim Banks is here. Where's Jim?

MR. HERRERA: He's in the hallway.

COMMISSIONER SCHMITT: He's in the hallway?

MR. YOVANOVICH: While Mr. Herrera is up, Mr. Schmitt, do you mind if I have him clarify the grass parking issue and how it's actually treated for stormwater?

COMMISSIONER SCHMITT: Oh, I'm fully familiar with that, but he can add that to the record as far as --

MR. HERRERA: Yeah. Just for the record, and it's part of the SDP application that's currently under review, the grass parking is considered impervious just as asphalt in our calculations.

COMMISSIONER SCHMITT: Right. Typically, for grass parking, it's a benefit, quite honestly, because it -- one of the goals of the county was to reduce impervious surface, and grass parking, if it's not every day, is the preferred method.

MR. HERRERA: Yep.

COMMISSIONER SCHMITT: It's usually typically reinforced with some kind of a --

MR. HERRERA: It is.

COMMISSIONER SCHMITT: With a brick or whatever.

CHAIRMAN FRYER: We have Mr. Banks.

COMMISSIONER SCHMITT: Mr. Banks, would you please, for the record, describe what the county has approved for traffic?

MR. BANKS: I will. For the record, Jim Banks. My firm prepared the traffic impact

study. We also worked with staff regarding the access.

The westernmost access will be a right-in, right-out-only access. The western -- or the easternmost access is full today, but we're going to modify that to be a right-in, right-out, left-in-only access except during special events when we're going to have traffic control out there, police officers directing traffic. At that time it's going to work as a full access.

We are also going to build a downstream, to the east, a U-turn lane. So during normal operations, when we're not having special events and there's not traffic controlled by the police department, people that want to head westbound on Pine Ridge Road will turn right out onto Pine Ridge Road, drive down two-tenths of a mile, and we're going to build a dedicated U-turn lane that they will decelerate off the eastbound traffic lane, and then they'll be able to make a U-turn to head back --

COMMISSIONER SCHMITT: And that has gone through staff. How much -- what kind of stacking will you allow on that?

MR. BANKS: Oh, we're pretty long.

COMMISSIONER SCHMITT: You still in discussion on that?

MR. BANKS: No. We've already designed it. Off the top of my head -- it's over 400 feet long, the left-turn lane -- the U-turn lane that we're building. And we're also going to extend the left-turn lane coming into the Temple Shalom as well that's there today.

COMMISSIONER SCHMITT: All right, Jim. Thanks. That's all I have.

CHAIRMAN FRYER: Thank you, sir.

Mr. Yovanovich, if it is agreeable with you, I think we should take our mid-morning break now, and then when we return, give you an opportunity for rebuttal if you wish.

MR. YOVANOVICH: If it will -- I'd love to finish before the break. I don't really have a rebuttal. I think all of the questions have been asked, and I don't think -- I don't need to repeat. The Site Development Plan's there for Mr. Loewer to go and critique. I think we provided that so he can get his questions answered. It's really not germane to today's.

And with that, we hope you'll recommend approval of both petitions.

CHAIRMAN FRYER: Okay. Thank you. Without objection, then, from the Planning Commission, we will stand in recess until 10:36, please.

(A brief recess was had from 10:26 a.m. to 10:36 a.m.)

CHAIRMAN FRYER: Thank you very much. We're trying to run on a tight time schedule because we've got, as everyone knows, lots to do today, which brings me to -- first of all, I want to close the public comment portion without objection from the Planning Commission, and then ask if there's any discussion to be had on this matter before we vote.

(No response.)

CHAIRMAN FRYER: No one seems to be lit up, so I'd entertain a motion on this. We've got -- we've got two parts to it.

COMMISSIONER SCHMITT: Actually, three. We have to vote as EAC as well.

CHAIRMAN FRYER: Three, you're right. Three.

Would anyone care to make a motion?

COMMISSIONER SCHMITT: Let me go to it.

COMMISSIONER HOMIAK: We're voting on separate --

CHAIRMAN FRYER: Yeah. We've got the one that ends in 3708, which is the GMP, large-scale GMPA.

COMMISSIONER SCHMITT: Make a motion to recommend approval, 20180003708, as proposed, noting that there were no changes from this -- from the submittal.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion?

COMMISSIONER KLUCIK: Question.

CHAIRMAN FRYER: Are you calling the question, sir, or you asking a question?

COMMISSIONER KLUCIK: I'm asking a question.

CHAIRMAN FRYER: Please go ahead, Commissioner.

COMMISSIONER KLUCIK: So this is Packet Page 59, is that correct, that we're voting on, the ordinance, to recommend that ordinance?

(Simultaneous crosstalk.)

COMMISSIONER HOMIAK: This is the GMP transmittal.

CHAIRMAN FRYER: This is Packet Page 2 of the agenda which is 9A1.

COMMISSIONER KLUCIK: 9A1?

COMMISSIONER SCHMITT: 9A1.

COMMISSIONER KLUCIK: So we're recommending that they approve -- we're recommending to the County Commissioners that they adopt the ordinance?

CHAIRMAN FRYER: Yes, Commissioner, that's what's --

COMMISSIONER KLUCIK: And that's the ordinance that's found on Page 59 of the packet?

CHAIRMAN FRYER: I'd -- it would take me a little time to corroborate that, but if you say so, I'm sure you're right.

COMMISSIONER KLUCIK: Well, actually, I'm hoping that someone can confirm that so that at least I know what I'm voting on.

COMMISSIONER HOMIAK: He just voted on the -- he read out the number of the --

COMMISSIONER KLUCIK: Right. But it doesn't have a number on it.

COMMISSIONER HOMIAK: Yes, it does.

COMMISSIONER KLUCIK: Okay. All right.

COMMISSIONER HOMIAK: On the agenda.

COMMISSIONER SCHMITT: On the agenda item, Item 9A2 -- or, correction, 9A1, PL20180003708, is the -- is the motion.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

\*\*\*Now, the next item on the agenda, 9A2, for our action, would be PL20180003710. This is the PUDZ, CFPUDZ. Is there a motion to approve?

COMMISSIONER SCHMITT: Make a motion to approve subject to the time frames discussed and agreed to by the petitioner.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: Second.

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: All right. And this would also include, Mr. Yovanovich, the language that we discussed?

MR. YOVANOVICH: I'm sorry, Mr. Chairman.

CHAIRMAN FRYER: This would -- this, on the PUDZ, we're talking about permitted use now, and we had agreed in principle to the language. You were unable to display it on the screen. I think I suggested that it simply be run by me on behalf of the Planning Commission.

MR. YOVANOVICH: I will read, if you'll permit me -- I sent language to Ms. Ashton during the break -- well, actually during the hearing.

CHAIRMAN FRYER: Please.

MR. YOVANOVICH: This is her language subject to the tweaking, but the concept is there.

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: It says, events on the outdoor patio for non-Federation affiliated -- affiliated organization events on Lot 64 will be no more than nine per year and no more than 90 minutes in length. The event must be affiliated with an indoor event. The outdoor use will be over by 8:00 p.m., and there will be no outdoor amplified sound after 7:00 p.m. There will -- there will be only one outdoor event per day. That would be the language that we would add to the PUD, and I think that addressed all of the comments of the Planning Commission.

COMMISSIONER SCHMITT: I amend my motion -- I amend the motion based on the language that just was presented by the petitioner.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: I'll second the same.

COMMISSIONER KLUCIK: A question.

CHAIRMAN FRYER: Yes, Commissioner.

COMMISSIONER KLUCIK: That doesn't restrict Temple -- the existing buildings from their activities; is that correct?

CHAIRMAN FRYER: That is -- that's my intention, yeah. Thank you.

Any other questions or comments before we vote?

(No response.)

CHAIRMAN FRYER: If not -- and this is on the PUDZ with the changed language that Mr. Yovanovich read. All those in favor, please say aye.

COMMISSIONER SCHMITT: Ray's coming up --

CHAIRMAN FRYER: Mr. Bellows, to be recognized.

MR. BELLOWS: For the record, Ray Bellows. It appears that you also are sitting as EAC.

CHAIRMAN FRYER: We know that.

MR. BELLOWS: A separate vote for that.

COMMISSIONER SCHMITT: We know that.

CHAIRMAN FRYER: That will be vote No. 3.

(Simultaneous crosstalk.)

MR. BELLOWS: Thank you.

CHAIRMAN FRYER: Thanks for checking, but we're armed for bear on that.

All right. All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Again, that passes unanimously.

And now I'd entertain a motion on --

COMMISSIONER SCHMITT: Make a motion sitting as the EAC, Environmental Advisory Council, of the same petition with the same language.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Those opposed?

(No response.)

CHAIRMAN FRYER: Passes unanimously.

Thank you, applicant.

COMMISSIONER SCHMITT: Chair, if I can note for the record, just for the record, knowing that there's opposition to this, it most likely will still appear -- I suspect it still will appear on the regular agenda on the Board.

CHAIRMAN FRYER: Yeah, it can't go -- it can't go to consent.

COMMISSIONER SCHMITT: It will not go to consent.

CHAIRMAN FRYER: \*\*\*All right.

Now we go to Agenda Item 9A3. This is PL20190002496. It is Meridian Village, and it is a companion item. It's a mixed-use Growth Management Plan amendment, and it -- companion to it is PL20190002494. And this is a PUDA, Meridian Village again.

Without objection, we will hear the evidence of both matters together and vote on them separately.

All those persons wishing to be heard on this matter as witnesses, please rise and be sworn in by the court reporter.

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

CHAIRMAN FRYER: Thank you.

Ex parte disclosures from the Planning Commission starting with Commissioner Shea.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Materials in the public record and a meeting with the applicant's attorney.

CHAIRMAN FRYER: Materials from staff, meetings with staff, communications with the applicant's representative.

COMMISSIONER HOMIAK: I had nothing.

COMMISSIONER SCHMITT: I spoke with Wayne Arnold, and I believe at the same time the applicant, Todd Rosenthal, was on the line as well, so I spoke to both of them.

CHAIRMAN FRYER: Thank you.

MR. EASTMAN: No disclosures.

COMMISSIONER KLUCIK: I believe I may have spoken with the staff about just what was on the agenda for the next meeting, and I also believe I spoke with Bill McDaniel just very

generically about the issues that were on the agenda, including this one.

CHAIRMAN FRYER: Thank you, Commissioner.

Mr. Vernon, Commissioner Vernon?

COMMISSIONER VERNON: Staff materials, staff discussion. If I received any emails, I did not read them.

CHAIRMAN FRYER: Thank you very much.

Mr. Arnold, please proceed.

MR. ARNOLD: Good morning, again. I'm Wayne Arnold, certified planner with Grady Minor.

With us today, we have Todd Rosenthal, the property owner of the subject area that's the nature of the small-scale amendment and the portion of the PUD amendment, and Rich Yovanovich is our land-use counsel.

So the small-scale amendment portion of this project is affecting about a three-acre parcel that's currently vacant, partially improved, located at the northwest corner of Estey Avenue and Airport Road. It's part of a PUD today.

We are amending the Growth Management Plan because the site was formerly zoned C-4. After they came along and zoned it for the community facility use, staff's position is and has been consistently that once you give up your former zoning, you're not allowed to get it back. Your current future land-use element says that this is a residential site, not commercial, yet we have commercial across the Airport Road and south across Estey and then, obviously, to the north is a nonresidential assisted living facility that's part of the same PUD.

So the only mechanism to reinstate any commercial activity here, other than community facility uses, is to have a small-scale amendment.

So our small-scale amendment is very focused. It allows all the community facility uses on this property that were previously approved, and it makes a provision for a luxury auto dealership, new and used. And that concept of a luxury auto dealership, those of you who've been on the Planning Commission have seen, I think, a couple of these now that are targeted at that luxury. Ferrari was one that came along that you had a plan amendment and a rezoning activity to support that.

And, you know, the luxury vehicle dealerships are sort of unlike the generic dealerships of the day. These are very focused and much more oriented to a small number of buyers. They're on the higher order of the amenities that they offer for their buyers, and the facilities are genuinely kept in a state that I think you can drive down the street and see the new Porsche dealership that's been constructed similar to what would go here.

Mr. Rosenthal owns the property farther to the south as well as this property, and he operates Naples Motor Sports, and that's a high-end facility that offers new and used car sales of a multiple line of luxury automobiles.

COMMISSIONER KLUCIK: Excuse me, Mr. Chairman.

CHAIRMAN FRYER: Yes, sir. Go ahead.

COMMISSIONER KLUCIK: Could I just ask for some clarification?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner.

COMMISSIONER KLUCIK: Okay. So it was formerly -- if you could go back to that image that you had up there.

So we have blue now, and you want to turn it into the yellow, or we're just talking about the yellow area?

MR. ARNOLD: No. The small-scale amendment can only apply to areas that are 10 acres or less. The entire PUD is larger than 10 acres, so our small-scale amendment will only apply to the area highlighted in yellow on the left slide.

COMMISSIONER KLUCIK: Okay. And then you mentioned that it would be used for

luxury dealerships. Is that some formal restriction, or is that just an aspiration, and what does that mean? Is there some legal definition?

MR. ARNOLD: We do have a definition here -- in there, and I can read the language, if it's okay with the Chairman.

CHAIRMAN FRYER: Go ahead.

MR. ARNOLD: It says, allowable commercial uses shall be limited to luxury automotive vehicle and equipment dealers, SIC codes 5511 and 5599. Luxury automotive dealer shall be any automobile dealership that sells only new and used high-end luxury vehicles such as but not limited to Lamborghini, Ferrari, Maserati, Lotus, BMW, Alfa Romeo, Karma, Jaguar, and then it goes on to say, and the hours of operation may be less than typical automotive dealerships, and inventories may be limited.

So I think that's very consistent what was used for Ferrari, and I know Rich worked on that one as well. I did not. But I think that's very similar language that was used for that facility to limit the scope. This isn't for the cars that I'm going to go buy.

MR. YOVANOVICH: Just to add to that, Mr. Klucik, the county has an alternative impact fee calculation for these types of dealerships because they're less intense. So that definition comes from the county's adopted definition of what is a luxury automobile dealership. So it's a consistent term. And Wayne's right, we used it for the Ferrari dealership that's up on the North Trail. We just had another petition on Immokalee Road where we did it similar for a Lexus dealership. So that's -- that does distinguish it from Toyota and other brands that are more active sites.

COMMISSIONER KLUCIK: And, legally, would we have a basis, then, if the owner wanted to change down the road and say, well, we want to have a Toyota but we're going to restrict the traffic and we're going to, you know, have limited hours?

MR. YOVANOVICH: We would have to come through and do another Growth Management Plan amendment and another PUD amendment to make that change.

COMMISSIONER KLUCIK: Okay. All right. Thank you.

CHAIRMAN FRYER: Thank you. Please continue.

MR. ARNOLD: So just to reiterate, this site was formerly zoned C-4, which C-4 zoning allows new and used vehicle dealerships. It was amended a few times; last in 2013.

This is the old zoning map. And I know it's a little hard to read, but on the image to the right side of that screen, you'll see Airport Road. South of Estey Avenue the dividing line there is a PUD and C-5 zoning. So you have two car dealerships in the C-5. You have the Salvation Army that's in the PUD. And then to the north you'll see C-4 zoning, which was all of the property west to Steves Avenue. So this parcel is encompassed in an area that was formerly C-4 zoning.

COMMISSIONER KLUCIK: Could you show me where that is on that map. I'm not finding it.

MR. ARNOLD: Let's see if I could turn on the highlighter here.

COMMISSIONER KLUCIK: Thank you very much.

MR. ARNOLD: In that area. I know I didn't get it exactly on it, but that's all C-4 zoned property along Airport Road, and then, obviously, we have C-5 zoning more intense to our south.

COMMISSIONER KLUCIK: And I do have another clarification, if you could make it. Where is that little slice that juts out between two homes? I'm thinking on the right-hand side it's one of those lots, numbered lots.

MR. ARNOLD: Approximately there --

COMMISSIONER KLUCIK: If you could go right to, I think, maybe, because it's a closeup.

MR. ARNOLD: Oh, sorry.

It's either that one or the next one, but it is one of those lots. It's encumbered -- in our PUD it's basically landscape open space. It's not going to support any part of the commercial building or improvements.

COMMISSIONER KLUCIK: Thank you.

MR. ARNOLD: Uh-huh.

The subdistrict language, I read the most significant part regarding the luxury auto dealerships. I'm not going to reread that. The improved master plan identified this as a community facility tract, and it allowed youth centers and churches and assisted living and things of that nature.

Our most significant change here, we've labeled it Tract C and then created new standards in the PUD document for Tract C, which support the luxury auto dealership and the community facility uses as the permitted uses. Should Mr. Rosenthal not build his luxury auto dealership, it would still be available for churches and other things that have been historically permitted there to continue to seek approval of that site.

This is a highlight. I want to provide a clarification. And I've spoken to staff about this, and I don't think they have an objection. The language on our PUD master plan restricts loading and unloading to that area along Airport Road only, and I think we would like to clarify that it also meant to apply to Estey.

The county has standards. They don't allow these vehicle transports to offload in the travel lanes, but we do need circulation around the building, and it's very likely. Our intent, when we talked to the neighbors, was not to allow this on the western portion of the site. There is an existing drive aisle that's been constructed, and we're not proposing to offload nearest the residences, but offloading adjacent to Estey or Airport Road didn't seem like it would be any issue for the residences, as long as that's not occurring on county property. So I'd like to clarify that and hopefully get your support to make a notation change that that's where it could also occur.

COMMISSIONER KLUCIK: I do have a specific question. So that Area 3, then, it's on there just to show that it's not going to be an -- it's going to have a 15-foot landscape buffer, but then it wouldn't be an egress or ingress area?

MR. ARNOLD: That is correct; it's not.

COMMISSIONER KLUCIK: All right.

MR. ARNOLD: So we have -- obviously, we had to create development standards for the property. We've included a building height here that's consistent with the approval for the existing church. Although we don't have a steeple, there's an exception to go to 75 feet for a steeple for a church that would be constructed here and, obviously, we're not proposing to do that.

Again, we've restricted the uses on this tract. We've provided the development standards.

We have development commitments. We've added a new peak-hour two-way trip restriction that would apply for the luxury auto dealership. It's fairly low on the order of things, but the PUD already has those established. Back in 2013, you-all added trip caps for all the other uses, so we're not modifying those.

And then a couple of the operational standards that are shown on the lower part of that slide -- this is the one I just talked about. The vehicle loading and unloading shall be permitted on the eastern side building facing Airport Road, and that -- we'd like to also say in the south side facing Estey to make that change.

And then the other restriction we have is that all vehicle maintenance shall occur only indoors and that the service bay doors would remain closed during vehicle repair services, and we're certainly in agreement with that.

Mr. Rosenthal hasn't designed this facility. This is some early concepts looking at what would be there given some of the brands that he currently has, so I can't commit that it's going to be Alfa Romeo or Lotus that's shown, but those are brands that he is licensed to sell. It's very likely



that the building here is going to be two story. I think if you go and look at the Porsche dealership around the corner at Airport and Davis and the new Ferrari dealership, there's some insurance requirements that require these very high-end luxury vehicles to be stored above ground, even if it's not in a flood zone. For insurance purposes, they want them to be secured so they're typically either in an open-air rooftop design like a parking structure, if you will, or fully enclosed like they did at Porsche. And I don't know design-wise where we're headed with that yet, but it's likely there will be parking above the existing dealership.

And that's the bulk of my presentation. Rich and I or Mr. Rosenthal are here to answer any questions you might have.

CHAIRMAN FRYER: Thank you. Any Planning Commissioners have questions or comments for the applicant?

(No response.)

CHAIRMAN FRYER: Okay. I have a couple.

MR. ARNOLD: Okay.

CHAIRMAN FRYER: Let's see. First of all, with respect to the proximity of the property to Naples Airport -- and Mr. Yovanovich and I spoke about this on the phone. Under No. 2, the second sentence begins with the word "purchaser's" single possessive, and it really should be "purchasers" plural rather than singular possessive. That's just a typo.

And then in No. 3, we were going to find out whether the Naples Airport Authority has a right of approval as -- No. 3 provides that the Airport Authority shall review this, but do they also have right of approval? And if so, I think that should be specified in this section as well.

COMMISSIONER SCHMITT: Commissioner, I had the same question when we spoke. I was waiting for staff. Because when the Beach House came in, it had to go through review of the Naples Airport either for sound attenuation or -- because it's in the approach zone, and it's considered in the safety envelope. That's why I thought -- but I was waiting for staff as well, because it -- I believe it has to have some kind of comment from the airport. And Mr. Yovanovich may have already discussed this because it was one of the questions I raised with Wayne and Rich.

MR. ARNOLD: Mr. Yovanovich asked me that question, and I don't know specifically, but other items that Rich and I are involved in, we're getting comments from the Airport Authority as part of the county staff review. This project, we don't think the height is of any issue. It's lower than the 75-foot height that was previously approved for the church. So I don't think our 57 feet is going to be at issue. But it's my understanding the county, because of the proximity to the airport, will provide our application materials to them for comment.

CHAIRMAN FRYER: Can we agree to that -- first of all, my first point about the singular possessive and plural is acceptable to the applicant. And the second point, can we add the words "and approval" if staff's testimony is that their approval must be had.

MR. YOVANOVICH: We certainly have no objection to adding the words "and approval" if that is an existing requirement. If it's not an existing requirement, we think a "review" is appropriate.

CHAIRMAN FRYER: I agree. Okay. So we'll wait for staff's presentation to find out where they -- oh, Ms. Jenkins, do you want to answer that one now?

MS. JENKINS: Sure. Anita Jenkins, interim director. The application was provided to the airport, and they had no concerns or comments related to the height of the building.

CHAIRMAN FRYER: Okay. So I guess the question's moot.

MR. YOVANOVICH: Even better.

CHAIRMAN FRYER: Thank you very much.

All right. Any other Planning Commissioners have questions or comments at this point?

(No response.)

CHAIRMAN FRYER: If not, thank you, and we will hear from staff.

MS. JENKINS: Good morning, again, Commissioners. Anita Jenkins, interim director on behalf of the Comprehensive Planning staff.

Comprehensive Planning staff has reviewed this small-scale amendment and found that it has no adverse impacts, and it is consistent with the criteria for approval with a small-scale Growth Management Plan amendment.

CHAIRMAN FRYER: Thank you, Ms. Jenkins.

Mr. Bellows?

MR. BELLOWS: For the record, Ray Bellows, filling in for Tim Finn. I'm the Zoning Manager for the county.

I worked with Tim on this project and found it consistent with the Growth Management Plan and -- as proposed with the companion amendment. The height issue with the airport, because the tower height was previously approved, the Airport Authority did not object, is my understanding. But I have further clarification from Mr. Finn that that additional review will be done by the Airport Authority at the time of SDP review.

CHAIRMAN FRYER: Okay. Thank you.

MR. BELLOWS: Staff is recommending approval, and I'd be happy to answer questions.

CHAIRMAN FRYER: Thank you. Any questions from up here? Commissioner Shea.

COMMISSIONER SHEA: Just more of an educational question. I'm still the new guy, so I can still ask those kinds of questions.

On a lot of these you say they're trip caps. So how do you manage that? Is that based on when the design comes in, there's a certain number of trips associated with the square footage and type of use, or does somebody go out and measure? I mean, how do you implement a trip cap and monitor and manage it?

MR. BELLOWS: For the record, Ray Bellows. I'm not sure we have Mike Sawyer here, but in general at the time of Site Development Plan, the applicant will submit a traffic impact study that shows how much trips will be generated by the uses that are actually being designed with that SDP. And if it's less than the PUD limit of trip cap, there may be other cases where their -- monitoring will be done, and they actually put traffic count strips out. But I'm not sure when that would occur. But at the time of SDP, they would look at the trip generation.

COMMISSIONER SHEA: So it's based on -- it's based on the -- it's a theoretical calculation?

MR. BELLOWS: Correct, based on a national standard.

MR. KLATZKOW: But just -- no, because we have -- we have impact fee calculations, and they're based on traffic as well. So a use such as this, high-end luxury auto, we know what the national average is for the trip count, and it fits in that way.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: I had a question also, Mr. Bellows, before you leave, and I'm going to ask Mr. Arnold the same question. But -- and I know Mr. Sawyer's not here, but 255 seems like a high trip cap for high-end luxury cars, peak p.m. hour.

MR. BELLOWS: I'm really not able to answer that.

MR. FRANTZ: Mr. Chair, if I could interrupt from the back. I'm sorry.

CHAIRMAN FRYER: Yes.

MR. FRANTZ: Mike Sawyer is on his way down from the sixth floor. As you know, we have a lot of people here, so we have staff in overflow rooms. He's on his way down now.

CHAIRMAN FRYER: Okay, good. Okay. Well, we'll ask that of him when he comes in. And, Mr. Arnold, did you want to weigh in on that?

MR. ARNOLD: I would just offer, Jim Banks is still out in the hallway and is on our team. I failed to introduce him, but he did do the traffic analysis for this.

But Ray is correct, we would provide, at the time of site plan approval, detailed traffic

analysis once we know exactly the square footage and we do all those calculations, and then it gets submitted to staff. They review it against the PUD document.

And could I ask one clarification, Mr. Chairman?

CHAIRMAN FRYER: Please.

MR. ARNOLD: I know you had a conversation with Mr. Yovanovich, but you had offered some language change for the word "purchaser," and I'm not sure where that language is in the PUD document.

CHAIRMAN FRYER: Oh. That's in the same section as the airport. It's No. 2.

MR. ARNOLD: Okay.

CHAIRMAN FRYER: And --

MR. ARNOLD: I'll find it.

CHAIRMAN FRYER: -- it's the first word of the second sentence. It's just -- it's a typo. What was meant was plural.

MR. ARNOLD: Okay. We've got it. Thank you.

CHAIRMAN FRYER: You bet.

COMMISSIONER SHEA: Mike's here.

CHAIRMAN FRYER: Okay. Mr. Sawyer, would you weigh in on that for us? We may also ask Mr. Banks to say a word about it.

I guess my question basically, is, if you're talking about a regular dealership, 255 just sounds to my layperson's ear as reasonable, but when you talk about super high-end luxury vehicles, it seems to me to be high. What's your view?

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning.

There aren't separate ITE numbers between luxury and non-luxury automobiles. So the only criteria that we can use is what's in ITE, and that's where we get the traffic counts. Now, likely, in this particular case it is more than likely to be less just because it's -- for the same reasons as you found with our impact fee definition, that's what it's based on. And the impact fee designation for luxury car dealership was actually done off of a study that was approved by staff.

MR. YOVANOVICH: Mr. Fryer, if I may, the 255 is an aggregate for the PUD.

CHAIRMAN FRYER: Oh.

MR. YOVANOVICH: That's what the -- and maybe it's not reading clearly enough, but that's adding them all together, okay.

CHAIRMAN FRYER: I stand corrected. It wasn't really worded that way, though. But if that's what it is intended, maybe we want to tighten that language up.

MR. YOVANOVICH: Okay.

COMMISSIONER FRY: You showed a slide with the traffic counts. Could we put the slide back up for clarification.

MR. YOVANOVICH: We didn't have that, but if we go to the visualizer, I can show it to you. There we go. So you can see the aggregate language right here. The way the PUD was set up, it broke each use out with the ITE number of trips, and then -- I know I worked with Ms. Scott on this and Mike Sawyer on this. It was intended that that was supposed to be a total of all the uses.

COMMISSIONER FRY: The car dealership itself is 112 p.m. peak-hour trips?

MR. YOVANOVICH: Correct, correct.

CHAIRMAN FRYER: Thank you. That does clarify it for me. Thank you very much.

MR. YOVANOVICH: Thank you.

MR. SAWYER: I think we may have actually tried to cover that with the staff report as far as the actual counts.

CHAIRMAN FRYER: Yes. So the 112 is what would be allocated or assigned to the luxury.

MR. YOVANOVICH: Correct, correct.

CHAIRMAN FRYER: Okay, good. Thank you.

Commissioner Fry.

COMMISSIONER FRY: Point of clarification. When we reviewed the Lexus dealership on Immokalee Road, Mr. Galasso from the Germain group spoke and indicated that the traffic counts for luxury dealership are much lower than for a more standard dealership, but I believe Mr. Sawyer said that the traffic counts from the ITE manual do not differentiate; is that correct? And we actually may be looking at a higher traffic count than would be the reality for a luxury dealership?

MR. YOVANOVICH: I guess -- I'll get my --

COMMISSIONER FRY: Sorry, Mike.

MR. YOVANOVICH: Yeah, go ahead.

CHAIRMAN FRYER: At 114?

COMMISSIONER FRY: At 112.

CHAIRMAN FRYER: Twelve.

MR. SAWYER: Again, for the record, Mike Sawyer, Transportation Planning.

No. What I meant to say -- and just to be clear, there is only one ITE code for new or used dealerships. There's actually two; one for new and one for used.

What we need to do is use that one single code. There isn't a separate code for luxury compared to standard.

COMMISSIONER FRY: Do we assume, then, that that is an average of luxury and standard that ITE has arrived at?

MR. SAWYER: That's a really good question. I believe it would be nationwide is where that number actually comes from. There's a number of studies that go into that and, again, it doesn't differentiate. It just treats car dealerships as car dealerships.

COMMISSIONER FRY: Okay. I see Mr. Banks has come up. Were you wanting to weigh in on that?

MR. BANKS: If per your request, I can.

COMMISSIONER FRY: Please.

MR. BANKS: Yeah. They basically do studies throughout the country. There will be the Ford dealerships, the Chevrolet dealership types in the studies. There may a small mixture of luxury-type cars. But, overall, it's predominantly the standard American-made type dealerships that we're talking about, or even Toyota or Honda or something like that that they've surveyed, and the higher-end dealerships definitely do not generate as much traffic as what the more typical auto dealerships generate.

COMMISSIONER FRY: So what -- where I'm going with this is that we might look at the 112 p.m. peak-hour trips and consider that it would not be higher than that and most likely would be lower than that, correct?

MR. BANKS: In reality, it's going to be less, but our trip cap is 112.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Thank you. I don't see anybody else lit up.

Commissioner Klucik or Commissioner Vernon, anything?

COMMISSIONER KLUCIK: No.

CHAIRMAN FRYER: Thank you very much.

All right. Let's see. We've already heard from staff, so it would be time to ask about any registered speakers. Mr. Frantz?

MR. FRANTZ: We have one registered speaker, Thom Humann.

CHAIRMAN FRYER: Mr. Humann, in person.

MR. HUMANN: Good morning.

CHAIRMAN FRYER: Good morning, sir.

MR. HUMANN: I do have some materials here that both in --

CHAIRMAN FRYER: Would you please identify yourself.

MR. HUMANN: Excuse me, yes. My name is Thom Humann. And I have some photographs and other things for the Commission to review, and I also have them in electric form, so whenever you guys want to take a look at these, you can feel free to have them.

A couple of things that I wanted to discuss. First of all, Mr. Arnold earlier stated that when they're talking about the loading zones, that they can't use county property, county right-of-way. And one of those photographs will actually indicate that Mr. Rosenthal at his current dealership, Naples Motor Sports, is using the turn lane on Airport Road for his car carriers all the time. It actually blocks the bus stop for the CAT bus that's right in front of his business.

In addition, when they talk about the trip caps, every first Saturday of the month he's currently organizing a big event, and there's actually aerial photos included in the packet there as well, which totally entirely fills up the entire lot with high-end cars, a lot of revving. There's videos on the USB drives that actually came from the Naples Motor Sports Facebook page indicating those kind of things, the noise that it generates, the traffic it's generating.

And it also is -- currently, he's not complying at his current place with the parking requirements. According to the plans, he's required to maintain 34 parking spots. Those parking spots cannot be used for display vehicles, vehicles that are for sale in inventory. Almost his entire property, almost every parking spot there, is currently being occupied by a car that's in his inventory for sale. There's almost nowhere for public to park when they do show up to come take a look at the cars.

We're just concerned -- and I represent a number of residents on Steves Avenue and some business owners in the area -- that this dealership being created is going to cause a noise disruption and a traffic disruption beyond --

COMMISSIONER KLUCIK: Sir, you represent who?

MR. HUMANN: A couple of the people that live on Steves Avenue, which is the street that backs up to the property, and a business owner that is in that area as well.

COMMISSIONER KLUCIK: Thank you. I'm sorry for interrupting like that, Mr. Chairman. I should ask your permission first. I apologize.

CHAIRMAN FRYER: Thank you.

MR. HUMANN: Like I said, they're already impacting traffic at the current location by blocking a traffic lane a couple of days -- a couple times a week with new vehicles being offloaded.

The PUD petition says that they're going to -- that there's a good likelihood that there's going to be a reduced inventory. He's got so much inventory right now that he can't even fit them all in parking spots. On his Alfa Romeo lot, he's got cars four or five deep that are not even in parking spots.

CHAIRMAN FRYER: Do you have other points to make, sir?

MR. HUMANN: No, sir.

CHAIRMAN FRYER: Any questions of this witness?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Sir, I understand all the issues looking at the pictures but it -- you represent the neighbors or --

MR. HUMANN: I'm here on their behalf. They didn't want to be known by name, so they hired me to come here and talk on their behalf.

COMMISSIONER SCHMITT: When any of these occurrences take place that you cited, any notification of the county Sheriff's Office or Code Enforcement or any of the other agencies that would enforce, specifically, with the loading and unloading in the turn lane?

MR. HUMANN: I believe Code Enforcement has been made aware of that, and I'm not sure if anything's been done with that.

COMMISSIONER SCHMITT: Okay. Has there been any -- do you have any data that can show how many times there's been a code case? Is there a code case, or has there been any additional --

MR. HUMANN: I just was hired within the last couple days. I have not had a chance to go through all those documents. I plan on getting public records requests from the county, both from the Sheriff's Office and from Code Enforcement to --

COMMISSIONER SCHMITT: These pictures are Naples Motor Sport, which is the next block down.

MR. HUMANN: Which is the owner -- but the owner of Naples Motor Sports is the person who is requesting -- who owns that property and intending on buying that -- building that car dealership.

COMMISSIONER SCHMITT: So it's based -- based on your -- what you're stating, just because it's the same owner, you expect or believe or you think it will allow the same thing to happen at this corner?

MR. HUMANN: Absolutely.

COMMISSIONER SCHMITT: But you have nothing basically to back up that statement other than your personal or professional opinion?

MR. HUMANN: Correct.

COMMISSIONER SCHMITT: Okay.

MR. EASTMAN: And his prior behavior.

COMMISSIONER SCHMITT: And prior behavior, yeah.

MR. HUMANN: Yes.

COMMISSIONER SCHMITT: But, again, it's an issue with Code Enforcement. It's a violation of the zoning. It has to either go through Code Enforcement or of the -- certainly with the blocking of traffic, it would be the Sheriff's Department.

MR. HUMANN: Understood.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Sir, I'm just curious what your -- what you -- your intent is in being here and what you would like us to do based on --

MR. HUMANN: Well, we are -- the people that have hired me are opposing this change to the PUD. They would like it to remain as it is. They've seen a deterioration of that zoning over the years. If you look back in 1990, Resolution 90-116 stated that there would be no commercial activity on that lot whatsoever.

Then in 2010, a change was made to that where -- to that Stipulation 5 of that 1990 resolution was terminated, so it opened up, to some extent, to commercial, and that's where the assisted living facility zoning and that kind of stuff came in. They're trying to maintain their neighborhood and not have to deal with another car dealership, another loud event every -- once a month, and those kind of things.

COMMISSIONER FRY: What is it -- what is their vision of what would go on that property? That -- it's a vacant parcel currently. What did they --

MR. HUMANN: Correct.

COMMISSIONER FRY: -- expect and anticipate and desire to be there?

MR. HUMANN: I think they would be okay with anything that goes along with the current PUD where it would be either something -- assisted living, a youth center, a church, something that's a lot less -- a low impact on the neighborhood.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Just for history, I think maybe this is a staff question, but I believe, or I thought at one time, this was all commercial, and it was rezoned to residential to allow for the assisted living, but it was at one time all commercial.

MR. HUMANN: Well, like I said, there's actually a resolution, 90-116, that had -- in Stipulation 5 said that there was supposed to be no commercial activity on that lot.

COMMISSIONER SCHMITT: Correct. But if I recall back in probably 2004 or '5 and -- I don't know. I'll point -- I'll look at Mr. Yovanovich. But I believe when it was rezoned, the PUD, it was rezoned PUD because it was a rezone from commercial to residential.

MR. YOVANOVICH: What I think -- and I don't -- sorry, I didn't catch your name.

MR. HUMANN: Thom Humann.

MR. YOVANOVICH: Humann?

MR. HUMANN: Humann.

MR. YOVANOVICH: Humann.

I think what he's referring to was the zoning reevaluation process and, in fact, this property was deemed consistent by policy as part of your Growth Management Plan. So commercial C-4 use was, in fact, an authorized use on this property up until they did the PUD change. So to state that it was never intended to be commercial on this property is not factually correct.

COMMISSIONER SCHMITT: Yeah, that's my recollection that this was always commercial, and then the -- when the Growth Management Plan was amended in the '90s, this was a zoning by right, and then it became residential.

MR. YOVANOVICH: No. It became a mixed-use PUD --

COMMISSIONER SCHMITT: Mixed-use PUD.

MR. YOVANOVICH: -- with -- yes, with community facilities on it.

CHAIRMAN FRYER: Anything else?

COMMISSIONER SCHMITT: I just wanted to clarify the record on that, thanks.

CHAIRMAN FRYER: Anything else, Mr. Humann?

MR. EASTMAN: I had a question.

MR. HUMANN: Not from me.

MR. EASTMAN: Aren't all the other corners commercial at this intersection?

MR. HUMANN: Yes, they are.

MR. YOVANOVICH: And if I may, I understand -- I'd like to know who the commercial property owner that's concerned about our use. Because this is, frankly, the first anybody's mentioned anything to us about an issue, and I'd like to address those concerns between now and the Board, if possible, so -- I can't do that without knowing who I'm talking to, so...

MR. HUMANN: I would have to check with them to make sure that they can divulge that because --

MR. YOVANOVICH: Well, actually, I think if you're -- are you --

CHAIRMAN FRYER: I'm going to suggest that we address the dais, please.

MR. YOVANOVICH: I'm sorry.

Mr. Chairman, I believe if he's going to be a representative that appears from [sic] you, he has to register as a lobbyist, and he has to identify who his clients are. So I'm not asking for anything that we're not all required to do --

CHAIRMAN FRYER: I understand.

MR. YOVANOVICH: -- when we appear before you.

CHAIRMAN FRYER: That's where I was going. I think that that needs to happen.

MR. HUMANN: Okay.

CHAIRMAN FRYER: But perhaps informally is the way to get this resolved. My

suggestion is is that counsel, the two of you get together after you determine whether you have the authority to release your clients' identities; see if you can't get this worked out.

Now, as Commissioner Schmitt said -- I'm coming to you in just a moment, Commissioner Fry -- is Commissioner Schmitt said, you know, we're not into the Code Enforcement or the law enforcement side of this, so it's really outside of our jurisdiction. But the point that you have raised, in effect, I think, go to the credibility of the applicant. We would take for -- we would take what you have said for what it's worth, but Mr. Yovanovich, in his rebuttal, may wish to address those concerns.

MR. HUMANN: Understood.

CHAIRMAN FRYER: Okay. Thank you. Thank you.

Anything else for this witness? All right. Oh, Karl. Commissioner Fry, sorry.

COMMISSIONER FRY: Perhaps not for you, sir, but I guess my question is, I believe that regardless of who he represents, if we had a neighbor standing up here and presenting these photos, it raises an issue that the neighbors are saying that the current dealership is intrusive to their peaceful enjoyment of their property and that it's disruptive to the traffic. So hear me out.

MR. YOVANOVICH: I know, and I'll respond.

COMMISSIONER FRY: I'm not asking, really, for a rebuttal from you, Rich. It's really just to understand from staff, do we have -- we have a picture of a semitrailer out in the main travel lane. Are these just simply Code Enforcement issues? Is it something that is simply an enforcement issue? How do we know that the -- we had a luxury dealership come previously that, basically, stated the case that it would be -- have very little impact in terms of noise or traffic on the neighbors, and here we have the opposite situation. So I'd just like to hear from staff in terms of if these are just Code Enforcement issues or if we have something bigger here where there is a negative impact on the neighborhood from the current dealership and the potential of a new dealership.

MR. BELLOWS: If I understand the question correctly, you're asking about impacts?

CHAIRMAN FRYER: For the record, sir.

MR. BELLOWS: Oh, Ray Bellows. Thank you.

If I understand the question you're asking, if this car dealer has -- if installed and operating, there's complaints about noise or some operational characteristics?

COMMISSIONER FRY: Yes, that, and in addition to that, a photo of a semitrailer out on the main travel lane, I guess, blocking the bus stop in front of the current dealership, is that -- is that something that is allowed? Is that something that has to be worried about in the new application as well?

MR. BELLOWS: Our Land Development Code requires a car dealer to provide on-site ability to unload vehicles and load vehicles. So there have been cases where a car dealer has used a local street or county street, and that is a Code Enforcement issue, and it can be addressed that way, but we would like the PUD to reference some on-site loading ability.

MR. YOVANOVICH: And if I may, just to add some facts, if you don't mind.

You're absolutely correct, new car dealerships are required to load and unload on their own property. Naples Motor Sports fits into the grandfathered category of, yes, they can safely use the turn lane to load and unload, okay. That's number one.

When we discussed the petition, the reason Mr. Rosenthal bought this adjacent piece of property -- it's not adjacent, but it's a very short walk from his existing facility to the new facility -- was because he needs more space for his current operations. So the intention is to move the cars that this gentleman is alleging is a problem to this site for the proper display of the vehicles as well as having the on-site storage capacity for those vehicles.

I believe what he's referring to is I think Todd, monthly, does coffee and cars. It's an event that people come and look at the nice cars and bring their nice cars as well.



I've been there. It's not a loud event. It's basically, you know, people who want to see -- it's a car club. People come and show their cars. And it's for a few hours in the mornings.

I'm not aware of anybody complaining about the noise related to people coming and looking at these cars or bringing their cars to show off. If -- we'll address that, but we're not aware of any Code Enforcement issues related to that. And, frankly, it's -- a lot of people, kind of like, enjoy to come and look at not only Todd's cars but bring their own cars, because there's some really neat cars that show up at those events.

That's what I think the gentleman's referring to. And if there are -- if there's noise issues related to that, we're happy to address those. We're not aware of any.

COMMISSIONER FRY: Would the -- I guess, from the photos, it looks like the parking lot is mostly filled with display cars.

MR. YOVANOVICH: Yes.

COMMISSIONER FRY: And I wondered where the public parks on the days of those coffee and cars events.

MR. YOVANOVICH: They're actually -- when I went I parked at -- I think it's the -- what's the Salvation --

Thank you. Salvation Army. They're not open. There's a parking lot right there that's easily accessible. You park there and you walk over. That's where I parked. But, you're right, I mean, on those coffee and car events, we use the Salvation Army parking lot.

COMMISSIONER FRY: So I guess you would be saying to this speaker and who he represents that the addition of this new parking lot under the new standards will help alleviate some of the issues --

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: -- that he and his clients have experienced.

MR. YOVANOVICH: And I don't know that his clients are complaining about what's happening. They're just afraid it may happen at their site, and that's not what's going to happen. I mean, it's -- we're not aware of any of our neighbors complaining about what's happening today, and it will move some of the cars over to the other site.

COMMISSIONER FRY: Thank you for that. I guess you're still here. I guess maybe respond to that before you go.

MR. HUMANN: No, that's -- I've said all that needed to be said on my end.

CHAIRMAN FRYER: I'm going to ask Mr. Yovanovich if you wouldn't mind doing so, please, sir, to reach out to Mr. Humann --

MR. YOVANOVICH: Absolutely, absolutely.

CHAIRMAN FRYER: -- and see if this can't be resolved informally.

MR. YOVANOVICH: Absolutely.

CHAIRMAN FRYER: I appreciate that.

MR. YOVANOVICH: Absolutely.

COMMISSIONER KLUCIK: Can I just ask a question of Mr. Yovanovich.

CHAIRMAN FRYER: Yes, of course. Go ahead, Commissioner.

COMMISSIONER KLUCIK: So what you're really saying is that the concerns -- at least some of the concerns for congestion, et cetera, would actually be revealed by doing this.

MR. YOVANOVICH: Absolutely.

COMMISSIONER KLUCIK: And that's the whole goal of the petitioner --

MR. YOVANOVICH: Yes, sir. I didn't mean to interrupt you while you were speaking. The whole goal is to be able to move one of his existing dealerships over to this other piece of property to create a less congested dealership.

CHAIRMAN FRYER: Okay. Any other registered speakers, Mr. Frantz?

MR. FRANTZ: That's the only registered speaker.

CHAIRMAN FRYER: Okay. Anyone who is present but did not register wish to speak on this matter?

(No response.)

CHAIRMAN FRYER: Okay. Does the applicant have any rebuttal?

MR. YOVANOVICH: Other than I'll, obviously, meet with the gentleman and try to address any concerns.

We believe our use -- you're familiar with luxury automobile dealerships. They're very quiet, they're very clean, and they're low traffic generators. Frankly, probably less traffic than we could put there through an active community facility for a fellowship hall or children, and we would request that you recommend approval of both the Growth Management Plan amendment and the PUD.

CHAIRMAN FRYER: Thank you, sir.

COMMISSIONER HOMIAK: Can I just --

CHAIRMAN FRYER: Yes, Vice Chair.

COMMISSIONER HOMIAK: So the loading and unloading of the vehicles will be on the property --

MR. YOVANOVICH: Absolutely.

COMMISSIONER HOMIAK: -- not in the street?

MR. YOVANOVICH: Absolutely will be on our property, because that's required by the code for new dealerships.

COMMISSIONER HOMIAK: So when you say "on the side of the building," you mean on the property, not on the street.

MR. YOVANOVICH: On our property adjacent to Estey or adjacent to Airport Road but absolutely on our property. Not Estey, not in Airport Road.

CHAIRMAN FRYER: Okay. Thank you.

Anyone else have question or comment before we close the public comment portion?

(No response.)

CHAIRMAN FRYER: If not, we will close the public comment portion of this hearing. And I'll call for a discussion from the Planning Commission, please.

(No response.)

CHAIRMAN FRYER: All right. If there's no discussion, we've got two matters to vote on.

COMMISSIONER HOMIAK: Did you just --

COMMISSIONER FRY: I pressed my button.

CHAIRMAN FRYER: Oh, sorry. Commissioner Fry.

COMMISSIONER FRY: Very small point. I mean, I believe the concerns raised are addressed by the clarification that this is actually moving an existing dealership from the current dealership to the new property, which gives me confidence that it would alleviate the issues, so I'm very comfortable with the petition.

CHAIRMAN FRYER: All right. Thank you.

And, Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, if I recall -- and, Mike -- I think Mike's -- is Mike sitting back there? Yeah.

I know Estey's always been a problem from a right-turn lane, but if I recall, originally that lane -- you used to go down to two lanes because the right lane was reserved strictly for right turn on -- what's the next block up? Where you now improved the right-turn lane on to Davis.

So, in reality, the county spent a significant amount of money improving all of the traffic flow from between Estey to Davis. And I don't even know if they could park a truck there today to load and unload, because wouldn't it block the right-turn lane that was recently constructed?

MR. SAWYER: For the record, again, Mike Sawyer, Transportation Planning. Yes, you're correct, we have extended the right-turn lane onto Davis to go west.

COMMISSIONER SCHMITT: Right. About where Naples Motor Sports --

MR. SAWYER: It's right in front.

COMMISSIONER SCHMITT: Right in front, okay.

MR. SAWYER: It's right in front. Yes, if they were to start unloading at that location, just like, you know, we occasionally see at other dealerships, it's actually the Sheriff's Official that actually has to do the citation, because it's within the public right-of-way.

COMMISSIONER SCHMITT: Okay. Good. All right. I just wanted to make that for the record, because I know that that was -- that whole intersection was recently improved.

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: My only other comment is I really find it amazing, Naples has to suffer through all of these luxury car dealers. I really feel bad for the folks, not -- I don't mean that -- I mean, I feel bad -- for the people who -- I mean, I can't go buy a Lotus or a Jaguar or whatever.

But, anyways, it's an interesting -- and I didn't realize that the demand was that significant to fill up parking lots like it's alleged they do other than mainly for what I would call a sales event or what otherwise -- for the coffee and --

MR. YOVANOVICH: Cars and coffee.

COMMISSIONER SCHMITT: Cars and coffee. So -- just my comment.

CHAIRMAN FRYER: Thank you. No one else is lit up. Commissioners who are not at the dais, nothing?

COMMISSIONER KLUCIK: My fellow commissioner just reminded me that, you know, we probably don't get lit up until later at night, if at all, but -- sorry.

CHAIRMAN FRYER: Well, thank you. I'll reconsider my phraseology.

Okay. Any further discussion on these companion items?

(No response.)

CHAIRMAN FRYER: If not, I would entertain a motion first on PL20190002496, which is the small-scale GMPA.

COMMISSIONER HOMIAK: I'll make a motion to approve --

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: I second.

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

\*\*\*Then the second item is the PUDA. It is PL20190002494. Do we have a motion on that?

COMMISSIONER HOMIAK: I'll make a motion to approve --

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: Second.

COMMISSIONER HOMIAK: -- with adding Estey. I don't know if that's --

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Okay. With that change. Thank you.

COMMISSIONER SCHMITT: With the change, yeah.

CHAIRMAN FRYER: Any further --

COMMISSIONER SCHMITT: Second, with the changes noted.

CHAIRMAN FRYER: Okay. Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Those opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

MR. ARNOLD: Thank you, all, very much.

CHAIRMAN FRYER: Thank you, applicant.

Thank you, members of the applicant.

MR. YOVANOVICH: Mr. Chairman, before we start the next petition, would it be possible to take an earlier lunch? Because I'd hate to do a half hour, stop, and then continue my presentation. So I ask -- I ask if the Planning Commission would consider that request.

CHAIRMAN FRYER: Planning Commission, anyone object?

COMMISSIONER SCHMITT: I will concur.

COMMISSIONER SHEA: Good idea.

CHAIRMAN FRYER: Without objection, that's what we'll do.

MR. YOVANOVICH: Well, thank you.

CHAIRMAN FRYER: Thank you very much. We'll stand in -- it's 11:29. We'll stand in recess until 12:30, please; thank you.

(A luncheon recess was had from 11:29 a.m. to 12:30 p.m.)

MR. FRANTZ: Mr. Chair, you have a live mic.

CHAIRMAN FRYER: Thank you. Ladies and gentlemen, let's reconvene.

\*\*\*Final item for the day is, again, a companion matter. The first is PL20190000697, and that is a small-scale Growth Management Plan amendment for One Naples, and companion to that is PL20190000697, and that is a PUDZ.

Now, before I ask to swear in witnesses and for disclosures, I want to outline what I believe is the appropriate way for us to proceed. And I've been in close collaboration with Ms. Jenkins about this.

And what we have -- what we've decided to earnestly recommend and hope that there's no serious objection to it is that we've received several requests from organization leaders and lawyers, consultants, on behalf of parties and opposition who've asked to speak for more than five minutes. So she and I have responded to these requests as follows: We said, after the applicant has presented its case and following staff's presentation, we're going to hear from the following lawyers and other representatives of large groups who have asked for more than -- or I should say five

minutes or more.

When the time comes, first we'll hear from Buzz Victor, who's the president of Save Vanderbilt Beach. He'll speak for six minutes. Then we'll have the following credentialed consultants who've been engaged by Save Vanderbilt or other groups to speak in their areas of expertise. Greg Stuart, who's a planner, 30 minutes; Bill Oliver, who's an engineer, 15 minutes; Daniel Trescott, who's a coastal high hazard area expert, seven minutes.

Then we have the following people who each will be allocated five minutes: Sarah Spector, Ralf Brookes, Bill Schumann, Dennis Goettsch, Betty Piricio, Mark Efusy, Dr. Patrick Wooley, Ken Melkus, George Marx, Brian Maher, John Bamberger, Julie Cowie. And all these people are representatives of larger groups.

Then we received word that another lawyer, Tony Pires, has requested 20 minutes of time speaking on behalf of his client, Vanderbilt Beach Residents Association. And, finally, the president of Pelican Bay Property Owners Association, Mark English, has requested 10 minutes to speak on behalf of that organization.

Then at that point, we're going to open up for public comment to individual members of the public and, as of this morning, we have 79 speakers who've asked to speak. So I'm going to exercise the prerogative of the Chair without, I hope, serious objection from the Planning Commission, to allow three minutes per speaker in the case of those individual speakers. And if --

COMMISSIONER KLUCIK: I'm sorry. When you're done.

CHAIRMAN FRYER: Okay. If it turns out that we're just going way, way long, we should reserve the right to reduce the amount of time even further, but we can cross that bridge when we come to it.

And I want each individual speaker to disclose his or her address and estimate the proximity of their residence to the site. And following public comment, the applicant will be given a full opportunity to present rebuttal.

And so that's the order of proceeding that we have represented to the speakers, and we, as I say, hope seriously that there aren't any serious objections from the Planning Commission, since we've already asked people or told people this is what we plan to do.

And I'm going to go first to Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

So am I right that regardless of who is speaking to us, they are speaking as witnesses and actually limited to presenting evidence?

CHAIRMAN FRYER: That's correct, but we're -- we're not purely judicial. We're quasi-judicial, and we follow informal rules of evidence, and we err on the side of liberality. We don't rule on objections and the like. But, you know, when we're confronted with something that is as big and as publicly known, we may have to make some rules on the fly. And so I appreciate you, as a member of the bar, being here to help us deal with any situations that come up.

So that's -- Commissioner Fry, did you want to say something? No. Oh, Commissioner Shea, I'm sorry.

COMMISSIONER SHEA: Just a question. Is it possible that we can request, when we have a large number of people, that if you're not saying something different than the previous person -- I mean, we're looking at points here, not the number of people making the same point. We've already had that in the correspondence that led up to the meeting. So can we kind of cut down a lot of redundancy?

CHAIRMAN FRYER: That was actually going to be my next point.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: What I recommend -- we don't want to -- we don't want to stifle any new ideas. But once an idea or a point has been clearly made, it doesn't need to be made again and again and again and again.

The speaker could simply stand up and say, I agree with that point, and that will be given as full a consideration of someone using their full three minutes, I promise you. So thank you for raising that.

A final word that I want to make is having to do with the courtesies that we owe our court reporter, who's got a quite a job trying to type down what multiple people are saying sometimes. And I know I'm as guilty at this as others, and I'm going to do my best not to talk over anyone, and I'm going to ask everybody else, please don't start talking until the person who's currently talking finishes. And I -- again, I'm going to exercise the prerogative of the Chair. I haven't done this before, but if it seems like there's too much of multiple people talking, I'm going to use the gavel and then remind people, respectfully, not to do that.

So with that, I want to ask all people who are here and wish to --

MR. YOVANOVICH: Mr. Chair, before we start, just since we're talking about procedure.

CHAIRMAN FRYER: Of course. Go ahead. Go ahead.

MR. YOVANOVICH: As you know as, really, the only party besides the county in this matter, I am entitled to cross-examine witnesses. I just want to know when -- I think it's appropriate when -- I'll just pick on Mr. Trescott by name.

MR. TRESCOTT: Oh, thanks.

MR. YOVANOVICH: And maybe later in reality.

MR. TRESCOTT: I object.

CHAIRMAN FRYER: That's a good question.

MR. YOVANOVICH: I just want -- I don't want to wait till the end of their presentation. I would like to be able to ask questions of those witnesses when they are done with the presentation, not when the entire Save Vanderbilt Beach presentation is done, if that would be acceptable.

CHAIRMAN FRYER: I'm trying not to speak when you are.

MR. YOVANOVICH: It's hard to do, isn't it?

CHAIRMAN FRYER: It is. That's a fair request, and it seems to me -- and tell me if this works for you -- that in regards to the experts, the consultants and the representatives of large groups, it seems to me that the applicant should have the opportunity to cross-examine after that person speaks. I would think, though, in the case of individuals, do you feel that -- do you anticipate the necessity of cross-examining individuals?

MR. YOVANOVICH: It will -- normally the answer would be no, but if someone from the public says, like one of the earlier items we had where he crossed into providing testimony on his expertise as an engineer, I might want to, at that point, ask some follow-up questions on that.

Normally, if someone's giving their opinion about a project, I'm going to respect that they're allowed to give their opinion. I'll probably, in closing, say whether it's relevant or not to the criteria. But I don't anticipate cross-examining the general public.

What I do request, since -- since -- now I'll pick on Save Vanderbilt Beach. They're being given a pretty significant amount of time to present their position on these matters. I don't know that it's fair to then have 50 members -- and I don't know how many of the registered speakers happen to be with Save Vanderbilt Beach -- to then also spend, at three minutes a person, that's 150 minutes reiterating what their group presentation was supposed to represent.

I'm certainly fine with consolidating and having a more organized representation, but I don't think they should be allowed to double dip, because normally each of those speakers would only be given five minutes. So I don't want them to be able to pile on by spending an hour on a presentation and then another 150 minutes in speakers saying, yeah, I really mean it.

CHAIRMAN FRYER: That's also a fair point and, in response, I would say, first of all, as a practical matter, there is really no limitation on how much time the applicant is given.

Obviously, if it -- if extreme advantage were taken on that by means of repetition or intentional delay, which I don't think you would do, we would reserve the right to shorten it.

But you will have, for all intents and purposes, as much time as you need to to speak. And I'll say, again, I'm encouraging the individual speakers, if they want to raise a new point or a new issue or a new way to look at an issue that's already been clearly expressed, go ahead; take the time needed. But if it's simply a matter of repeating what's already been said, you make as strong an impression on us by simply getting up and saying, I agree with the previous speaker, or I agree with the point of height or setback or whatever it is. We will credit your testimony the same level as if you took three minutes to say that to repeat what someone else has said.

So I think, besides that, Mr. Yovanovich, I mean, we may have to make some of this up as we go along, depending --

MR. YOVANOVICH: Understood.

CHAIRMAN FRYER: -- upon what we encounter, but that's what I believe we ought to do.

MR. YOVANOVICH: Fair enough.

CHAIRMAN FRYER: All right. Planning Commission, any objections to any of that? (No response.)

CHAIRMAN FRYER: Hearing none, all right. All those wishing to testify in this matter, please rise to be sworn in by the court reporter.

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

CHAIRMAN FRYER: Thank you.

Before we do disclosures, I have a question for the County Attorney as to the legal procedure. Do we swear in people who are calling in by -- on Zoom?

MR. KLATZKOW: I don't know how you do that. So, from my standpoint, I wouldn't bother. I mean, it's just -- I just don't know how you do that.

CHAIRMAN FRYER: Okay. Thank you. Does the applicant object to us not attempting to swear in people who call in by Zoom? This is a timesaver.

MR. YOVANOVICH: You know, I think at the end of the day, parts of this is legislative, part of it is quasi-judicial, and in order for testimony to be considered factually based on the portions of this that are quasi-judicial, I think it has to be under oath. So I think they can do that, you know --

MR. KLATZKOW: We'll be here forever.

MR. YOVANOVICH: But your attorney can give you whatever advice you think is --

MR. KLATZKOW: How many people do we have on Zoom?

CHAIRMAN FRYER: Seventy-nine.

MR. KLATZKOW: And I've sat through enough of these to know that you ask somebody: Are you there? Can you hear me? And I just -- from a practical standpoint, I'm not that concerned.

CHAIRMAN FRYER: All right. Then we're going to follow the advice of the County Attorney and not worry about people on the phone being sworn in.

Okay. Disclosures starting with Commissioner Shea.

COMMISSIONER SHEA: Materials with staff, meetings with staff, correspondence from the various citizens, lots of correspondence from the various citizens, and just conversations with some citizens in the county.

COMMISSIONER FRY: Emails, documents received through public record, a meeting with the applicants, and that's it.

CHAIRMAN FRYER: All of the same.

COMMISSIONER HOMIAK: Just emails, and I spoke with Mr. Yovanovich and Mr. Mulhere.

COMMISSIONER SCHMITT: Same. Discussions with Mr. Yovanovich and Mr. Mulhere and briefly with Brian Stock as well this morning, discussed some issues.

CHAIRMAN FRYER: Thank you.

MR. EASTMAN: I got a few emails, a puny amount of emails.

COMMISSIONER SCHMITT: A few?

CHAIRMAN FRYER: Puny.

MR. EASTMAN: Just a puny amount.

COMMISSIONER SCHMITT: I got, like, 600 of them, so -- I thought you said you only have a few.

CHAIRMAN FRYER: He did, but he was being facetious.

MR. EASTMAN: It's relative.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes, I spoke briefly with staff, I spoke briefly with Bill McDaniel, and I'll just repeat, because I think the people are here, I did receive a lot of emails, but I am not reading emails that are sent to my personal email address for my business. So I actually didn't read them, but I did receive them.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon?

COMMISSIONER VERNON: I did speak with staff fairly extensively. I did decline to meet with Mr. Yovanovich and Stock team but, frankly, that was before I received in excess of 1,000 emails. I did review some of those emails, and I certainly did not review all of them because a number of them appeared to be repetitive, which -- just to tag on, I appreciate the Chairman's comments, just to tag on, to get the same email over and over is not helpful to me in making a decision.

CHAIRMAN FRYER: Thank you.

Any other preliminary matters before we begin?

(No response.)

CHAIRMAN FRYER: All right. Mr. Yovanovich, please proceed.

MR. YOVANOVICH: Thank you. Good afternoon. For the record, Rich Yovanovich on behalf of the One Naples project.

Our team -- and you will hear from many of these people today in our presentation -- is, obviously, Brian Stock, the owner of Stock Development; Keith Gelder is here, who is responsible, along with Chris Johnson, for much of the development of this particular project; Claudine Wetzel is here from Stock; Bob Hall is our architect; Chris Mitchell is our civil engineer and will be providing expert testimony on that; Kristina Johnson is also with Mr. Mitchell's firm, JRE -- J.R. Evans Engineering; Jim Banks, who you've heard from already, is our transportation expert; myself; Mr. Mulhere is our planning expert; Hunter Booth is our landscape architect and will be providing testimony; and Tina Matte is assisting us with this project as well.

I want to -- I want to start with some very preliminary comments about the project. And this project has obviously received a lot of press and discussion in the community. The One Naples project is a proposed mixed-use project consisting of 172 residential units and up to 1,000 square feet of retail uses. It's a waterfront piece of property that is currently zoned C-3 zoning.

There are -- I think there are some misunderstandings in the community as to what can or cannot be developed on this property and what is or isn't, in fact, compatible with the neighborhood.

You're going to hear probably an hour-and-a-half to two-hour presentation from our team about how this mixed-use residential development is, in fact, consistent with today's Comprehensive Plan and compatible with the neighborhood versus the C-3 zoning that currently exists on the property, which many of you know the Comprehensive Plan was adopted basically in



1989, and we've been traveling along with that Comprehensive Plan since then, and it's had several amendments over the years, but that Comprehensive Plan went with an activity center concept for commercial development.

The intent was to focus commercial development at the major intersections where you had arterial roads that could handle traffic related to retail and office development. It was not intended to be in this location, which is not an arterial road. They're basically two local roads. You have Vanderbilt Beach Road and you have Gulf Shore.

The reason the commercial is allowed on this property is because it was developed at the time and it was deemed commercial -- it was deemed consistent by policy under the Comprehensive Plan.

The Comprehensive Plan does not want this to be a commercial development. In fact, the Comprehensive Plan includes -- or included incentives to convert this property to residential. Unfortunately, the incentives associated with converting this to residential, which is 16 units per acre -- and you're going to hear that over and over again in the testimony from the neighborhoods that this should be capped at 16 units per acre because that's what today's Comprehensive Plan provides for. The reality is, the 16-unit cap does not -- is not enough of an incentive to convert this to residential. It will remain C-3 if this project is not approved.

So you will have two choices at the end of -- whenever we're done. It probably -- more looking like the 15th of October. You'll have two choices when we get to the end: Either recommend approval of our proposed small-scale Comp Plan amendment together with the mixed-use PUD or leave the property as C-3 and allow it to be developed as C-3 property. Those are the two options that are available to the Planning Commission and, ultimately, the neighborhood.

I don't know that the neighborhood truly understands that this property can be developed as commercial. And in the neighborhood information meetings that I was present at, which there was probably at least five, there was the -- I believe the understanding was this property would never be developed as a commercial piece of property.

CHAIRMAN FRYER: Mr. Yovanovich, pardon me, sir, but Commissioner Fry has asked for a clarification of something that, before you go forward --

MR. YOVANOVICH: Sure.

CHAIRMAN FRYER: -- he thinks needs to be clarified.

COMMISSIONER FRY: Feel free to defer this if it's explained in your presentation, Rich. But you make a comment that the current GMP does not want this parcel to be commercial. You mentioned earlier that the GMP wants the commercialization at major intersections. Is that the basis of that statement, or is there additional basis for that statement?

MR. YOVANOVICH: That's it. That is it. There's -- and they wanted -- the current Comprehensive Plan wants commercial at the major intersections and provides a 16-unit-per-acre conversion formula to encourage property that is commercial by policy, deemed consistent by policy to convert, because it was always intended to be a residential area under the Growth Management Plan that was adopted in 1989.

COMMISSIONER FRY: So, specifically, you're saying the GMP wants this to be converted at 16 units per acre?

MR. YOVANOVICH: That's the current incentive that's in there or -- yes. And, obviously, if we could convert at 16 units per acre, we would just be here for a PUD at 16 units an acre. You wouldn't have the small-scale Comp Plan amendment.

CHAIRMAN FRYER: I want to say, on the behalf of the Planning Commission, that we don't -- we're not interested in breaking your stride. That is not helpful, I know. So I'm going to ask all of our members to -- in the case of a question that you really believe needs to be answered before we can go forward, then we have every right to ask that question and that was -- and

Commissioner Fry's was an example but, otherwise, I think in fairness, we should let the applicant's attorney finish before we --

MR. YOVANOVICH: I feel pretty confident that I will address many of your questions through our presentation. I'm certain that there will be others. But if we can just allow me to continue. But, again, your discretion.

I also want to talk about what are the real densities surrounding this project, because I'm not sure the public understands that, and I'm not sure that your executive summary totally gave you the picture of the density that's around this project.

And I will start -- I don't know if you can see my cursor. Can you see the cursor? This is -- this is the Regatta project. It's known as the Miralia PUD. It's an approved PUD for 23.44 units per acre. The Barefoot Pelican is this condominium project right here. It's not within the project, but it's basically within, you know, the general parameters of what is the project. The Barefoot Pelican is developed at 45.8 units per acre.

Your staff report --

COMMISSIONER KLUCIK: What was that number?

MR. YOVANOVICH: 45.8. Your staff report does not tell you that. I think that's an important fact that you need to know when considering compatibility.

CHAIRMAN FRYER: And where is that again?

MR. YOVANOVICH: Right here. It's these condominium units, Mr. Klucik, right here, if you can see my cursor.

COMMISSIONER KLUCIK: Thank you.

MR. YOVANOVICH: Vanderbilt Palms is another condominium project right here within the general vicinity of the project. It is developed at 52.83 units per acre. I'm not sure the public knew those numbers and, certainly, your staff report doesn't tell you those numbers, and neither does any of the information provided to you by the planner representing Save Vanderbilt Beach. They never tell you that Vanderbilt Palms is developed at 52.83 units per acre, and it's not factored into their analysis. And then the Beachmoor, which is the condominium project right over here, is developed at 18.53 units per acre.

So when you calculate average density of those projects, it's calculated at 31.38 units per acres. Our request is for 31.7 units per acre.

So I submit to you -- and Bob Mulhere will take you through his expert planner testimony -- that our request is, in fact, consistent with the surrounding density in the area.

Another fact that the community needs to know is that the reason this property hasn't been developed as commercial to date is because nobody has taken the time to assemble the property to make it a viable commercial development.

As you can see, it took Brian Stock eight separate transactions to assemble this property into a viable project that's being brought to you as a mixed-use residential project. If we're unsuccessful, the only thing that will be left to be developed is a C-3 development, and there are parcels now consolidated that would allow for reasonable commercial development of the property.

We have estimated that at 100,000 square feet; we know we can do more. People question whether we can even achieve the 100,000 square feet. I've seen their talking points on the Save Vanderbilt Beach website that says they think we can only achieve a little over 50,000 square feet of commercial development property. We know we can do more. But we'll show you through testimony from Jim Banks that if we missed it by 50 percent, we're still reducing the traffic through our project by one half. Fifty thousand square feet of retail development on this property is double the amount of traffic for this community, and traffic has been one of the primary and main complaints about allowing this property to be developed as residential mixed-use property.

I don't know if the community knows that this is a legitimate commercial development. I've not seen anything from the planner representing Save Vanderbilt Beach and others any analysis

of the commercial viability of this property, so the community doesn't know what their choices are. Likewise, I haven't seen anything from the transportation consultant hired by Save Vanderbilt Beach as an analysis of the potential impact of a commercial project on this property.

I submit to you again that developing this property as we're proposing --

COMMISSIONER KLUCIK: Before you move to that point.

MR. YOVANOVICH: Sure.

COMMISSIONER KLUCIK: Do you have a -- are you going to present the calculation?

MR. YOVANOVICH: Absolutely.

COMMISSIONER KLUCIK: Okay.

MR. YOVANOVICH: We'll get there, I promise.

We will actually show you at 100,000, 75,000, 50,000, and to get to a little prequel, the breakeven point is 25,000 square feet, and we know on these 5.42 acres we can do far more than 25,000 square feet of development on the property.

COMMISSIONER KLUCIK: When you say breakeven, you mean the equivalent traffic?

MR. YOVANOVICH: Traffic. The equivalent traffic is 25,000 square feet.

None of that information has been, I believe, provided to the public as an analysis from their own consultants. I can only tell you that when we presented it it was -- they don't necessarily believe commercial can happen on the property.

From a history standpoint, this is the property -- an aerial of the property when Brian started assembling the different parcels. Here is Vanderbilt Palms. Here is DaRuMa. Here is Barefoot Pelican. Here's Regatta. You can see several multifamily structures along the waterway. Now that we own them, I can say they were not attractive. It was -- I would say -- and since I live up in that area, I would say it was an eyesore. It was a blighted piece of property.

And Brian has bought and assembled all the water frontage that I showed you. He -- in hindsight maybe we shouldn't have done this. He's already razed those structures. So the site looks a lot better than it did when he bought it, and we've also now created views for people who live in Vanderbilt Palms that they previously didn't have and, when we develop under either alternative, they'll go back to the view they previously had, which was not of the water, and they don't have -- so they've never had a view of the water.

There's no question that you'll hear through our expert testimony that the proposed community will enhance their surrounding community. Nobody's questioned that this a first-class proposal from Brian and his company. There's no question that we're going to increase property values by what we're proposing to build on this property.

Interestingly, you have a model that's being presented to you, or you will see at some point, that I don't think shows the real story. The property we're proposing -- and this is our -- this is our proposed site plan on the visualizer that includes the two buildings on the water, another building right here. These buildings are five stories over one parking. And these are two residential buildings that Brian will take you through the details of that are 14 stories over two of parking.

COMMISSIONER SCHMITT: Question: You mentioned the model. Sorry to interrupt, but is that your model?

MR. YOVANOVICH: No, that's not our model.

COMMISSIONER SCHMITT: Who's it, and where did it come from?

MR. YOVANOVICH: I saw Mr. Stuart bring it in, so I'm assuming it's his model. That does not truly put in context our project. And you will -- we will put it in context for you so you better understand what's around it and the community better understands.

This is the Regatta project that has two taller residential buildings and three mid-rise buildings similar to what we're proposing. This is Beachmoor, which is a taller building. This is the Ritz-Carlton, which is a taller building. And this is the Trieste, which is part of Pelican Bay, which is much taller than our proposal on the project. So you need to put all of this in context, and

we will do that and try not to be too repetitive in doing that, but it's an important point when addressing compatibility with what's around the neighborhood.

Now, before I turn it over to Brian, I want to go over some additional information that is out there that's not our information but has been provided to the public and I believe influencing the many emails you've received from the public.

The rendering on the left is what Save Vanderbilt Beach is representing the project will look like, and the rendering on the right is the real project. You can see that the rendering on the left is an 18-story building with stark architecture. Don't even have water in the pool. It doesn't show any of the landscaping that's really associated with this project.

You look at the renderings of what's really going to be developed, you will see the lush landscaping, the high-quality amenities, and the actual 16 stories that we're requesting.

This is another one of the renderings that the public's being shown from Save Vanderbilt Beach. That is looking west to the gulf. That's one of our mid-rises, obviously, up close, and one of the taller buildings in the back. Again, totally devoid of landscaping and the quality that this project really will be.

The public has not been given a fair picture of what we're proposing to do on this project. You have to consider the landscaping and the qualities of the amenities and compatibility with the community when you're considering massing of the project. That information was never shared with the community.

Now, just so we're clear, leadership for Save Vanderbilt Beach includes experienced developers. The renderings that were prepared were at the direction of an experienced developer. The type of those renderings and the reaction to those renderings was intentional and very predictable and, frankly, an insult to Stock Development. Stock Development would never build a project that was referenced in those renderings and, frankly, I think those renderings did a disservice to the community's vision or understanding of this project.

As I said, Brian Stock has been in this community for 20 years. I've represented Brian for 20 years. He's a man of integrity. He's a man of quality, and that goes all the way down through the company; Keith, Chris, Claudine. Everybody at Stock Development are people of integrity and quality, and they have worked hard at meeting with the community to take the community's input in this project. We didn't agree to everything that the community wanted, but we took it into consideration and we made adjustments.

And for their business -- or their speaking points that are on their website to say that Brian didn't listen, again, is not accurate and not reflective of what really happened. We didn't agree on everything, but that does not mean we didn't listen.

At the end, you're going to have two choices, as I said. You're going to have what we believe to be a first-quality project, mixed-use project on this site or the commercial alternative. Nobody disputes that Brian will build a first-quality project on this site.

And with that, I'd like to turn it over to Brian to take you through his vision of the project.

CHAIRMAN FRYER: Before we do that, in fairness to the Planning Commission -- and this won't be our only opportunity to ask questions of Mr. Yovanovich, but there are a few things that you said that I just want to get clarification on before we move to the next segment. And so I have questions, but first does anyone else, question or comment?

(No response.)

CHAIRMAN FRYER: The one I have -- and I think it is useful to establish this now. And it's something that we talked about yesterday, Mr. Yovanovich, and that is the hotel uses that are being requested.

It's clear to me that your presentation assumes completely that we're looking at condominiums, multifamily residential units. And so if we could take hotel uses off the table, I think -- if we could do that now, then we don't need to ask a lot of questions about the TIS and

whether that was calculated based on hotels versus condos. I mean, if you want to keep it on, it's another wrinkle, but it's up to you.

MR. YOVANOVICH: Well, I'm a big fan of moving this along and not focusing on what probably is not going to get developed on the property, so we're comfortable taking the hotel use off the table.

CHAIRMAN FRYER: Okay. Thank you. Thank you.

MR. YOVANOVICH: Anything else before Mr. Stock?

CHAIRMAN FRYER: No, sir. Oh, I'm sorry. Commissioner Schmitt.

COMMISSIONER SCHMITT: I'm just following up on that. Just to be clear, you're removing the hotel use even though zoning in that area is RT zoning?

MR. YOVANOVICH: Yeah. And, you know, you bring up a good point. This is an area that does allow for residential tourists which allows development at 16 units per acre. It also allows hotels at 26 units per acre. But with that, yes, we are going to take the hotel use off the table.

COMMISSIONER SCHMITT: Okay. Well, that's an interesting change. Thank you.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: I do have a question I'd like to follow up, though. You showed these pictures of renderings, and I know I'm going to probably ask the folks who created these as well, but were these renderings made based on designs that were provided by Stock Development to the -- in this case, the Save Vanderbilt Beach renderings? Did they have access to or do they -- did they make these renderings based on designs that they were given, or is this just something that they created in estimating or thinking this is what it was going to look like?

MR. YOVANOVICH: All I know is we have published our renderings.

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: They did their own renderings. Our renderings were available. How they decided -- what direction they gave their architect to come up with these renderings or whoever they directed to come up with these renderings, you'll have to ask them.

COMMISSIONER SCHMITT: Okay. I intend to do that, so I'll ask Mr. Stuart that as well. Thank you.

MR. YOVANOVICH: Anybody else?

CHAIRMAN FRYER: Yes. Commissioner Klucik.

COMMISSIONER KLUCIK: Regarding the rendering, so what you're saying is that when you had the side-by-side, the diagram on the -- or the image on the right was actually available?

MR. YOVANOVICH: Yes, yes, sir.

COMMISSIONER KLUCIK: And would the proposal require that -- you know, when we're approving this change, is it going to mandate vegetation that looks like that?

MR. YOVANOVICH: When you're going to hear from our landscape architect, this is the real landscaping. The standards we have in our PUD require this landscaping at planting, not when it grows up in five years. At planting. And you'll hear that testimony.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Other questions?

(No response.)

CHAIRMAN FRYER: Thank you. We're ready to move forward.

MR. STOCK: Good afternoon. For the record, Brian Stock, Stock Development. Just to talk about our vision, when we bought the site, it was a very attractive geographic location. We had hoped that we could acquire additional parcels of property to make it more contiguous and desirable, as Rich had mentioned.

By acquiring the additional parcels, you now have the ability to have an integrated project

with the ability of continuous streetscape that is aesthetically appealing. Without the parcels, it is still an excellent site; however, we would have had to build around several existing conditions.

We knew when we had the site -- when we bought the site, it already had existing zoning of C-3 zoning on it, which also includes C-1 and C-2 to be built up to 71-and-a-half feet of zoned height plus rooftop accessories to get to a higher elevation of actual height.

We knew traffic was going to be, by far and away, the biggest concern of the neighbors, as it is on most projects. After studying the project further, we felt a residential project here would be more compatible to the neighborhood, and it's surrounded by residential, doesn't have the noise, and is a significant reduction in traffic.

At our initial open house at the Ritz introducing the site as a residential site, we heard feedback and concerns of the project on its initial scope and size.

We were very sensitive to the neighborhood concerns, especially when it is in our company's community where we started and we continue to do a large part of our business. We proceeded, over the next couple of years, to have 47 documented meetings with 11 neighborhood groups and some homeowners associations to and listen work closely with them to address their concerns.

Their biggest concern by far, as we anticipated, was traffic. Density, height, massing, and compatibility were also other concerns but not nearly of the intensity of traffic.

Beach traffic and the marina were also discussed. We said we would have a highly amenitized destination with concierge service that had the views of the beach and the water with the privacy of the resident pools and cabanas. We also offered private concierge water taxis to transfer residents to further-north public beach destinations. We felt the design and the service of the project along the water -- along with the water taxi would help alleviate additional people from the beach.

The marina will be owned or leased by the residents with the exception of four nonresident slips that will help assist and continue on with the fueling station for local boaters. We believe we have made significant revisions in working with the neighbors to help address their concerns. With addressing the revisions, we looked at the existing zoning approvals and the surrounding neighborhoods to reach our current plan that we believe is compatible.

So this is the documentation of the 47 different meetings that we've had. Each of these meetings lasted an average of an hour to an hour and a half. And you can see the Vanderbilt Palms, the Beachwalk, Barefoot Pelican, Regatta, Save Vanderbilt Beach, Naples Park Area Association, Vanderbilt Beach Association, Pelican Bay Foundation, Bay Colony, Trieste, and the Ritz-Carlton, along with before the mandatory neighborhood information meeting we had eight voluntary neighborhood information meetings prior to the mandatory meeting. This is not including a lot of correspondence to phone calls that weren't in these scheduled meetings and response to emails.

After the -- as the evolution of those meetings went from the initial plan, we've continued to have the project evolve and make revisions on the project. The project density has went from 300 units to 240 units to its current 172 units. The initial plan showed square footage of 25,000 square feet of commercial. Now it's currently at 10,000 square feet.

Rich had mentioned some of the surrounding neighborhoods, Barefoot Pelican and Vanderbilt Palms are directly our neighbors, essentially, on the existing site abutting at 45 and 52 units per acre. The height, we started out at 21 units [sic], then we went to 18 units, and we're currently at 16 -- or 21 stories to 18 stories to currently 16 stories, which is essentially 14 stories over two floors of parking.

The massing of the buildings, originally the original design was one contiguous high-rise. There was concerns on the massing of that high-rise looking at the width and the scale of the building, so we decided to separate the building into two residential towers.

Here again, just from a compatibility standpoint, you'll see just from a height standpoint in the geographic neighborhood, there's currently nine towers that currently have 20-plus stories. Directly across the street you have the Ritz-Carlton and the Trieste that are higher than our proposed project.

Again, we believe that, under our existing zoning, 100,000 square feet is conservative; that that could be built there. With our current plan at 172 units and the 10,000 square feet of commercial, that would be a 69 percent reduction in traffic versus the proposed. What we believe is, you know, 100,000 square feet is very buildable. We believe, actually, they could do more than that. That's 140 peak trips per hour. In the alternative, 100,000 square feet would be three times the amount.

In addition to the traffic reduction, because of the reduction in density and zoning, there are several things that we looked at as far as addressing the traffic. And a lot of those is the operational controls along the street with signage and parking.

To accommodate the parking and just moving in, we are not removing any of the existing public parking stalls that are along the project. We also believe with technology upgrades that we can improve the efficiency of the traffic pattern down Vanderbilt. Right now outside the parking garage the parking is stacked outside the parking garage as you pay as you go in. We believe there's a better method as paying inside, and if there is stacking, it's stacking inside the parking structure.

Community improvements around the project include just making connectivity of the project. So we would complete sidewalks, new streetlighting for public safety, attract public art. Also, on the commercial side of it, there would be a new coffee shop and deli that would be open to the public.

Additional transportation upgrades: Installation of a traffic signal at Vanderbilt Beach Road and Gulf Shore Drive, including pedestrian crossing indicators, because right now there's a lot of traffic crossing, and there's no pedestrian-calming devices around the project; extension of the left-hand turn lane into the Collier County parking garage; sidewalk along the side of Gulf Shore Drive adjacent to One Naples; an 8-foot multiuse pathway along the north side of Vanderbilt Beach; additional 10-foot travel lanes; 4-foot bike lanes; and 5-foot sidewalks on both sides of South Bay Drive. The road and the pathways will be open to the public.

Currently there's some existing drainage issues around the project. We'll be installing a new underground drainage system including off-site areas to serve the project and the surrounding communities on South Bay Drive.

Setbacks, we had increased on South Bay from zero to 10 feet. Barefoot Pelican, we enhanced it to 27-and-a-half feet from our project on the bay. Vanderbilt Beach Road setback we increased from 10 to 15 feet. Same thing with Gulf Shore Drive, the setback on the parking floor is from 10 to 15 feet. The building setbacks on both Vanderbilt and Gulf Shore to 25 feet. Center Street building setbacks from zero to 10 feet. And then with the marina, the marina would, again, be mainly for the residents, 99 slips, or based on the demand that we'd have in selling the units, if we don't need all 99 slips, we won't prebuild them. We'll just build them based on the demand from our residents.

We will continue to have the public fueling station that's currently there integrated into the project for local boaters.

Here is the project, as you can see it from the rendered site plan. This shows the buffering around the project. It shows two buildings on the tower versus one contiguous building. The back bay buildings now have more separation. Our initial plan had three buildings side by side that were closer together.

And then what we wanted to show is these are actually the projects integrated into the existing buildings around the geographic area. So we wanted to show angles 360 degrees around

the project to show how it fits in with the neighborhood. So this gives you an angle looking up the beach northwest or northeast. This is looking south. This is looking at the bay, back southwest. And you can see in the back bay some of the other buildings. Our project on the back bay to the left is Regatta's two buildings there are on the back bay.

And then, as Rich had mentioned, coming down Vanderbilt you can see the scale and massing of some of the buildings in the surrounding area. Our building in the background, Regatta's five buildings on the right-hand side. Trieste on the left. Both of those buildings and the Ritz. You can see he's driving down Vanderbilt. And then, this is the northwest view over Pelican Bay.

This is the angle right on the intersection of Vanderbilt and Gulf Shore. This is currently looking back where a water feature would be. You can see the dense vegetation that would be hiding the parking structure with public art out front. This is currently the location of the Beach Box onto that corner.

Again, if we wouldn't have acquired these other parcels that Rich had mentioned, we'd have had to build around the Beach Box and the current real estate office on the corner.

This, again, gives you another perspective coming down; driving, walking, or biking down the roads. You have the biking and walking availability, the parking for public parking is still restored on the street, and then you can see how the parking structure is hidden by dense vegetation.

This is another perspective of the commercial. You've got the real estate office on the corner.

COMMISSIONER KLUCIK: Sir, just the -- when you keep mentioning the parking, that's where, on that other rendering, it was just a wall?

MR. STOCK: Just a wall. So you can --

COMMISSIONER KLUCIK: So behind that wall is the parking area?

MR. STOCK: Underneath these pools and behind the vegetation all along the streetscape, there is two levels of parking structure, as you mentioned, on the other rendering, was not showing any landscaping.

This is the right across from -- right on the corner kind of where the real estate office is now. They will be integrated into our project along with the deli and coffee shop that would be open for the public.

And then, again, talk about a destination location, we're committing to over 20,000 square feet of amenities within the project, so it is a destination location to keep residents on the property. High fitness center, pools, cabana, the marina. We want this to be a high-end luxury project, concierge services to keep the residents, again, as a destination location.

So in closing, we are excited about this project and appreciate the community feedback. When analyzing this project comprehensively, you will find the traffic reduced significantly versus alternative use and compatible to other projects in the neighborhood. This site is going to be developed, and we believe this is the right plan for the site. It is far less traffic, does not have the noise, and enhances the value of the neighborhood significantly versus the alternative.

CHAIRMAN FRYER: Mr. Stock, Commissioner Schmitt has a question for you.

COMMISSIONER SCHMITT: I have a question.

Concerning -- you just went through a series of slides that showed views and renderings. We're going to get into a discussion, I believe, and I see it coming probably from me as well, regarding the scale and mass that's presented and shown in these slides. Who prepared these slides, and what were they based on?

MR. STOCK: They were based on the actual size and scales. We had a professional consultant that does renderings.

COMMISSIONER SCHMITT: Yes.



MR. STOCK: And they presented in form and took the actual scale of the buildings and modeled them into this model.

COMMISSIONER SCHMITT: And these models were based on --

MR. STOCK: Existing.

COMMISSIONER SCHMITT: -- the design as proposed by your architect?

MR. STOCK: These are designs of our architect and our landscape architect. These are actually what the building would be built as.

COMMISSIONER SCHMITT: I guess it's your firm, and I don't know if it's you or would be the architect that I would call up, but do you basically attest on the record that these accurately reflect what is being proposed and accurately reflect the size and scale?

MR. STOCK: Absolutely.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Brian, I believe Stock builds commercially as well.

MR. STOCK: We do.

COMMISSIONER FRY: Could you -- I guess I'd like to just better understand how you arrived at this as the final design. I understand the public meeting process and how you massaged your design for that. But as you are a commercial builder and a residential builder, what percentage of Stock's portfolio is commercial versus residential?

MR. STOCK: We do much more residential; however, we are getting and doing more commercial right now. We just built 65,000 square feet of commercial out at Lely Resort. We have another commercial site that we planned at Lely Resort. We site-developed nine acres at Lely Resort that we did: Hobby Lobby, Outback Steakhouse. We just built another commercial center. We sold a parcel to the bank. We have a mixed-use project up at Estero that we're doing with a commercial component on the front scape. Up at Sarasota we have a significant component there that we've got 42 acres that a good portion -- the biggest portion of that property is commercial where we have a half a dozen tenants right now, furniture stores and restaurants and coffee shops, and there's a half a dozen tenants right now. But we're continuing to evolve that. That's probably 25 acres of commercial that we're developing on that site. So we're continuing to do more and more commercial projects.

COMMISSIONER FRY: So I think you've demonstrated to my satisfaction that you are expert at commercial development as well as residential, even though you do more residential.

So this was zoned C-3. Rich mentioned you could build up to -- you thought you could realistically build up to 100,000. That's somewhat in dispute. So you -- I know you evaluated commercial. You mentioned that traffic was a major concern. What other criteria went into your decision to go after this residential condo versus a hotel type of a destination versus commercial? What other factors played into that decision?

MR. STOCK: Again, right now the biggest and by far and away traffics was -- at the NIM meetings and all of the meetings that we were discussing, as we anticipated, traffic was going to be the biggest, and we've focused on all different areas. But it wasn't only traffic. It was compatibility within the neighborhood, and we felt after analyzing the site, the surrounding area is residential use and, again, the commercial versus residential, residential is less. And as the project continued to evolve and communicating with the residents, again, just looking at the aesthetics and the streetscape and the noise and the traffic, that we felt this was the best use to be on that site.

Again, we're always concerned wherever we're building on neighborhood concerns but, again, this is, you know, where our company's from and concerned about being here and our reputation here and building here. That's why, typically, we don't have 47 meetings with the neighbors, but it was important to us to do the right thing. And we felt, and I think as the project's evolved, that a residential use here is less intensive and more compatible with the neighbors.

COMMISSIONER FRY: So it sounds like your motivation really was trying to be as compatible and something that reduced traffic, not based on a massive increase in profitability for residential versus commercial.

MR. STOCK: This -- we believe this is the right fit for this just because all the surrounding neighbors, and it's a residential use, and it's less traffic, and it fits better in the neighborhood.

COMMISSIONER FRY: Okay. Now to building heights. Obviously, I think you started at 21, you went to 18, now you're at 16; 14 floors over two of parking.

You -- compatibility seems to be based somewhat on what's across the street, so what is part of Pelican Bay, which is a little bit separate -- different neighborhood than Vanderbilt Beach; has somewhat different architectural attributes to it. Trieste is taller than this project; so is the Ritz. On the Vanderbilt Beach side, to the north of Vanderbilt Beach Road, the Beachmoor is 12 stories total, I believe. How many stories is Regatta?

MR. STOCK: It's 12 as well.

COMMISSIONER FRY: It's 12 as well. You're asking for 16 total. How many projects along Gulf Shore Drive north of Vanderbilt Beach Road at your height or above your height?

MR. STOCK: One.

COMMISSIONER FRY: Which one? Is that La Playa?

MR. STOCK: No. La Playa, I think, is -- we've got a slide here. I think it's Vanderbilt Shores is at 16, and then there's one at 15; that might be La Playa. But we have a slide that we can reference, and we're going to get into a bunch of heights and massing and comparison of other buildings as we get further in the project.

As you mentioned, the projects south of there are the taller buildings, and north, but directly in the area in front of and back, we've got two 12-story buildings, the Trieste is 20-plus. I believe it's 20 or 21. It's 238 feet tall. The Ritz is 208, and then the buildings in front and behind us are shorter than ours.

COMMISSIONER FRY: So since you have, immediately adjacent, 12-story buildings, you know, I think a much simpler ask, you know, would have been -- and you had neighborhood input. They didn't want that height. What prevented you from coming forward with 12-story-total-height buildings? What factors went into that decision?

MR. STOCK: In the 16 stories?

COMMISSIONER FRY: Yes.

MR. STOCK: And just looking at -- as you'll see when we get into the slides -- and we've got a bunch of compatibility metrics and showing the surrounding buildings and neighbors, and when you look at not just one side of the street, I think when you drive down the street, you don't just notice the buildings on the right side of the streets. You notice the buildings on the left side. So I think you have to take into consideration the whole surrounding geographic area; front, back, and on the side of you. And when we looked at there's nine towers 20-plus stories to the south of us, there's buildings in front and behind us at 12 stories, that's when we looked at the median in between at 16 stories, and there is 16 stories up the beach.

COMMISSIONER FRY: Okay. And as a -- understanding you had 47 public meetings, and I was not at those meetings, but -- so I'm trying to kind of catch up here. As a beachgoer it was -- oh, go ahead.

MR. STOCK: They weren't all public meetings. We had the eight public meetings, the one NIM, and then the balance of the meetings were all private meetings, but they were with groups, organizations, Save Vanderbilt Beach.

COMMISSIONER FRY: Interested --

MR. STOCK: Interested parties and neighbors.

COMMISSIONER FRY: Okay.

MR. STOCK: And homeowners associations, yeah.

COMMISSIONER FRY: Thank you for that. So as a person that goes to Vanderbilt Beach primarily as my beach destination, it's closest to my home, you know, there was a 7-Eleven there, and I don't -- I think that's still there. Still there? You have Beach Box.

MR. STOCK: The beach store.

COMMISSIONER FRY: So there are a few amenities for the beachgoers to allow them to get goods and services, foods. I notice in your final design, the commercial, the 10,000 square feet, which seems like a small amount, but I don't know if that might have been the result of the neighbors not wanting commercial. But I notice that it's to the north side of your project along Gulf Shore Boulevard north, making it a little bit less accessible to people on the beach. They have to walk a little farther, go up steps, which I believe is a flood-plain issue. What decisions -- what went into that decision not to have the commercial for the beachgoers down nearer the corner where you have the statue and the wall?

MR. STOCK: It really isn't too far, and you've got connectivity off the corner. When you get on our side of the property, you have sidewalks that connect all the way around the outside of the property. So you have easy access. And we decided it was a good location to have the commercial right next to the real estate office.

So it will be a deli, and it will be a coffee shop, and it will be to beachgoers to go to, and, really, on that side north on Gulf Shore is probably not too much further than it is to the beach store going down Vanderbilt. So proximity-wise, I think it's easily accessible, and it's close to the beach.

COMMISSIONER FRY: And the beach store goes away? The convenience store concept goes away in this design?

MR. STOCK: There is not a convenience store, yes.

COMMISSIONER FRY: Okay. That's all I had. Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: I'm probably -- this is probably not pertinent, but I'm going to ask it anyways. When you look at the overlay, as Mr. Yovanovich said, you went through a process of seven acquisitions.

MR. STOCK: Eight.

COMMISSIONER SHEA: Eight. When you look at the aerials, there's still a couple properties right there that probably would be ripe for adding to this. So the question is, are you in the process of trying to increase your footprint right now? And, again, it might not be germane, but --

MR. STOCK: We've had conversations in the past. But right now, based on the density reduction and the size of the property currently, you know, it fits our 172 units and our 10,000 square feet of commercial.

COMMISSIONER SHEA: Okay. That's it. Thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Brian, can you go back. I want to trigger through those slides again, because I'm curious --

MR. STOCK: Tell me when to stop.

COMMISSIONER SCHMITT: Forward again.

MR. STOCK: Forward?

COMMISSIONER SCHMITT: Yeah. I want to just compare -- because it will be a discussion about sizing and mass and, of course, these pictures are perspective in nature which tends to show the buildings in the forefront larger than, of course, the ones -- so I want to get the shot directly from the beach, if you had that, so I can compare.

MR. STOCK: So this is facing to the north. So, obviously, you can see the taller

buildings to the south.

COMMISSIONER SCHMITT: So there I'm looking at -- what's the building next to the Ritz?

MR. STOCK: The Remington.

COMMISSIONER SCHMITT: Or the Remington, okay. How big is the Remington?

MR. STOCK: Twenty-one stories.

COMMISSIONER SCHMITT: And the Trieste is 20?

MR. STOCK: I believe it's --

MR. YOVANOVICH: I think it's 21 as well.

COMMISSIONER SCHMITT: Twenty-one. And the Regatta is?

MR. STOCK: Twelve. And the Beachmoor in front of us is 12 as well. Here's another perspective looking south from north up the beach.

COMMISSIONER SCHMITT: Okay. Let's stay with that a minute. North up the beach. So I'm looking at, of course, your low-rises and then -- okay.

Okay. Good. Thank you. Stop that one.

CHAIRMAN FRYER: Commissioners Klucik or Vernon, any questions from you or comments?

COMMISSIONER KLUCIK: No.

CHAIRMAN FRYER: All right. Mr. Yovanovich?

MR. YOVANOVICH: Mr. Mulhere is up next.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Thanks, Brian.

MR. STOCK: Thank you.

COMMISSIONER SCHMITT: While we're waiting for the -- just -- Brian Stock mentioned docks and, of course, just to clarify, that's going to be -- the limiting factor will be, of course, the Manatee Protection Plan, which becomes the limiting factor on -- the county's Manatee Protection Plan becomes a limiting factor on the docks as well as if they have to go through federal permitting. If there's any seagrass or other type of things, it would put some restrictions on the number of docks.

MR. YOVANOVICH: Right. There's a rating system that we have to comply with, and Tim Hall's here if you need any specifics, but 99's the max under that rating system.

CHAIRMAN FRYER: Mr. Mulhere?

MR. MULHERE: Thank you. Good afternoon. For the record, Bob Mulhere. I am a certified planner with Hole Montes; been working as a professional planner in Southwest Florida for more than 30 years.

The slide you have before you Rich showed briefly, however this one just shows the portions of the public right-of-way and alley and some roadway. If I can get this thing to come on. There we go.

Here. Right here and right there, that is part of our -- as a separate petition with our project will go to the Board of County Commissioners to vacate those. And in the process we will relocate this roadway right here over to here so that it lines up with the public garage.

This is the zoning map, as Rich said. It's C-3. I'll just mention that there is commercial that surrounds us, generally surrounds us here and here. That's all C-3 zoned. This is DaRuMa right here, and these are actually residential uses which are nonconforming since they are zoned commercial, and they don't comply with that commercial district, but they've been there a long time.

And for the record, this is the Comprehensive Plan showing the subject location. We are in the urban area. Right here.

So I just want to reiterate the purpose and intent of the C-3 commercial intermediate

district, and I think as Brian mentioned, the county has a hierarchical form of conventional zoning when it comes to commercial. So if you have C-3, you're also allowed C-2 and C-1. If you have C-4, you're allowed C-3, C-2, and C-1, with some exceptions. There are some exceptions, and that's spelled out if there is an exception.

But the point that I want to make is, if you read that first sentence, the purpose and intent of commercial intermediate district is to provide a wider variety of goods and services intended for areas expected to receive a higher degree of automobile traffic.

You know, we're cognizant of the fact that -- we've never suggested that this was going to be a public shopping center. That it is unlikely to be, for example, a Racetrac gasoline and convenience store. We think the highest and best commercial use for it, which there is, we believe, a real market, is an entertainment focus commercial use. It's across the street from the beach. It has waterfront property. So shopping -- so we think restaurants with retail, but retail driven by the location more so than the convenience factor, and entertainment districts.

So we compared it to some commercial projects that are similar to that. This one in particular we're probably all familiar with, which is Venetian Village, which is slightly larger than the One Naples site at 6.13 acres. And that -- Venetian Village has 112,000 -- slightly larger than 112,000 square feet of retail and entertainment type uses, restaurants, and so on and so forth.

We've suggested we could easily fit 100,000 square feet, and we'll go into that in a little greater detail. But as you can see, the sites are comparable; 6.13 to 5.42. Looking at the square footage per acre based on those numbers, at 100,000 square feet, we would be slightly larger; 160 feet per acre larger than Venetian Village in terms of square footage per acre.

This is a picture of Venetian Village, which has been around for some time. It's in the City of Naples. You can see there are two-story buildings in there. These buildings are not elevated. We are required to elevate our project 12 feet from sea level, which is substantial. And so, obviously, we can take advantage, then, of underbuilding parking. That has the effect of elevating the commercial components of the project as a commercial project.

Brian mentioned 71 feet. That's what it would be. We have 50 feet of zoned height. Actually, conventional zoning districts don't differentiate between zoned and actual; terms that you are familiar with in PUDs. Conventional zoning districts simply provide a building height, and that is the zoned building height, and in C-3 it's 50 feet.

So you add another 21 to that, and those buildings are 71 feet before you go up to the midpoint of a hipped roof, for example.

COMMISSIONER KLUCIK: Excuse me, Mr. Chairman.

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: So you have a right to do that because you have the requirement to elevate?

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: So, therefore, even though the code or the zoning says 50 --

MR. MULHERE: That's a great question. I'm sorry. I should have suggested, the definition of zoned height --

COMMISSIONER KLUCIK: Right.

MR. MULHERE: -- is measured from the first required finished floor elevation. That's where you start the measurement. I apologize. That's a good question.

COMMISSIONER KLUCIK: And what's the -- 71 feet. What would be the equivalent of a ground-level building?

MR. MULHERE: In other words, if we didn't have to elevate? Fifty.

COMMISSIONER KLUCIK: How many stories?

MR. MULHERE: You could -- you could squeeze five stores in there, but it's unlikely in commercial. It would probably be two or three. I mean, if you had a big market for office -- and

right now the world has changed -- then you could go, you know, a couple of floors of office above. And there may be some market for office, but we were looking more as an entertainment type commercial attractor.

This is just one other perspective of Venetian Village. You know, it shows the parcel ID numbers just to show that, you know, we accurately totaled the acreage at 6.13 acres.

This is an example -- I've never been there. Some of our team had been there, and one of our team members actually worked on this project. And so this is Sparkman Wharf in Tampa, and you can see it's designed to be an attractor. It's close to the water. It has waterfront property. You can see in the picture right there. And we have photos of that. A different perspective of the waterfront; people enjoying themselves, restaurants, music, shopping.

This is another project in Tampa called Armature Works, and this is also a residential -- excuse me -- a commercial entertainment type district, and you can see that there's outdoor seating and so on and so forth. And these are similar in scope and scale to what we suggest could be developed on the subject property.

So -- and the purpose of showing you those is we want to establish our position that there is a viable market for commercial uses in this location. Obviously, we don't believe it's the best use, and it's certainly a much more intense use in terms of traffic, noise, I mean, the hours of operation alone, odors, those types of things.

So these are the existing conditions. There's a variety of pictures here I won't spend a lot of time on them. It was suggested that this was a blighted site, and I think in many ways it is. This is not a designated CRA. It's not a commercial -- a redevelopment area that the county has designated and, therefore, it doesn't receive -- somebody redeveloping this area doesn't receive government incentives, tax incentives, and those types of things that you do get in the CRA to help defer the cost of aggregating property, of installing streetlights, roadways, stormwater. Those are the things that, by providing tax incentives, you want to incentivize in a redevelopment area, and the public is paying for those. In this case, it's all borne by the private developer, but it is, nonetheless, a redevelopment area.

These are some other examples. This is the -- I think someone asked about it; it's a convenience store.

And so you can see that the site is in need of redevelopment. I don't think that's in dispute. It didn't redevelop before because it wasn't aggregated. It was a number of different owners. It took time and effort and finances to aggregate these parcels into something that could be really nice.

This is the realty. You have some marina uses down in here. And just some more shots of the subject site. I know a lot of this area's used for -- I don't know if it's legal or illegal, but for beach parking which, you know, is not official beach parking.

These are the -- this is an area where the -- a couple of structures were actually taken down. This one and this one were demolished. Those are multifamily -- smaller multifamily structures that existed.

And so one of those was right here. It was about seven feet, built about seven feet from the property line right here at the Barefoot Pelican. These are bathroom windows right here. They -- when that other structure was there, they didn't have a view. If it's developed into commercial, they won't have a view.

This is looking basically north. That's DaRuMa right there, and then Barefoot Pelican. This is the corner of South Bay Drive and Vanderbilt Beach Road right here is a -- I think that's a real estate office, commercial office.

Mr. Schmitt, you asked some questions about scale and massing, and we wanted to spend some time looking at -- and also you asked about how these renderings were developed. Now, I'm not technologically as advanced as others, so I can't tell you all of the detail that goes behind this.

I'm not there yet. I just wasn't quite there yet. I saw some panic going on over there. That's why I got distracted.

These are taken from the same perspective, the same plane. They are not distorted. They are to scale, both buildings, from the same perspective. They're not angled in one way to make one building look bigger or smaller.

So when you look at this -- is that the Trieste?

MR. YOVANOVICH: Trieste.

MR. MULHERE: Yeah, the Trieste, which is zoned at 200 feet and actual 238 feet. It's six units per floor. It's got a 312-foot width.

We are 198 feet wide for each building with a separation between the two buildings that is approximately 59 feet, and our zoned height is 182 feet, and our actual height 208. So from a massing, you can see that this has been designed to reduce the massing of our buildings and to be compatible with the neighborhood. This is just one example. We'll move on.

Oh, if I would have hit it one more time, I would have had the name. I got it.

CHAIRMAN FRYER: Mr. Schmitt, are you still going to have another question?

COMMISSIONER SCHMITT: When he's done, I have some questions.

CHAIRMAN FRYER: Okay. Thank you.

MR. MULHERE: Let me just get all the information here at once. So this is the Ritz-Carlton which is 290 feet in width. Obviously, it's a single building. It's not separated as we are. You wouldn't expect it, necessarily, to be as a hotel. It has a zoned height of 156 feet, and the actual height is 215. Actual height is to the very highest -- it's measured from the adjacent roadway elevation average to the highest point of any, you know, vertical member.

Yes, sir.

MR. EASTMAN: Bob, when we're looking at this and you say the width is 195, that's for both buildings?

MR. MULHERE: No, it's each.

MR. EASTMAN: It's each?

MR. MULHERE: Yes.

MR. EASTMAN: Okay. And then when you say four units per building, that's four units each building?

MR. MULHERE: Yes; per floor, yes. Four units per floor.

MR. EASTMAN: So we'd have to take 195 times two --

MR. MULHERE: You would double it.

MR. EASTMAN: -- and then add 59 feet, and that's the total space with the air space in between the two buildings?

MR. MULHERE: Yeah. You wouldn't add the 59 because that's the separation, yes.

MR. YOVANOVICH: No. Mr. Eastman, I think you analyze each building on its own, because they are separate structures that are separated by the 60 feet. We didn't want to misrepresent what the property is, but they're each individual buildings. So you would compare building to building, not the entirety of the building. We did the same analysis, when you see later, for Regatta. We didn't combine their two structures together. We compared building to building, and Bob will show you that in a minute.

MR. MULHERE: But, yes, those are -- that's per building.

So, again, you know, the Ritz is slightly lower in terms of zoned height and slightly higher in terms of actual height.

Let me get myself all the way with this. This is the Remington, which is immediately south of the Ritz, which is 22 stories high; 21 over parking. It's got a zoned height of 200 feet. Its width is 241. And you can see that it's taller and substantially more massive than the design of One Naples with two buildings separated and, of course, it is taller than ours.

I'll talk a little bit about compatibility in just a minute. I just want to measure up this slide, and then I understand you may have a question, sir.

So this is the 12-story buildings at Regatta. There are two of them. Their separation is 28 feet between the two. Our buildings -- and so the width of those buildings is 238 feet as compared to the 195 feet for One Naples with a -- that says 50 feet but actually right now, from the design, it's closer to 59 feet. But, you know, within -- within 10 feet. We're minimum -- we're, at minimum, 50 feet of separation.

So, again, when we look at, yes, we're taller than they are, but I'll get into compatibility in a minute, but compatibility doesn't mean exactly the same. It means exactly what it says, and there's a definition in the LDC which I will share with you.

MR. EASTMAN: For this one, Bob, how many stories are on Regatta compared to what the One Naples proposal is?

MR. MULHERE: So it's 12 stories versus 14 over two; 16 stories.

This is the mid-rise buildings for both One Naples and Regatta. One more. And I -- we are very -- we compare very similarly -- we're very similar to them. Both their mid-rise buildings and ours as proposed are six stories. We're asking for a zoned height of 55 feet. They have a zoned height of 54 feet. The actual height is different because we are required to be elevated 21 feet. They were not required to be elevated anywhere close to that height. I don't -- you know, Chris Mitchell could tell you the exact height, but it wasn't 21 feet. Things have changed over the years with respect to flood-elevation requirements.

So this shows you a number of different buildings in the area and the heights, and Brian touched on this in response to questions. Yes, obviously, there are a number of taller buildings south in Pelican Bay. And so this is Vanderbilt Beach, Gulf Shore, and if you're -- and this is the project right here. And so when we talk about compatibility, we're not looking at seven miles north and five miles east, of course the gulf is to the west seven miles south. We're looking about -- at the immediate area that this use is located in. We're looking at adjacent uses and nearby uses. And I think you could -- you could talk about a quarter mile in either direction and you look at compatibility.

So as Rich also had mentioned, it bears repeating, I think, is Vanderbilt Palms is 52.83 units per acre. Barefoot Pelican -- which is right here. Barefoot Pelican is five stories tall. It is 45.8 units per acre. Right here. The Regatta, as we mentioned, is 23.44, and the Beachmoor is 19, 20 units per acre.

So when we look at -- and then, of course, down here is the Ritz, and here's the county parking garage. So when we look at this area just from an overview, what we proposed is very compatible with the other uses in this area. We can look more widely as well, and we'll do that.

I wanted to talk a little bit about the building line here. The blue line represents our building line, and we run it north and east along -- north on Gulf Shore and east on Vanderbilt to our adjacent parcels. And can see --

COMMISSIONER FRY: Bob, I'm sorry. Chairman Fryer has given me permission to interrupt you.

MR. MULHERE: Oh, no. It's no problem.

COMMISSIONER FRY: I want to just back up two slides, if possible. So you're showing primarily properties to the south of the subject property. Do you have another slide? I mean, I'm assuming compatibility applies evenly north, south, east, west, correct?

MR. MULHERE: Yes, it does.

COMMISSIONER FRY: Do you have another slide that shows property to the north of the side --

MR. MULHERE: We do. I believe it's in the backup slides.

COMMISSIONER FRY: Okay.



MR. MULHERE: We'll get there.

MR. YOVANOVICH: We can get to that later.

MR. MULHERE: We'll get there.

COMMISSIONER FRY: Thank you.

MR. MULHERE: So, again, this exhibit just shows our building line which is measured to the parking deck which runs, you know, right this way and then right this way. And you can see that the other buildings to our east and to our north run along the same building line.

This is the master plan. There's a lot of information on there. I didn't put this in here expecting that you can dissect this. Hopefully you've had a chance to review it within your packet, but I did want to just point out a couple of things, and not necessarily on this one sheet, but rather this sheet.

So this depicts our required landscape buffers on the project perimeter, and it also shows, in general, the relocation of the north/south connector road, which is Gulf Shore Court. I don't think it's really been named within our project. There's a better slide a little bit further on that shows more detail on that, so I'm going to wait, because I think that will be a better graphic representation.

We did ask for three deviations. In my opinion, these are relatively minor. Oh, by the way, before I go to the deviations, I did want to read the LDC definition of compatibility, because we've heard that term bounced around, and we always are going to hear that term. You know, what does that mean? And it can be subjective, but there is a definition in the Land Development Code, and that says, compatibility is a condition in which land use or conditions can coexist in relative proximity -- I guess that's a little bit subjective, but it doesn't mean, you know, a large geography -- relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Then the term "unduly" modifies the negativity to suggest that it has to be a substantial impact.

Now, how do we deal with questions of compatibility? As a professional planner, I'll stand here all day and tell you that a residential use next to a residential use is not incompatible. It's not incompatible. Now, if you had a single-family home next to a 22-story building, you might have a condition of incompatibility, although there's a lot of examples where that exists in Southwest Florida.

How do you address the perception or the reality of two uses that aren't, by nature, incompatible but, based on those conditions, which is in the definition, maybe have to be addressed? And you do that through landscape buffers, or for commercial uses that might be hours of operation. We're not talking about that here. We're talking about residential uses. You mitigate the visual impact as it relates to the adjacent uses as much as possible. So from my perspective, a 16-story high-rise building proximate to a 12-story high-rise building are not incompatible whatsoever.

How does it look when you walk down or drive down Gulf Shore or Vanderbilt Beach Road? Well, we do need to mitigate for that, and we do that through super-enhanced landscape buffers, and we're going to talk about those. Hunter Booth will come up and talk about those in just a minute.

So these deviations, the first deviation, all of these are recommended for approval by staff, and they did -- that recommendation does not come easily. We spent a lot of time negotiating with staff over the better part of two years relative to these three simple deviations we're requesting.

The first one has to do with the fact that we have two floors of parking in a parking deck under the tower elements, but the code, the architectural code, says you can't be more than 30 feet above -- you can't be less than 10 feet, no more than 30 feet, above the grade for a parking deck, for a -- as a transitional element, and that parking deck acts as a transitional element. It meets the code requirement for a transitional element, but it says it can't be taller than 30 feet. We are

actually 35 feet. But that is driven by a --

COMMISSIONER KLUCIK: Excuse me. Excuse me. I'm trying to make sense of that. I'm a pretty decent wordsmith as one of those crazy attorney type people who wordsmiths things, but I don't understand what that even says.

MR. MULHERE: Yeah, it's complicated.

COMMISSIONER KLUCIK: The part that's in quotations. So if you could --

MR. MULHERE: Yeah.

COMMISSIONER KLUCIK: -- clarify.

MR. MULHERE: So it's -- so I will. I'll try to. The architectural code requires the transition from buildings that are less tall to other buildings that are taller. It wants to -- you know, it just doesn't want necessarily for you to come right out and -- and so this is part of the code that speaks specific -- excuse me -- specifically to that transitional element, and it says that those transitional massing elements cannot be more than 100 percent taller than the average height of the adjacent.

COMMISSIONER KLUCIK: No more than double.

MR. MULHERE: Yeah, and we meet that because we're -- you know. No more than 30 feet and no less than 10 feet above the existing grade.

So we're obviously over 10 feet because we're 35 feet. The parking deck is 35 feet above existing grade. So we had to ask for a deviation because we exceed that 30-foot number. But that is largely driven by a -- and, again, I could have Bob Hall, who's the architect, speak to this issue in more detail, but there is, basically, a safety wall that will be installed around the outer edge of that parking deck that is four to five feet. I think it's five feet tall. So, again, we worked with staff. It's a relatively minor deviation. They believe it meets the intent of what that code is trying to achieve and, therefore, recommended approval.

COMMISSIONER KLUCIK: So the only deviation is the five feet going beyond the 30 feet.

MR. MULHERE: It takes us to 30 to 35 feet, yes.

COMMISSIONER KLUCIK: Okay.

MR. MULHERE: Now, the second deviation is even more simple. We have -- there will be very upscale amenities at this site, including fitness facilities and those types of amenities. The code provides for parking requirements that are far beyond what we need when everything is in close proximity. So staff agrees, we don't want to provide more parking than we need to provide, and because of the unique nature of this, a relatively small site with high-rise amenities that can be walked to very easily, we don't need the same level of parking in support of our clubhouse and our amenities, which are all going to be very close.

And the third deviation, I think -- I'm going to go to an exhibit to show you this, but this allows us to take the treatment on the corner of Vanderbilt Beach Road and Gulf Shore and have a unique treatment, which was the water feature with wall plantings and artwork.

So I think I have to go back a ways to get to an exhibit, but I think I need to show you that one. Sorry. There's probably a faster way to do this, but...

Okay. There we are.

COMMISSIONER KLUCIK: Excuse me. Can I just ask one more question for qualification?

CHAIRMAN FRYER: Sure. Go ahead.

COMMISSIONER KLUCIK: All right. So the first thing you're asking for, which you already talked about is -- or the main thing is to create -- or add this to the Vanderbilt Beach Road mixed use, so that's the change in the classification from C-3?

MR. MULHERE: Well, one thing we're asking for is a small-scale Comprehensive Plan amendment --

COMMISSIONER KLUCIK: Okay.

MR. MULHERE: -- because we couldn't do residential and commercial.

COMMISSIONER KLUCIK: And then once you got that, these are deviations beyond that that wouldn't even be allowed if you had that change; these are additional things that need to be requested?

MR. MULHERE: Well, these deviations -- I'm sorry. I didn't mean to interrupt you. These deviations relate exactly to the PUD zoning.

So your PUD -- there are certain things that you can use a PUD to be innovative and to vary from -- because it's your own zoning district, but there are other provisions in the LDC that would typically apply unless -- and if you have to deviate, you specifically have to request, and those are usually dimensional types of things, setback, number of parking spaces, buffer widths, those types of things, so -- and they are -- and, you know, you have to justify them, but they are generally -- for example, the one -- there's a -- there's a couple unique ones here, which is this one I'm talking about right now is unique to this project, but the one about the parking requirement, we probably should go in and change the code at some point to have a different parking requirement under that circumstance so we don't have to ask for a deviation, because everyone agrees it makes sense.

CHAIRMAN FRYER: Just a reminder from the worst of the offenders, let's please try not to talk over one another.

MR. MULHERE: Yes, I know. I'm bad at that.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: No, I might be worse.

I wanted to put this exhibit up which shows the specific nature of the deviation. And if you look at that language, it's very specific. It actually has the linear distance in which that waiver applies, and that allows for a very special treatment here. Basically, from here to here, with the planter that runs along the back and wall plantings and this water feature right in here, plus the street art right at the corner. We want that to be a focal point, and I think staff liked that, and so we need to have a deviation, because otherwise we'd have a landscape buffer hiding that from view.

Now I need to get back to where I was, which was a ways --

MR. YOVANOVICH: We were getting ready to transition to Mr. Booth.

MR. MULHERE: Hunter. Yes, that's where I'm going.

MR. YOVANOVICH: Mr. Chairman, is this -- Terri usually gets a break about an hour and a half in.

CHAIRMAN FRYER: I was looking at 2:15. If this is a good time for the applicant --

MR. YOVANOVICH: Yeah, I think it would be --

COMMISSIONER SCHMITT: I just have a question, though, before Bob --

CHAIRMAN FRYER: Let's have Commissioner Schmitt's question, then we'll take a break.

MR. YOVANOVICH: Yeah. I don't mind. However long we go on this topic, just the next topic would be a great place to take a break.

CHAIRMAN FRYER: Good. Thank you. Makes sense.

COMMISSIONER SCHMITT: I have two questions. One is, Bob, you showed the site plan.

MR. MULHERE: Yeah.

COMMISSIONER SCHMITT: One of the issues that was raised by the opposition had to do with unified control. Basically, you do not have unified control until the county Board of County Commissioners approves the vacation of the right-of-way. So this -- this -- based on the County Attorney's position -- and I guess I'm looking at Heidi, because she controls the levers back

there. This was allowed to proceed without the right-of-way having been approved by the Board of County Commissioners, the vacation?

MR. KLATZKOW: You can look at me, Joe.

COMMISSIONER SCHMITT: Okay. There you are. I'll do it to Jeff then.

MR. KLATZKOW: Yes. I approved this moving forward.

COMMISSIONER SCHMITT: Okay. So it is, for all intents and purposes, a --

MR. KLATZKOW: This is a unique situation. There's also some question whether or not that roadway's owned in feet by the county or it's just a right-of-way, in which case the underlying ownership may very well be the --

COMMISSIONER SCHMITT: Because the -- of course, it has to be -- eventually has to be approved before the --

MR. YOVANOVICH: Right.

MR. KLATZKOW: Yes. It will be --

COMMISSIONER SCHMITT: Before the --

MR. KLATZKOW: My strong recommendation is that these will be companion items, but we'll see what happens.

COMMISSIONER SCHMITT: Second question, we talked about commercial versus residential. Had there ever been any study -- and I guess from a planning perspective -- and it may be either Brian or Rich, the impact on existing property values, meaning other residential units. If it -- commercial versus residential. This is a very high-end residential. I guess I'm making an assumption that it will have a fairly significant positive impact on property values in that area versus if it were commercial.

MR. YOVANOVICH: Well, Mr. Strain -- Mr. Strain.

COMMISSIONER SCHMITT: Oh, my goodness. Thank you.

MR. YOVANOVICH: Wow. Talk about --

COMMISSIONER SCHMITT: He needs a break.

MR. YOVANOVICH: That's a little --

COMMISSIONER SCHMITT: I shaved my beard, too.

MR. YOVANOVICH: You look very different, Mr. Schmitt.

I think the answer is there's no question that converting a high-end residential community is going to increase the property values around this area versus a commercial development. I think that that -- you can just look at the Property Appraiser's records throughout Collier County and you're going to see that.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: Also, there's been history on this site before Brian bought it with residents complaining about the commercial activity that's there today and the impact on their quality of life. So I would assume that more restaurants that focus on the outdoors that could go later into the evenings would also have an impact on the quality of life and value of those existing residential units.

COMMISSIONER SCHMITT: So three restaurants and battle of the bands is probably not a good idea then?

MR. YOVANOVICH: It would be more than three restaurants, and I don't know how many battles but, yes, it would be -- it would probably not be something that the community would like to see happen.

COMMISSIONER SCHMITT: Thanks. That's it.

COMMISSIONER KLUCIK: I just have a follow-up to that, Mr. Chairman.

CHAIRMAN FRYER: Yes, go ahead.

COMMISSIONER KLUCIK: I guess I'm a little confused, because I was thinking that when you were showing -- whoever it was that showed the potential commercial uses -- I believe

that was you.

MR. MULHERE: (Nods head.)

COMMISSIONER KLUCIK: Those kind of things where they generally are nice and a lot of times they have mixed use where you have, you know, condos or residential.

MR. YOVANOVICH: I can't do mixed-use. Condos --

COMMISSIONER KLUCIK: No, no, no. I know. Let me finish my point, though, because that's a desirable thing for, you know, people that might want to live there and live in proximity to that, especially if it's kind of like a resort or a second home for the people that buy it.

So, I guess, I just think that point is -- it's -- you state it as if it's automatically a value-enhancer, and maybe objectively it is over the long haul, but I also think that -- for the surrounding homes, I just think that that's a debatable point.

MR. YOVANOVICH: Well, Mr. Klucik, the point was, is when we're talking about the mixed-use project, we're talking about -- I absolutely agree, high-quality restaurants together with this mixed-use residential concept is the right thing. But if I can't do the mixed-use concept where all I have is C-3 zoning, I cannot do the residential. All we have left --

COMMISSIONER KLUCIK: No, that wasn't my point. My point is the people that are directly adjacent, right on the edge -- I don't know what it is. It's just to the east.

MR. MULHERE: East and north.

COMMISSIONER KLUCIK: And they have, you know -- I can't remember the name of the project. Is that --

MR. YOVANOVICH: Barefoot Pelican.

COMMISSIONER KLUCIK: Yeah. Okay. Those people might -- I don't know what they think, but they might actually like having a really nice -- you know, similar to the properties, the commercial properties that you were showing, they might actually like having that next to them. Obviously, compared to what's there now, you might like anything.

MR. YOVANOVICH: True. But if you listen to what they were saying about traffic and people actually using the beach, because the beach is very crowded there --

COMMISSIONER KLUCIK: Right. That's their big concern.

MR. YOVANOVICH: I would say that the commercial use would be an attractor. You know, you decide to come and spend the day there, eat, and enjoy -- enjoy the beach where, otherwise, you wouldn't be coming to that site, and --

COMMISSIONER KLUCIK: It would be quiet?

MR. YOVANOVICH: And it would be quiet.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Thank you. Before we move to a break and before Mr. Mulhere --

COMMISSIONER VERNON: Mr. Chairman. Mr. Chairman. Mr. Chairman.

CHAIRMAN FRYER: Oh, yes. Please go ahead, Mr. Vernon.

COMMISSIONER VERNON: Just one quick question -- you may have already mentioned it, Rich, or maybe you're covering it later, but how many parking spaces will be there on the property?

MR. YOVANOVICH: I haven't done the exact math, but all the parking is underbuilding parking that serves our residences, and then -- and, Chris, I don't know if you're asking this question, but there's already -- there's parking on Vanderbilt Beach Road that exists today, and that will remain. So we will be totally self-parked for our units, and it's roughly two units.

MR. MULHERE: Two spaces.

MR. YOVANOVICH: Two spaces per dwelling unit.

MR. MULHERE: Plus guest parking.

MR. YOVANOVICH: Right. So that's the ballpark, and that will all be within

our -- within our buildings' footprints.

COMMISSIONER VERNON: Maybe 400?

MR. YOVANOVICH: Well, let's do 172 times two, and then -- I can get you an exact number.

COMMISSIONER VERNON: Four hundred spaces?

MR. YOVANOVICH: Yeah.

MR. MULHERE: It's probably closer to 500, because you do have -- you do have guest parking. You do have some parking for the restaurant.

MR. YOVANOVICH: Chris, I'll get it at the break, if that's helpful. Thank you.

COMMISSIONER VERNON: That's helpful. That's helpful.

MR. YOVANOVICH: All righty.

CHAIRMAN FRYER: Quick point or two, please, if I may.

Commissioner Shea, well, you go ahead.

COMMISSIONER SHEA: Just a clarification: You're having some commercial, so you have some commercial parking. They're not going to park in the residential.

MR. YOVANOVICH: Well, I'm going to ask my architect to tell me the real number, because I don't want to guess. I don't have --

COMMISSIONER SHEA: But you have some -- you don't know the number, but there will be some --

(Simultaneous crosstalk.)

MR. YOVANOVICH: Absolutely, Mr. Shea. And I'm talking over you, and I apologize, Terri. There will be -- you're right, there's the realtor office, and then there's the coffee shop and sandwich shop. You're right, there is some. That's why I don't know the exact number.

CHAIRMAN FRYER: Before Mr. Mulhere -- before Mr. Mulhere --

MR. YOVANOVICH: Mr. Mulhere.

CHAIRMAN FRYER: I wanted to ask you, sir, before you -- before you leave the podium -- we've talked about building heights, and we've referenced the Regatta, the Ritz, the Beachmoor, the Barefoot Pelican, Remington, Trieste, and others. Before you complete your presentation, I mean the applicant's presentation, I'm going to want to know not only those building heights but also the setbacks, please. So if you can find that information, I'd like to have it.

Then the second point I want to make sure is I agree with Commissioner Fry, and I believe I heard you say that we're going to see -- because a neighborhood is going to -- or surrounding area consists of more than just the south and the southwest, possibly the west. I'm going to want to see what the building heights are to the north and to the northwest as well.

MR. MULHERE: Yeah. We've got that.

CHAIRMAN FRYER: Okay, good. Then it's going to be my recommendation save for perhaps going beyond for a few minutes, that --

MR. MULHERE: I do have a response to it -- is it Commissioner Vernon?

CHAIRMAN FRYER: Yes.

MR. YOVANOVICH: Yes.

MR. MULHERE: I just talked to Bob Hall, who's our architect. The in-garage parking number's 374. There is an area for surface parking that's probably another 20 spaces or thereabouts.

CHAIRMAN FRYER: Okay. Thank you.

I'm going to recommend that we break today at 4:30, maybe go five or 10 minutes beyond so that we don't interrupt anyone. I don't know how long the applicant has to present. I want the applicant to take all the time, within reason, that it needs. What I don't want to do is force a break in the middle of the opposition's presentation. I don't think that's fair to them.

MR. YOVANOVICH: I agree.

CHAIRMAN FRYER: And so during this -- and I'm going to ask for a 10-minute or an 11-minute recess. During that time, I'm going to ask the leaders of the opposition to get their heads together, decide what -- if they have time today, whether they want to start or whether they would prefer not to have an interruption of two weeks.

MR. YOVANOVICH: Mr. Chairman, in fairness to us --

CHAIRMAN FRYER: Yes.

MR. YOVANOVICH: -- how much time did Save Vanderbilt Beach get in their presentation, total --

CHAIRMAN FRYER: I don't have the numbers.

MR. YOVANOVICH: It was -- I think it was somewhere -- 30 minutes.

CHAIRMAN FRYER: No, it's more than that.

MR. YOVANOVICH: Hour and a half? They get an hour and a half for Save Vanderbilt Beach?

CHAIRMAN FRYER: Let me ask -- let me ask members of the audience not to participate in these discussions, please.

Go ahead, sir. What were you saying?

MR. YOVANOVICH: I didn't -- maybe I missed the numbers. I didn't hear Save Vanderbilt Beach itself got an hour and a half. Maybe the total opposition got an hour and a half.

MR. KLATZKOW: No, no, no.

CHAIRMAN FRYER: I'm not parsing to the minute on which representative gets how many minutes. But what I want to know from you, sir, your best estimate at this point of how long -- how much of the remainder of the day with a stop at 4:30 you're going to need, or do you need more time?

MR. YOVANOVICH: I'll come back, but my guess is they're going to have at least an hour.

CHAIRMAN FRYER: Okay. All right.

MR. YOVANOVICH: And I don't want to take a break. I want them to put -- go for at least an hour.

CHAIRMAN FRYER: Yeah. Well, we're going to take a break.

MR. YOVANOVICH: I know that, but I mean -- at 4:30's fine, but I don't want to quit at 3:30.

COMMISSIONER KLUCIK: He was asking yours -- he was asking how much more time, I think, that you had.

MR. YOVANOVICH: I know, and I think I'll be done by 3:30.

(Simultaneous crosstalk.)

MR. YOVANOVICH: So I think --

CHAIRMAN FRYER: Well, chances are, with questions, it's going to go beyond that. And so if it gets to be about 4:00 or something, then my question to the opposition -- and I'm asking the opposition leadership to caucus and decide whether they would want to start if they only had an half an hour today or 45 minutes, or do you want to start fresh on the 15th?

MR. KLATZKOW: And keep in mind you have many, many, many public speakers.

CHAIRMAN FRYER: I know, I know. We have got 79.

So the applicant is going to have, again, within reason, all the time they want but -- and likewise, I do not want to split up the opposition unless that's the way they want to do it.

So we're going to stand in recess for nine minutes until 2:30, and during that time. I ask the opposition to decide how they're going to want to proceed if there's just a short period of time remaining today. In recess.

(A brief recess was had from 2:21 p.m. to 2:30 p.m.)

CHAIRMAN FRYER: Ladies and gentlemen, we're back in session. We're going to

continue with staff or, excuse me, with applicant.

MR. BOOTH: Good afternoon. For the record, Hunter Booth. I'm president of Booth Design Group Landscape Architects.

Stock Development is renowned for building high-quality projects. Part of that quality is their affinity for landscaping and the value it brings to projects to create neighborhoods, to integrate with the surroundings, to create something aesthetically pleasing, and to be complementary to the architecture.

At One Naples we've embodied all these concepts and many more. All right. What we're going to go through now is our buffer exhibits that we sent to staff. Just a little housekeeping here. The site key is on the upper left; it shows you where the section is taken from and where the plan is taken from. So this is our mid-rise buffer. It shows a portion of about 100, 150 lineal feet of the buffer.

What's key to note here on the Buffer Section 1 is everything you see rendered in color is part of our buffer. Everything you see in gray there is part of our LMA right-of-way use permit to do landscaping in the right-of-way. So we have a substantial buffer that will stand on its own for the right-of-way, and we have a substantial buffer that will stand on its own next to the building.

The thing that we want you to know is all these buffers that are required out there, we will be meeting and exceeding by several feet and several quantities. We also will have substantial landscaping against the building facade. We're right now looking to provide mature foundation planting screening. We're in the process of locating the largest material we can possibly purchase without hand collecting due to the numbers required. We're also looking at the possibility of working with vendors right now to contract grow. So that being said, all those pictures that you're going to see are planted at mature and immediate, right at installation.

COMMISSIONER KLUCIK: Can I just ask a question to begin with. Go back to the other slide.

CHAIRMAN FRYER: Yes.

MR. BOOTH: This was the first slide.

COMMISSIONER KLUCIK: Maybe it's the next slide. No. That one, yes.

All right. So is the part that's peeking out above the -- I'm going to the green section on the bottom.

MR. BOOTH: Correct.

COMMISSIONER KLUCIK: The part that's peeking out on top of the green section, is that the wall from the parking garage?

MR. BOOTH: So, no.

COMMISSIONER KLUCIK: That's the wall from --

MR. BOOTH: So this portion is the wall for the mid-rise.

COMMISSIONER KLUCIK: The mid-rise, okay. And so is it -- it's staggered, then? It's not one big monolith?

MR. BOOTH: So at the mid-rise there's some in and outs for the mid-rise, and then we'll get to the parking deck here in just a second.

COMMISSIONER KLUCIK: And when you said they stand on their own, so I see the gray on top; to the right I see the gray, and then the color. So there's two rows or two tiers?

MR. BOOTH: Yeah. So we're anticipating getting our LMA approved. We're in the process right now. But we wanted this to stand alone in case that application was denied.

COMMISSIONER KLUCIK: Okay. So when you said "stand alone," meaning that it could still provide a buffer even if you didn't have the second row?

MR. BOOTH: Correct.

COMMISSIONER KLUCIK: Okay. Thank you.

MR. BOOTH: We think the foundation planting and the buffers buffer the building, and



the LMA talks about, you know, the roadway and creating a corridor along the roadway pretty much.

CHAIRMAN FRYER: And we will have time after this witness finishes to ask other questions. Thank you.

Please proceed, sir.

MR. BOOTH: This segues into your next comment. This is a portion of the podium level, the parking garage. As you can see, it's not a straight shot along the roadway. It has some ins and outs. It has some areas to actually do some additional landscaping. The purple tree you see there is a possibility of doing some larger, more mature screening along the parking garage.

This is the other portion along Gulf Shore Drive. You can see, again, the red is the right-of-way. We have the sidewalks, we have the landscaping for the right-of-way, and then we have a heavy buffer up against the building. And I'm going to show some rendered slides after this that actually support these drawings here.

This is the portion on Gulf Shore Drive -- I mean South Bay Drive on the north side of the parking deck, as you can see. As we get around these corners and so forth, the building starts to peel away and you start to have more opportunity to landscape and to provide buffers.

This is the buffer between DaRuMa and our project. We had to do some alignment of the roadway to get the buffers in there, but we've accomplished that and provided a heavy buffer between the DaRuMa and our project.

There's another buffer. We talked about parking before. There's an on-surface parking lot just to the north of this exhibit here, the red, that will be heavily buffered and obscured from view.

Again, we talked about the LMA application. These are our drawings that have already been sent to staff. We've already got one round of comments that we've gotten back and actually resubmitted.

So here's our intersection of Vanderbilt Beach Road and South Bay facing north. So this will be the first intersection you see as you're coming to the property and you're looking north. You can see a unified road streetscape theme. You can see bicycle areas for bikes and pedestrians. You can see well-lit roads. You can see heavy buffers. You can see very little use of sod out there. So we're looking at, you know, implementing very little sod for water cost savings and saving on water usage.

We're giving, you know, unified streetscape both for our property and for the neighboring properties so, you know, there's just creating a complete street and a neighborhood feel.

This is our intersection of Vanderbilt Road and South Bay facing west. This is looking towards the beach, and you can see the flag down there at the end. You know, this is a -- from a car view. So we really don't see any part of the podium there as part of the buffer.

Here's a better shot, you know, crossing the pedestrian crosswalk, looking at our pavers, looking down the sidewalk, and the parking garage would be on your right. Our parking garage would be on the right, the Ritz parking garage is on the left. So you can see the compatibility between landscape from either side of the road. They both have a mature quality. They both kind of work in unison.

Here's our project entrance at Vanderbilt Beach Road. This is coming into the main heart of the project. This is on the relocated Gulf Shore Court. This is looking at one of the towers on the corner there. You could see the little bit of landscape on the podium level in conjunction with the buffers that we're creating and the buffer for the mid-rise on the right.

Here is the entrance to our project looking north at the mid-rises on the back bay. You can see the landscape is heavy on both sides, creating a, you know, unified look between the parts, and creating an entranceway into our -- into our features.

Here's the project entrance at Vanderbilt Beach Road facing west. Again, from a car

perspective looking down the road, this is just a little bit further down the road showing all the pavers, showing the sidewalk, showing the buffer to the parking garage; totally obscure from view.

Here's kind of an across-the-street look along Vanderbilt Beach Road adjacent to our project. Again, the heavy buffer, you know, heavy material that's fully mature at installation, and couple that with the street-themed palms, gives us, you know, kind of a wonderful look and a buffered look, a layered look.

Here's what we talked about on the corner where we had had one of the deviations. This is our creation of our plaza here as you go across the street to the beach. We also created a sense of place here, have some public art, have some area for people to sit and have a respite as they go across the street. You know, it's just a short little walk to the -- to the retail to the north of here, and we -- whenever there's a blank wall out there, we intend to use some vine to actually augment the landscape.

There's just another shot looking north, more of a pedestrian scale.

Here's at the plaza heading north along the sidewalk. We'd like to landscape all the way out to the roadway edge to create the traffic calming and to give a barrier for the pedestrians.

Now, here's a picture looking back south. You can see our project in the far left corner. You can see the Beachmoor on the right. The compatibility of landscape is seamless between the two. The landscape intensity, the landscape maturity both match on both sides of the road.

Here's a view facing east towards Barefoot Pelican on South Bay Drive. So this is kind of interior to our project. Again, the bikeable, the two-lane bikes, the wide sidewalks, the heavy landscape. The shade and shadow that the landscape creates is a wonderful feel for pedestrians, it's safe for bikes, and it's a bonus for the neighbor property.

Here's the intersection of South Bay Drive and Gulf Shore Court facing south. Again, just kind of into our property. You can see the use of pavers, the use of sidewalks. Very minimal landscape for sod; most of it will be planted with low-volume irrigation, saving water; low-scale lighting. I think it -- and then, you know, that's just a plus for the neighborhood here.

So here's the entrance to our porte-cochere into our property. You can see even when we get into the property, we're scaling down the sides of the parking garage. We're showing a wonderful terraced waterfall, lots of landscaping, lots of sidewalks, lots of accessibility.

Here's a -- here is an intersection of South Bay Drive and Gulf Shore Court facing west. So we're looking towards the beach right now. So you're looking at the Beachmoor. You're seeing the mid-rise on your right along the bay, our property to -- the towers and the podium on the left, so -- and then the crosswalk and kind of the foreground.

Here's South Bay facing west. Again, unified landscaping. Landscaping along our neighboring properties will be consistent with what we're doing on our property to create a unified road look. Bike lanes widened, walkways, widened street, getting rid of the drainage swales on either side.

And here's South Bay Drive facing south. Again, you see the Vanderbilt Palms on your left. You see the -- Vanderbilt Palms on your right. You see the Barefoot Pelican on your left. You see the streetscape all the way out to the curb. You see the sidewalks insulated by landscape. You see the bike lanes.

So in conjunction, you know, landscape's going to play a big part of the project here. We intend to, you know, buy the biggest materials we can to, you know, alleviate any of the concerns that may be had as far as the podium level and buffering the buildings, so in -- we think that that's going to be just a plus for the neighborhood. Okay.

CHAIRMAN FRYER: Sir, I was not paying attention when you stated your name. Would you give it to me again.

MR. BOOTH: It's Hunter Booth. Hunter Booth.

CHAIRMAN FRYER: Booth, thank you, sir.

MR. BOOTH: B-o-o-t-h.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Mr. Booth, you've mentioned the extensive use of vines to obscure the walls of the parking garage, primarily the podium, as you call it. How long does it take for those to mature and climb up the walls?

MR. BOOTH: So there's two things we could do with the vines. We could actually insert them into a trellis that's actually suspended, or we can grow them from the bottom. So we'll look at -- you know, for the immediate effect, we would probably actually insert those into the trellis probably up on the scale. So they would kind of meet in the middle. So we're looking for the immediate effect of all landscape out there.

COMMISSIONER FRY: Okay. Thank you. That's it.

CHAIRMAN FRYER: Any other questions for this witness?

(No response.)

CHAIRMAN FRYER: If not, thank you, sir.

MR. BOOTH: Okay, thank you.

MR. YOVANOVICH: Mr. Banks is our next presenter.

CHAIRMAN FRYER: Thank you. Mr. Banks.

MR. BANKS: Do I look unkempt?

MR. YOVANOVICH: Let me clean my witness up.

MR. BANKS: Thank you. I always need somebody to dress me in the morning.

Hello again. Three times in one day. This is a red-flag day for the Planning Commission.

For the record, Jim Banks. For those of you that are new to the Planning Commission, I'm a traffic engineer. I have 32 years of experience right here in Southwest Florida. Traffic engineering is all I've done for the past 32 years. I don't dabble in other fields of engineering; specifically just traffic engineering. I've been recognized as an expert in these fields on numerous past occasions in various type of forums.

My firm prepared the TIS for One Naples. This report was prepared pursuant to the criteria set forth by Collier County. In addition to that, the report reflects the methodology that was established with your staff as well as your third-party consultant, your traffic consultant, Jacobs Engineering.

Now, normally I move right on ahead and get into the report, but I think it's important that I stress the fact that it was prepared pursuant to your criteria and it was based on the methodology, a methodology that was evolving over probably seven meetings with your staff. The opposition's transportation consultant, for whatever reason, claims the report was not prepared pursuant to the criteria, and he also claims that there's not -- there was insufficient information provided to staff for them to make their decision.

Now, I submit to you that your staff and Jacobs Engineering would have never accepted an incomplete report, and they never would have accepted a report that was not prepared pursuant to their criteria. You have your staff here, you've got a representative from Jacobs Engineering, and they will confirm this condition. So I just want to make that clear. You have a letter on record that says it was not prepared in accordance with your criteria. It was.

The scope of the study included a link-specific concurrency review. It also includes a corridor operational evaluation as well as we reviewed the conditions at the -- Collier County's beach parking structure.

This exhibit shows you the limits of the link-specific concurrency review, which includes Vanderbilt Beach Road as well as Gulf Shore Drive. In addition to that, we also looked at 111th Avenue North and also Vanderbilt Drive, but that was provided in the traffic study more as

informational than a requirement.

This exhibit depicts the intersections that were included in our operational evaluation of Vanderbilt Beach Road.

And then this is Table D from the Traffic Impact Study. This depicts the volume of traffic that will be generated from the project. The top row is the proposed land uses of One Naples. In the far right-hand corner or the far right-hand column depicts that the project will generate 148 p.m. peak-hour two-way trips. The next row down is the existing land uses that exist on the site which are going to be removed that generate 52 trips.

So the net effect is that we're going to have 96 new two-way peak p.m. trips on the adjacent road network by removing the existing land uses and building the uses that were -- that the applicant is proposing.

This bottom row depicts the traffic that would be generated from the site if it was developed as a commercial development of 100,000 square feet. In the far right-hand corner, it's estimated that the commercial uses would generate 491 trips.

Now, in addition to the magnitude that that is, approximately 3.3 times the amount of traffic that is being proposed, also it's important that this board consider the fact that the commercial uses generate commercial-generated trips. So it's going to attract traffic from residents that don't live in this area. So we're going to be -- if we developed the hundred thousand square feet of commercial, we're going to attract commercial traffic into the area. If the project is developed as proposed, the predominant volume of traffic generated from the site is going to be residential.

Now, I can't speak on behalf of the residents, but I would expect that if you lived in this area, you would rather share the road with other neighbors that live in the community versus traffic that's coming into your community for retail, restaurant, bars, or whatever might be there. So there is an obvious difference in the type of traffic that is generated between these two uses. And, again, I want to make clear that the commercial will generate 3.3 times as much traffic as what's being proposed. So you've got the magnitude and the driver type to consider.

This is -- this is Table 4 from the Traffic Impact Statement. I've highlighted Vanderbilt Beach Road. This is the link-specific currency review. If you look at the center of the page, you'll see a bold type number, 58. That's the number of trips that One Naples project will add to Vanderbilt Beach Road.

If you look two columns over, you'll see the number 1,105. This is the forecasted year 2025 buildout background traffic plus the project traffic. The next column over you'll see the number 1,400. That is the Board's adopted service volume capacity for that road. The next column over you'll see that that indicates that the road will be operating at 79 percent capacity by the year 2025 and at project buildout, which gives you a Level of Service D. And the final column over there indicates what the Board has adopted as the level-of-service standard for Vanderbilt Beach Road, which is Level of Service E. So by this table you can see that this project will be -- will meet the concurrency standard requirements as set forth by Collier County Government.

This next exhibit, this is not in the traffic study, but this is Table 4 revisited under the assumption that the project would be developed with the commercial land uses. And if you look at the center of the page, you'll see a bold type number, 210. That's how much traffic that the commercial development would add onto Vanderbilt Beach Road if developed as commercial. I'm just going to go back to the previous slide. That's 58 for the One Naples project; that's 210 for the commercial project. So you can see there's going to be a substantial difference in the amount of traffic on Vanderbilt Beach Road if we redeveloped the site with commercial versus if we do the land uses that are being proposed today.

And, just as a matter of fact, if the commercial development is developed, by the year 2025, the road will be operating at 90 percent of its capacity. So even the commercial

development would satisfy the concurrency standard. So if the applicant wanted to today, we could submit a Site Development Plan to build 100,000 square feet. We would meet your concurrency standard, and we could move forward with that product.

We also performed a corridor operational evaluation. Ted Treesh is here with me today. He actually assisted me on this task. Ted's firm specializes in doing these progression traffic flow type modeling analyses. Here in a minute, he's going to give you a visual demonstration of how the existing corridor functions and how the corridor functions with the implementation of some improvements.

Now, his analysis is based upon the baseline data that we collected over a seven-day period in the month of January of this year. We counted -- we actually videotaped those five intersections I showed you earlier as well as links, and we quantified the volume of pedestrians, the volume of bicyclists, and the volume of traffic on Vanderbilt Beach Road in that area. We then took that data and we compiled it, and we determined what the highest peak period demand for the highest peak hour that occurred during their seven days at those five different intersections, and that included the pedestrian, the bicyclists, and the travel lane. And then we did the analysis based on that highest peak demand that we observed. So we took a conservative approach on how we're analyzing the corridor.

In addition to that, we made numerous field observations and data collection verification, site visits in the month of January and February. And between the data that we collected and the site visits, we established what I've identified as the two major contributing factors that causes congestion mostly on the weekends during seasonal conditions, but it can also occur on weekdays during season at certain times say, for example, spring break.

We then, with that information -- armed with that information, those field observations, we met with all of your staff, including Tony Khawaja from your Traffic Operations Department. Tony Khawaja is the real nuts-and-bolts traffic guy in your department -- of your staff, and he deals with a lot of issues regarding operational conditions.

So we met. And, again, we met over a course of probably six or seven meetings, but we finally -- because we'd go back and we'd analyze various types of improvements to figure out which one was the most effective. And what we determined was -- or what we presented to staff and they agreed is what you have out there is the two major reasons we have congestion. The traffic volume on the weekends is almost at the same level it is on the weekdays. There is a very subtle increase in the amount of traffic on Vanderbilt Beach Road, but you have a tremendous increase in the pedestrian traffic and bicyclist traffic, and that is the number one cause of congestion on Vanderbilt Beach Road on the weekends.

Go back to this exhibit here.

COMMISSIONER FRY: At all intersections, Jim?

MR. BANKS: That's what I'm going to answer right now.

Most of the pedestrians are walking parallel to Vanderbilt Beach Road or Gulf Shore Drive, but when they get down to the Beach Box area at the intersection of Gulf Shore and Vanderbilt Drive, we counted over 400 people crossing that intersection in one hour. That is a -- that's downtown New York City type pedestrian traffic during -- no, I'm being serious. I mean, that's not an exaggeration.

And so what happens is, it's a three-way stop intersection, so the minute the pedestrian puts his foot in the crosswalk, the cars must stop. The pedestrian has the ultimate right-of-way. State law. But these pedestrians aren't crossing in groups of 10 and 12. They're crossing one, pairs, maybe three at a time. So when you've got 400 people walking through an intersection over a course of an hour and they're spread out on the sidewalk, you literally have a situation where somebody, as they're exiting out of the crosswalk, there's another person entering the crosswalk. And this delay can extend for two, three minutes, four minutes sometimes where traffic at that

intersection is at a dead stop, and this is what's causing the backup. Because when you take an intersection and you devote 60 to 65 percent of its time towards processing pedestrians, it's not hard to figure out what happens to the movement of traffic. So that's what's causing -- one of the major contributors to congestion down there.

The other, which is not as critical but it does happen, is the inefficiencies that happen at the parking structure. Now, I'm not going to get into that, but we've met with staff. We've presented some ideas. They like them.

And we're also committing to -- in addition to making improvements at the intersection at Gulf Shore and Vanderbilt, the owner has also -- the property owner has also committed to doing some parking upgrades as far as automation of the parking structure, and hopefully we can get rid of that pay-as-you-enter system which causes backup, because people pull up and they start looking for their change or money in their purse or whatever, and it backs out on the road. So we want to either do a pay-after-you-park or pay-as-you-leave system as well as automate some other features of the parking structure.

But, anyhow, so we determined -- and, again, with staff and Jacobs Engineering close involvement, that the best solution for this intersection -- I will tell you we went into this totally open-minded. You're going to hear some other ideas about what we could have done. I'm just telling you, we vetted them all, and the best way to accommodate that intersection, which will make it safer and plus process the motorists through that intersection, is to go to a three-phase traffic signal. Two phases of that signal are dedicated to the movement of cars. That means we queue up the -- we literally stop the pedestrians on the sidewalk, we queue them up, and then they get the dedicated green time. There is none of this decision process about, well, can I cross a crosswalk? Is this guy going to stop for me? They've got a dedicated period of crossing the crosswalk. And we're going to cross people in groups. We're going to queue them up just like you do cars, and we're going to have them cross the intersection as within -- as a group, not as individuals.

And, again, it's just going to be a much safer situation because there's no doubt in somebody's mind, when they get the crosswalk signal and we stop all the cars, they've got the right-of-way, and then just the -- the converse is true, we're going to stop the pedestrians, and then the motorists get to drive.

We determined that by signaling that intersection, we're going to reduce the delay and the backup at that intersection by 76 percent. We're also going to reduce the delay in the backup on Gulf Shore Drive by 66 percent. These are -- I mean, these are monumental improvements that we're going to achieve by simply installing a traffic signal at that location, and it's going to be much safer.

I'm going to go ahead and have Ted come up here now. He's got a model he's going to run, or a demonstration for you. Again, this is one of Ted's expertise. He's hired by local governmental agencies to create timing for corridors and that type of thing.

CHAIRMAN FRYER: Will you be coming back?

MR. BANKS: I'm going to stay up here with Ted.

CHAIRMAN FRYER: Okay. Thank you.

MR. BANKS: Hand in hand.

CHAIRMAN FRYER: Thank you.

MR. TREESH: Good afternoon, Commissioners. Ted Treesh with TR Transportation Consultants.

CHAIRMAN FRYER: Will you say your last name again, sir.

MR. TREESH: Ted Treesh, T-r-e-e-s-h.

CHAIRMAN FRYER: Thank you.

MR. TREESH: Working with the project team, this model that I'm going to show you

is -- the name of the model is called Synchro. It's a nationally accepted model that we utilize to evaluate traffic in intersection operations, traffic signal timing, plans, et cetera. So we utilized this model as part of this project in the intersections that Jim indicated.

This is the base model here that you can see on the screen where we input all the data. What I'm showing you here is the existing traffic conditions on a weekend. So this is the background traffic volumes prior to any traffic from our project being added to the network.

What I'm going to show you now is the -- is the simulation of the project. The simulation aspect of this program is called Sim Traffic, and it basically simulates every auto. Every two seconds it takes a read from the data that's inputted into the program and creates the simulation. And what I'm going to do is just speed it up a little bit, because the model starts at the very beginning to show the queues that develop. And we made some adjustments based on the field conditions, based on the field observations, the videos, again, that Jim indicated were taken that will show the backups that occur. And, again, the primary back -- you can't see them in this model in this level that we have, but the pedestrians are modeled in this intersection. Let's see.

COMMISSIONER SCHMITT: Why do the cars change from white to yellow?

MR. TREESH: That's the movements that -- it models the car based on what the next movement's going to be. Let's see. Make sure I got the right one. Let me pick up the right one. I think I started with the wrong one.

MR. BANKS: And I do want to -- while Ted's loading that, I do want to make one point. The parking structure, the way it operates, when they reach capacity, they close the parking structure for 30 minutes or until 30 vacancies come available again. We could not -- this software's not designed -- there is no software that's designed to where you can accurately model that situation. So what you're going to see is you're not going to see a situation where the parking structure -- at times where you do have congestion there, we just could not model that.

So it would have been beneficial for us to be able to show that, because we're actually making improvements to the parking structure as well. So we would have been able to take, you know, even -- we would have been able to show that the improvements we're proposing are even going to be better than what they are. So, again, when you're watching this, you're not going to see any congestion at the parking structure, but you are going to see the backup of that intersection of Gulf Shore and Vanderbilt.

MR. TREESH: That's correct. So this model now, this is the existing conditions. This shows the backup here. Southbound on Gulf Shore, you can see -- let's drag it a little. It goes quite a ways to the north, and then you can see our backup that literally goes off the network past the signal at Vanderbilt Drive.

COMMISSIONER SCHMITT: This backup -- pick up -- backup -- or the backup that exists on Vanderbilt Beach Drive right now that you're showing all the way down Vanderbilt Beach, this represents what time of day and when?

MR. TREESH: This is the highest peak hour on a weekend that we surveyed from the data we collected on a weekend, again, which was the highest, and higher than the data that we collected during the week.

COMMISSIONER SCHMITT: And this condition exists for how long then?

MR. BANKS: It could go for two -- Jim Banks again. It can go for three, four hours throughout the day, and it's more in the middle of the day. Less likely after 4:00. It's -- usually between this 10:30 a.m. to 2:30 p.m. window is when this condition exists.

COMMISSIONER SCHMITT: The reason for this type of traffic is just residential and beach traffic?

MR. BANKS: This is beachgoers, and this is the people that live down there, and a little bit of the commercial activity as well, the Beach Box and that type, which plays off the beach activities. And, again, this was actually on a Sunday, between the hours of 10:30 and 2:30, and

this is what we observed down there as well as videotaped. And this is the way it is during peak season conditions on the weekends.

And, again, I'm going to stress the fact, this is all because of the pedestrians crossing that intersection. It's not a traffic-volume issue. As a matter of fact, when we submitted the traffic counts to your staff, one of the first comments Trinity made to us was, wow, there's not really that much traffic down there. Why is there so much delay? And it's because of the volume of pedestrian traffic.

COMMISSIONER SCHMITT: So the pedestrian traffic is actually at Gulf Shore and Vanderbilt, which causes the significant delay?

MR. BANKS: Right. You see the vehicles stopped at the intersection right now?

COMMISSIONER SCHMITT: Yes, yes.

MR. BANKS: That's why. They're waiting for 400 people to walk through that intersection in ones and twos and threes, not groups of 15 and 20.

COMMISSIONER SCHMITT: Okay. So what's it look like with your proposed improvements? You were talking about eliminating the stop signs and putting in signalization?

MR. BANKS: Three-phase traffic signal, yes.

MR. YOVANOVICH: Now, this next one you're going to see, Mr. Schmitt, includes our project traffic at 172 units, and the retail.

MR. BANKS: And I also want to point out, this also reflects the relocation of the road that lines up with the parking structure now. If you -- obviously, we did not put the renderings over top of the aerial, but this is -- if you can look in that quadrant and just imagine our development in there. This is what the traffic is going to look like by doing these improvements to that intersection as well as the sidewalk and the bike-lane improvements that we're also going to do. That also enhances the movement of traffic there. And there's -- and, again, we did not take -- we did not determine how much more efficient it was going to operate by making the improvements to the parking structure, but staff agrees with this. What we've recommended they know will produce real improvements in the traffic flow down there at the beach or on Vanderbilt Beach Road.

COMMISSIONER SCHMITT: You can currently now turn -- left turn into the parking garage, correct?

MR. BANKS: Yes, and that will remain. As a matter of fact, we're going to extend that left-turn lane because it's too short. We're going to double the storage capacity on that left-turn lane. That's one of the improvements we're going to do.

COMMISSIONER KLUCIK: Coming from the east?

MR. BANKS: Coming from the east, turning left into the parking structure, yes. We're going to extend that left-turn lane.

COMMISSIONER SCHMITT: Okay. This has an improvement on the right-turn lane there as well, right, at Vanderbilt and Gulf Shore? I'm looking at it --

MR. BANKS: Yeah. We're also adding a right-turn lane at that intersection. There's -- presently there's only one lane that serves all those movements as you're traveling eastbound, but we are going to put in a dedicated right-turn lane. And the whole reason for that dedicated right-turn lane is because we're going to a three-phase traffic signal.

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: Exactly the same data but now with the improvements?

MR. TREESH: Same data, same pedestrian data, just changes to the lanes and to adding a signal at the intersection of Gulf Shore with an all-pedestrian phase signal, meaning the all-pedestrian phases -- all the approaches are red, and then a pedestrian can cross any leg of that intersection under their walk phase.

COMMISSIONER SCHMITT: Can you back it out a bit. I want to see how far it goes



up to Vanderbilt. There's nothing at that -- yeah, there you go. Wow, that's slick.

MR. TREESH: And I can speed up the simulation that -- cars look to be moving a little faster. This is at eight times the speed, so we're moving forward in the hour of data, because every minute that goes by, the software is developing more data, more vehicles enter the system.

MR. BANKS: They're not driving that fast.

MR. TREESH: So you'll still see some cars stopping either at the garage entrance or at the next intersection to our east, because those still have pedestrians crossing. There are still crosswalks there. So there is some minor pedestrian volumes at those, but the majority of the pedestrian volume is down at Gulf Shore Drive.

A pedestrian that exits the parking garage, if you've parked there and went to the beach, you know that you stay on the south side of Vanderbilt Beach Road to access the beach. You don't have to cross. Unless you wanted to get to the commercial, you don't have to cross Vanderbilt Beach to get to the beach from the parking deck.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Commissioner Fry signaled some time ago, and he's been waiting patiently, so I'd like to call on him.

COMMISSIONER SCHMITT: Sorry I interrupted.

MR. YOVANOVICH: Can I make one point before that?

CHAIRMAN FRYER: Sorry?

MR. YOVANOVICH: I just want to make one point right before. When we develop the commercial alternative, none of these improvements that we're proposing as part of the residential project are required of us to do. So I just want that to be clear in the analysis of how we are, in fact, benefiting the overall traffic flow with the residential option and the improvements we're volunteering to make.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: So I'm seeing three -- three improvements to the traffic system. A dedicated right-turn lane --

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: -- to go north.

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: A three-phased signal at the intersection --

MR. YOVANOVICH: Correct.

COMMISSIONER FRY: -- and an automation system and a different way of entering and exiting the parking garage.

MR. YOVANOVICH: And an extension of the left-turn lane into the parking garage.

COMMISSIONER FRY: In the parking garage. All seem very sensible. And since we have so many attorneys on the Planning Commission, I would stipulate that those are all very sensible and effective improvements.

My question is, are they -- I understand they're being offered as part of this residential use and might not be offered as part of a commercial use. But were these controversial? I'm wondering how many public and private meetings you attended and presented these ideas to, and are these controversial? Are we going to hear pushback to these ideas from the --

MR. BANKS: We had eight NIMs; seven were informal, and then we had one major NIM. I think most folks were positive about the thought that we could improve the traffic. But whether that, you know, satisfied their overall concerns, I can't tell you. I will tell you that we did also look at a roundabout situation that is also going to be recommended by the opposition's traffic consultant, and there was a lot of folks that lived there that were very pleased to hear that we were not going to do a roundabout. And I will tell you, you cannot do a roundabout regardless of what you might hear -- no matter what you might hear from this point forward, you cannot do a

roundabout there and process 400 pedestrians without doing some mid-walk crossings, which we do not -- pedestrian mid cross -- crossings that we do not believe will be effective because they'll be too far from the intersection, and people will then start jaywalking across a roundabout.

And we met with Tony Khawaja again, your nuts-and-bolts traffic engineer. He agreed with our conclusion on this.

I'd also like to point out that we provided paper copies of this information of these -- Ted's model runs, and we provided the digital files to staff. And Jacobs Engineering is your third-party transportation consultant. They ran the model, and they reached the same conclusions that we did. And this is an accepted model for doing this type of work. And I want to make that point clear, too, because I have read that the transportation -- the opposition's transportation consultant brought up to question the use of this model. So this is a good tool for determining the measure of effectiveness of these improvements.

COMMISSIONER FRY: So Collier County staff and the third-party consultant found these traffic improvements to be credible and effective?

MR. BANKS: Your staff and Jacobs Engineering is recommending that you approve this project because they know of the four benefits, the transportation benefits, that are going to be achieved if you-all approve this project. And I'm going to tell you what they are, because I was just getting ready to summarize my testimony.

Number one, if you approve this application, we're going to generate less than one-third the amount of trips that's going to be generated if the applicant redevelops the site at 100,000 square feet. That is a true transportation benefit. There is no debate of that issue. You're substantially reducing the amount of site-generated trips. That's going to be reducing the impact on the adjacent road network.

Secondly, we're going to install the traffic signals at Gulf Shore and Vanderbilt Beach Road and construct a right-turn lane to accommodate that movement to northbound Gulf Shore and accommodate the pedestrian traffic, which is going to make it safer and operate more efficiently and reduce delay by 76 percent on Vanderbilt Beach Road and 66 percent reduction of delay on Gulf Shore Drive. That is a true benefit. We're going to check that one off as No. 2.

Number 3, we're going to improve the operation -- we're going to -- of the parking structure. We're going to eliminate some of the inefficiencies of that parking structure plus extend the left-turn lane to increase the capacity. That is a true benefit that's going to be achieved that the county is going to recognize. We'll check that one off as a benefit. That's No. 3.

And, finally, we're going to augment the existing pedestrian and bicycle lanes that are there today. There's places where they don't continue all the way through. We're going to implement those. That's No. 4.

Your staff, your traffic engineers, including your third-party consultant, all recognize that there is going to be a net-net benefit to approving this project.

COMMISSIONER FRY: Jim, I just wish you had a little more passion.

CHAIRMAN FRYER: Commissioner Shea.

MR. BANKS: Okay. And Rich just pointed me to the fact that this last exhibit basically gives you an idea --

CHAIRMAN FRYER: Before you proceed, if you don't mind, I've called on Commissioner Shea.

COMMISSIONER SHEA: I want to make sure I understood your answer. Did you show these models at the neighborhood information meeting?

MR. BANKS: We did not.

COMMISSIONER SHEA: So the neighbors -- the neighborhood hasn't seen this?

MR. BANKS: Right.

MR. YOVANOVICH: Well, Mr. Shea, I don't know if you read the transcript of that

meeting.

COMMISSIONER SHEA: Of course I did.

MR. YOVANOVICH: It was a little rough. It was one of the more contentious ones that I've ever been to. I'm not sure we really were able to make a good presentation or whether we were really heard at that NIM.

COMMISSIONER SHEA: Second question. I think you said you did your data collections in March of 2020.

MR. BANKS: January 2020.

COMMISSIONER SHEA: January. Do you feel in a non-COVID year you'd actually have bigger traffic issues?

MR. BANKS: We actually did it before COVID --

COMMISSIONER SHEA: Okay.

MR. BANKS: Before there was any indication. Remember, that was February 20th or whatever, the 21st, when Congress finally met and some guy sold their stock before they announced that the COVID was hitting. Yeah. So it was before that. And I want to -- and I want to point out that the weather was really nice the weekend -- that week that we did collect the data, obviously; there was 400 people through that intersection in one hour. There was a lot of people visiting the beach that day.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Jim, for the record, just your qualifications and certifications for the record, because I know that will be an issue between two different transportation engineers. So if you would, for the record, state your qualifications.

MR. BANKS: Again, I'm a registered professional engineer in the state of Florida. Been active in the field for 32 years. That's all I've done right here in Southwest Florida is traffic engineering. I've got numerous projects under my belt. I've been hired numerous times in situations similar to this where we went out and identified. And I'm going to mention it. I don't want any comparison related to this, but I was the one that convinced Lee County to close Times Square on Fort Myers Beach. The business owners there were concerned at my recommendation. The month following, I could eat at any restaurant I wanted to for free because they thought that was the best solution they'd ever seen.

So I worked on -- I did the traffic report for the expansion of the Southwest Florida International Airport. I mean, the list goes on and on and on. I mean --

COMMISSIONER SCHMITT: I just wanted to make sure that was on the record.

MR. BANKS: Thank you.

COMMISSIONER SCHMITT: Second, the installation of the light at the corner, this does not require any warrants or state warrant or any other type of --

MR. BANKS: Glad you brought that up.

COMMISSIONER SCHMITT: -- activity, so I just want to know the timing of this.

MR. BANKS: Yeah. The warrants are actually based -- it meets the warrants based on the pedestrian volume.

COMMISSIONER SCHMITT: It does already?

MR. BANKS: Yes, it does, based on the pedestrian volume.

COMMISSIONER SCHMITT: So it will be just through the county then, not the --

MR. BANKS: The state will not be reviewing this. This will be Tony Khawaja's group that will review the installation of the traffic signal, and it will be required to be a mast-arm design, not -- which is what typically we do here, which actually is -- it's all we do anymore here.

COMMISSIONER SCHMITT: And the timing of this will be prior to the opening of the --

MR. BANKS: We haven't worked out the exact timing on that.

MR. YOVANOVICH: Mr. Schmitt, we had intended that this -- the signal would be in place before we had our first resident move in.

COMMISSIONER SCHMITT: Okay. That's all I wanted for the record, the timing of this. So if there's any issue with residents, any impact of this, the light will be in place to mitigate any impact.

MR. YOVANOVICH: Did I get your name right that time? Did I get the name right that time, Mr. Schmitt?

COMMISSIONER SCHMITT: Yes. Yes, you did. Very good. Thank you.

CHAIRMAN FRYER: Mr. Banks, do you have more, sir?

MR. BANKS: I do have this one last slide, but I think I might have another question.

CHAIRMAN FRYER: Oh, I'm sorry. Mr. Klucik.

COMMISSIONER KLUCIK: So is the proposition that if you do the proposed -- the petition proposal, then you would do this, but if you did commercial, you wouldn't be obligated and you couldn't be forced to do it? So if the county wanted to do it, the county could do it, but the petitioner wouldn't be doing that?

MR. BANKS: Right. We've estimated these costs to be around a million dollars to do the intersection as well as the parking structure. And there's also some additional other things I'm not going to -- but to help with some efficiencies down there but, no, the commercial development would not be obligated to do those improvements.

Again, we could submit for a Site Development Plan tomorrow and go through that building permitting process and start the commercial as soon as we got our permits.

COMMISSIONER KLUCIK: And then on a -- kind of a tangential issue -- I'm not sure if you would speak to it. But then we had -- the opening this afternoon seemed to focus on compatibility. And so we're potentially gaining this nice, new traffic flow with this petition if it were approved, and we're also potentially changing the type of traffic to a traffic -- I don't know. Is it true to say that residential traffic -- more residential traffic and less -- I don't know what the other kind of traffic --

MR. YOVANOVICH: Commercial.

COMMISSIONER KLUCIK: -- would be -- for commercial, right. If commercial was put there, that that residential traffic that would be similar residential -- similar to the existing residential traffic is more compatible than commercial traffic?

MR. YOVANOVICH: I think -- just think of your own self. I'm sure you're more cautious when you drive in your neighborhood.

COMMISSIONER KLUCIK: No. I'm just -- like, from a legal standpoint, does that meet another way that you could suggest compatibility?

MR. YOVANOVICH: Absolutely. Absolutely.

COMMISSIONER KLUCIK: All right.

MR. BANKS: This last slide basically depicts the traffic that would be generated from the site if it was developed as commercial retail with some restaurants. The top row is if we hit the 100,000 square feet, we would generate 490 two-way peak p.m. trips. Again, that's 3.3 times the amount of traffic that One Naples will generate.

If we developed -- did something a little bit smaller and did 75,000 square feet, we'd generate 386 trips; 50,000 square feet would be 276 two-way trips; and then if we did the 25,000 square feet, that's the breakeven point.

But, again, even if we did -- which we're not, but if it was to be developed with 25,000, that's still -- you still have the difference of bringing commercial traffic into that area versus having traffic that's residential in nature that originates and terminates there. So there still is the difference.

MR. YOVANOVICH: And I just want to point out one of the talking points that's on the

Save Vanderbilt Beach website was they believe we can only attain somewhere slightly over 50,000 square feet on the property. So let's just assume they're right, which I think they're wrong, we're half the traffic. So I asked Jim to prepare this slide in the case we were 25 percent wrong, 50 percent wrong. And there's no question that traffic is greatly reduced with the residential option.

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Yes, please. Go ahead, Commissioner.

COMMISSIONER KLUCIK: And regarding these numbers, is this -- you know, I guess, it's hard to say something is absolutely objective. But could you have another traffic expert come up and say, oh, these numbers are all way off, or is this kind of -- it's really hard to get numbers that are much different from what I'm seeing in the right-hand column there?

MR. BANKS: In the traffic impact study, we've provided all calculations, the computations that we used to determine these trips. It's based on the ITE Trip Generation Manual. As far as I know, no one has disagreed with the results of these numbers. I think the only disagreement is whether or not we could build it. But there is a standard methodology used to estimate the number of trips that will be generated. That's what we've used.

COMMISSIONER KLUCIK: Right. So if you -- no matter who does it, they're going to plug it into the same model, and it would be hard to get different numbers than this.

MR. BANKS: Yeah, right. They should come up with the same results.

COMMISSIONER KLUCIK: All right.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Mr. Schmitt, do you -- would that be -- I mean, is that accurate, you know, my assertion that it -- or my question, really, is that it would be hard for a traffic expert to come up with different numbers if they're looking at the same analysis?

COMMISSIONER SCHMITT: Well, as Jim said, it's the ITE Trip Manual.

COMMISSIONER KLUCIK: No, I just ask you because I know you have a lot more experience, you know, through your -- you know, your career.

COMMISSIONER SCHMITT: It's probably like attorneys -- no offense to the attorneys sitting here. But you ask an attorney, you could probably get five different attorneys' opinions from three attorneys.

COMMISSIONER KLUCIK: Sure.

COMMISSIONER SCHMITT: So, yes. But this is more matter of fact. It's analytical, and it's -- it may differ in a small percentage, but it's analytical.

COMMISSIONER KLUCIK: I would hope, then, that whoever it is that's speaking, you know, in opposition would -- you know, if they have other numbers or some other calculation, you know, to explain why would -- why their analysis would be different.

COMMISSIONER SCHMITT: And I'm sure we're going to hear that.

COMMISSIONER KLUCIK: Yeah.

CHAIRMAN FRYER: Mr. Banks?

MR. BANKS: Thank you.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: All right.

CHAIRMAN FRYER: Yovanovich.

MR. YOVANOVICH: Next up is Mr. Chris Mitchell -- he's our civil engineer -- to go over some of the other improvements.

MR. MITCHELL: Thanks, Rich.

For the record, Chris Mitchell, J.R. Evans Engineering. I'm a professional engineer in the state of Florida, and I've been licensed probably about 19, 20 years. I've been solely in Southwest

Florida for my career. And I started in 1997, so I'm nearing 24 years.

Unfortunately, I don't get to bring anything new. I'm just summarizing, actually. We had mentioned many times a separate companion application. We have a right-of-way vacation application that is being permitted. We have the staff report. And this is being processed to remove a portion of Center Street, remove the unnamed alley, and remove Gulf Shore Court. The intention is that we're going to replace Gulf Shore Court with a private access easement that has public access in perpetuity.

You'll see on the slide that the total is about .79 acres of right-of-way that's being vacated. We're providing .38 acres back in the proposed private access easement, and it moves the alignment of Gulf Shore Court to be across the street from the parking garage. So it's one of the things that aids in the traffic operations, generally, in the area. It's a result of about .41 acres being vacated from what's out there today.

The right-of-way vacation benefits the public by adding sidewalk, closed drainage, and aligning the exit for the project with the opposing intersection of the garage.

One of the other items that was mentioned in the past, and Hunter really explained it real well, was the landscape maintenance agreement and right-of-way permit. That's a separate application that's going to be a companion to the Board. As you know, both the right-of-way vacation and the right-of-way permit are not required to be heard before the Planning Commission, but we wanted to give you a concept of what we're doing on those applications.

Really, a summary to Hunter, but the right-of-way permit application and the landscape maintenance agreement allows us to go in and redevelop the right-of-way to the current county configuration which will include sidewalk on both sides. This illustrates that you've got some existing sidewalk on South Bay, and we're going to complete that. We're going to add some sidewalk to Center Street. We're going to remove the existing asphalt and concrete sidewalk on Vanderbilt Beach Road and replace that with an 8-foot concrete sidewalk.

We are also going to add bike lanes where they're accommodated. There's some existing areas by the hotel. Buzz Lighthouse to the north of us that really can't. It's parking. But we're going to accommodate 4-foot bike lanes on South Bay, we'll accommodate a 6-foot bike lane on the south side of Center Street as well.

And, finally, we're looking to add streetlighting in the area. The streetlighting will be for the South Bay Drive corridor as well as the Vanderbilt Beach corridor -- Vanderbilt Beach Road corridor, and Gulf Shore Drive. And so when you take a look at the right-of-way vacation and the landscape maintenance agreement and right-of-way permit, we're really looking to do a comprehensive improvement in those corridors that remove the open drainage, replace it with closed drainage. We add community sidewalk, community bike lanes, and the community lighting, and these improvements will really enhance the corridor and improve the aesthetics for the general area.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: I have questions.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Versus -- the current design right now is the swale, basically, a rural design road, no drainage, just a swale drain, and the drainage goes directly into the bay as it's designed right now?

MR. MITCHELL: That's correct.

COMMISSIONER SCHMITT: Existing condition.

MR. MITCHELL: Existing conditions are open swales and about 20 foot of pavement, maybe a little less in some areas. No sidewalk.

COMMISSIONER SCHMITT: And your improvements are going to be a fully closed system, so it's going to be an urban design. So curb and gutter, catch basin.

MR. MITCHELL: Correct.

COMMISSIONER SCHMITT: And receipt of stormwater, and it will be stored and pretreated prior to going into -- is there some --

MR. MITCHELL: So there's --

COMMISSIONER SCHMITT: I'm assuming you're going to have to go through the South Florida Water Management for stormwater retention or stormwater treatment.

MR. MITCHELL: For our project we do.

COMMISSIONER SCHMITT: Yes.

MR. MITCHELL: So there may be the opportunity to mitigate where we don't actually collect but we provide enhanced water quality. But we're not -- quite frankly, we're not there. The only thing that we've done is looked at the corridor and developed the closed drainage to take it to the bay.

COMMISSIONER SCHMITT: In your professional assessment and a professional opinion, you believe the changes are going to significantly -- improve significantly the stormwater runoff situation that currently exists?

MR. MITCHELL: I believe that it will collect the water --

COMMISSIONER SCHMITT: Yeah.

MR. MITCHELL: -- it will divert it to the bay, and it won't have any adverse flooding or any effects from that, yeah.

COMMISSIONER SCHMITT: Last question: Streetlighting, I know it's required, but from the standpoint your design's going to be fully compliant with turtle nesting requirements --

MR. MITCHELL: Yes.

COMMISSIONER SCHMITT: -- and all the other stipulations required for being a certain distance from the beach?

MR. MITCHELL: That's correct. There's one difference. We're not obligated to put in streetlighting. We're doing that for the improvement of the area. We're not required to do the streetlighting. And you'll see on this graphic there are different-sized lights. They represent -- the dashed line is the CCCL line. So, yes, we are -- we need to be compliant with turtles, so there's a difference in lighting in part of the project.

COMMISSIONER SCHMITT: Okay. That's it. Thanks.

CHAIRMAN FRYER: Thank you.

MR. MITCHELL: All right.

COMMISSIONER SCHMITT: Rich?

MR. YOVANOVICH: I'm going to try to quickly summarize all of the testimony that you've heard so far from all of our experts.

In response to the many, many meetings that Brian and Keith had with our neighbors, we have, in fact, made modifications to the proposal. As Brian told you, we started with a density of 300 units and a height of 21 stories. Went to 18 stories, 240 units. We're now at 16 stories and 172 units. That's all based upon discussions with the local community.

Going from one bigger tower to two buildings to create smaller massing of the buildings with a space between the buildings was another revision to the project.

We did -- like I told you, we've reduced the overall height.

Hunter's presentation on the landscaping, there's no question that we have enhanced landscaping. I was pressed by someone to say, can you give me an example of another project that we can go look at, and the answer is "I can't," because nobody is doing the amount of landscaping we're proposing to do at day one for this to make sure that the pedestrian experience and the car experience when you're driving by the parking portion and the amenity portion of the tower that's 15 feet from our property line -- not 15 feet from the road, but 15 feet from our property line, is hidden and appropriate to, again, assure compatibility. We did all of that.

We included additional developer commitments that are on your screen. And you've heard every one of these presented and recently presented, so I'm not going to go back over all of the traffic improvements we're going to do that address existing issues that are out there today.

But we have -- we have genuinely listened to the residents to address their concerns regarding traffic and, frankly, we are improving traffic by going to this residential project versus commercial on the property, and I think we've proven that over and over again through our different speakers today.

These are a summary of the improvements that Jim Banks and Chris Mitchell just went through that are things we are doing as part of the One Naples project that will not occur as part of the C-3, the traffic signals, the parking technology, which includes, actually, signage along Vanderbilt Beach Road and, I believe, Gulf Shore as well, letting people know, are there vacancies in the parking structure similar to what you have down in the City of Naples. We're providing the ability to do the technology so when a space becomes available you know. So if it's full, you don't have to drive all the way down to the parking garage to figure that out. What does that cost? It's not cheap what we're proposing to do to provide those additional benefits.

There are some people that believe that we're getting this huge windfall because of the vacation of the road right-of-ways. Well, it's about a .41-acre net difference between the roads that are being vacated and the replacement road for Gulf Shore Court. In return for that, we're providing about \$1,750,000 worth of transportation and community benefits in exchange for that vacation. It's not for free as people are alleging in some of their statements.

We did a comp. We tried to figure out what's the ad valorem tax difference between a commercial project versus the residential project. We used the Venetian Village because we think that's the most realistic comp to what we're proposing to do.

The TRIM notice for Venetian Village for this year is \$300,500. We'll just call it -- let's call it 301,000 so I give them the benefit of the cost. If you look at what we're proposing -- and what we did is we used the average unit value in the Trieste. Reasonable nearby comp. We're a little closer to the water, but their average unit price is 2.4 million. We think we're going to be in the 2.5 million average price for our units.

You multiple that by -- and that comes out to roughly -- almost \$26,000 a unit in ad valorem taxes. You multiple that by our 172 units. It's almost -- it's 4.4 million, I'll round down, for our project. There is over a \$4 million swing in ad valorem taxes that will be generated from this project versus a commercial project. And as we know, the types of people who are going to buy these units are not typically year-round residents. They're here for the season, and a lot of times they're not even here for the whole season. They are -- this is going to be a donor project to all of the services provided by Collier County. They're not going to take advantage of a lot of the services that are out there. So the economic benefit of this project is significant.

I just want to take you through what are you going to see. This is what you're going to see looking west on Vanderbilt Beach Road. You're going to see the Trieste, and you're going to see us, and naturally, as you get closer, you're going to see more of us, but you're also going to see all of that landscaping as you're driving by.

So you're not going to have this monstrosity of a building that the renderings that are depicted by Save Vanderbilt Beach indicate. You're going to be up against nice landscaping and you're going to have to work really hard to want to see that building as you're walking by it or driving by it, because you can't do this when all you see is the vegetation that we're proposing to do. It's not going to be a stark 100-, 200-foot building right up against Vanderbilt Beach Road or Gulf Shore.

These are the before and afters. On the left is what you have today. On the right is what we're proposing as our project. This is the very first intersection at South Bay and Vanderbilt Beach Road. On your right is -- I think it's Sotheby's is the realtor. Barefoot Pelican is also on



this South Bay -- on the right side of the road. On the left is our first mid-rise and the landscaping that we're proposing on our side and within the right-of-way. I think there's no question the before is not all that attractive. The after is very attractive.

Now, as you're going a little bit further along on Vanderbilt Beach Road, you've seen this picture before. That's what you see today on the project, and here's what we're proposing. You're not going to see a stark building right on the road when our project is built. This is at our -- basically at our entrance looking west. That's the first of the taller buildings in our project.

That's your view today, which is the former 7-Eleven convenience store, and the building that has the Beach Box, what you're going to see after is our residential building with the enhanced landscaping.

This is the intersection of Vanderbilt Beach Road and Gulf Shore Drive. That's the Beach Box together with the realtor's office. That's there today. And what are you going to see? You're going to see our residential building with the enhanced landscaping.

This is the corner, again, looking -- looking basically at where we're going to replace the realtor and where the coffee shop and sandwich shop is going to be. That's that -- that's putting it in perspective, versus what's there today. I think there's no question the before and -- what we're proposing is far better than what's there today.

This is an internal shot looking back to -- basically, this is from what will be the relocated Gulf Shore Court, our new road that we're moving, that entrance of our project looking back to the west. That's the Beachmoor off in the distance closer to the water, and what you're going to see, brand-new streets, bike paths, sidewalks, enhanced landscaping on both sides of the street.

This is the hard corner. What we're proposing to do on the site versus what's there today. I think that there's no question that this is an attractive project and is going to be something that the community can be proud of when it's built.

Now, I'm going to show you a barebones box of what could happen if you were to do -- I'm just showing you the buildable box of commercial. It's not been -- it's not architecturally pretty. It's just a box to show you how easy it is to get to 100,000 square feet without really trying that hard.

And it meets all the setbacks; 25 feet when you're on the road frontage. It meets every setback under the C-3 zoning today, just to show you a building box envelope.

That's what the building box is when you are two stories with 50-foot zoned height today. Now, it's obviously going to be prettier than that, but that is well over 100,000 square feet, and every one of those building envelopes is consistent with what a commercial tenant would want as far as depth of the unit and the ability for width of the unit.

We would have on-street parking within this project. This -- this area right here, that could be a parking structure, which we might need to get above that 100,000 square feet if we wanted to, or we would need some parking to do that, but we can attain 100,000 square feet on this site without much effort and have the traffic impacts that Mr. Banks described to you.

But let's just say they're right and we can get -- and that's three-and-a-half -- almost three-and-a-half times the amount of traffic that we're proposing. But let's just say they're right, and we can only get 50,000-plus square feet on there. That's still double the amount of traffic of what we're proposing.

Our proposed project is consistent with the development that's in the area. It's high quality, it's well landscaped, it's compatible with what's in the neighborhood, it's comparable to what's in the neighborhood, it reduces traffic in the area, it reduces impact to the beach and the area and is as a far better alternative to the existing C-3 zoning.

We're at the conclusion of our presentation. I know there may be more questions. But with this we're going to request at the end -- when I get back up for rebuttal, we're going to request that the Board of County Commissioners -- I'm sorry -- that you recommend to the Board of

County Commissioners approval of both the small-scale Growth Management Plan amendment and the mixed-use PUD that's before you today.

We thank you for your patience. Hopefully we weren't overly repetitive. But with that, we're available to answer any questions you may have.

CHAIRMAN FRYER: Thank you, Mr. Yovanovich.

Any questions from the Planning Commission at this time?

COMMISSIONER VERNON: Mr. Chairman, Chris Vernon. I had a question.

CHAIRMAN FRYER: Yes. Go ahead, Commissioner Vernon.

COMMISSIONER VERNON: I just want to go back to where we started -- and I really appreciate the Chairman's first question about the hotel. I just want to revisit that quickly and have Rich restate the thoughts on the hotel, because that would change the language that I read in the proposal, and then I had a follow-up question as well. So, Rich.

MR. YOVANOVICH: Mr. Vernon, the hotel use would be deleted as a permitted use in the PUD document. So anywhere we reference the hotel, it will come out. Does that answer your question?

COMMISSIONER VERNON: Yes. How about the restaurant? Is that off the table, too?

MR. YOVANOVICH: No. There's a -- no, the public asked us, frankly, to have a place where they can go, get a cup of coffee, grab a sandwich. So we do have that -- that stays in, but that's part of the 10,000 square feet. I'm not sure we can even get to the 10,000 square feet. But that is still part of -- that public benefit is still there as part of this. The hotel goes away, but the -- I'm not sure you want to call it a restaurant, but the eating establishment stays as part of the residential.

COMMISSIONER VERNON: Well, my perception was it was going to be the coffee shop, and I think it was referred to somewhere as a deli.

MR. YOVANOVICH: Coffee shop and deli, yes.

COMMISSIONER VERNON: And then it seemed like I was seeing, in connection with a hotel, a restaurant on top of that. So I was -- I was perceiving, and I may have misperceived, was perceiving in my mind deli, coffee shop, and then a restaurant as part of the hotel?

MR. YOVANOVICH: No. We -- honestly -- I'm sorry. I didn't mean to interrupt you.

COMMISSIONER VERNON: Is a higher-end restaurant off the table as opposed to --

MR. YOVANOVICH: A higher-end restaurant is not part of the proposed project at this -- I guess you could maybe fit it in the 10,000 square feet, but it's not part of our proposed residential development, and it has not been planned for or programmed for in the residential option.

I will tell you at one time we had hoped DaRuMa would want to relocate within one of our buildings, so we had made plans for that, but that did not come to fruition.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER VERNON: Yeah. I'm just looking for clarification in the language where it says restaurant at one point, and I thought it said deli at one point.

MR. YOVANOVICH: It would still meet the -- it's the same SIC code for a coffee shop and deli as you would have for restaurant, so maybe that -- I hope that didn't confuse you, but we would use the same SIC code.

COMMISSIONER VERNON: Maybe as you pull out hotel language you could clarify that.

MR. YOVANOVICH: Okay. Happy to do that.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Just a question, then, regarding the amenities. There could be a private club type of restaurant, I guess, if there was a private club for the residence. If

there was a --

MR. YOVANOVICH: It could be part of the amenity clubhouse, yes, but I wouldn't really call that a restaurant because it's not open to the public. I don't know that we've set on whether that's a possibility or not. I don't think it's currently contemplated. But, you're right, it would not be prohibited. But that wouldn't meet the definition of a restaurant because it's not open to the public.

COMMISSIONER SCHMITT: If it was a part of a private club --

MR. YOVANOVICH: Yes.

COMMISSIONER SCHMITT: -- or clubhouse or whatever you want to call it. Okay.

Thanks.

CHAIRMAN FRYER: Before I call on Commissioner Fry, there are two sets of deliverables that we've asked for from you and, of course, we didn't expect to see them this afternoon.

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: But just to serve as a reminder --

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: -- that I'm looking for the setbacks associated with the buildings, the height of which you have touted as comparable. And Commissioner Fry is looking to see the building heights to the north and the northwest so that we have, well --

MR. YOVANOVICH: Sure.

CHAIRMAN FRYER: -- a full 180 degrees, I guess.

COMMISSIONER SCHMITT: Can I also add to that.

CHAIRMAN FRYER: Yes, please.

COMMISSIONER SCHMITT: With the list of all developments -- there is in the staff report a list of all the developments, the number of units. But what I would like is a match to the number of units per acre, the density of those.

MR. YOVANOVICH: Right. And I tried to do that early on.

COMMISSIONER SCHMITT: I know you had it on a slide.

MR. YOVANOVICH: And I will be happy to prepare another slide to show you exactly the densities of what's within -- I call it within the project, which is Vanderbilt Palms, Barefoot Pelican, just so that you can see what those densities are versus just the number of units.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Fry.

COMMISSIONER FRY: So a quick question about the commercial, Rich. We have 10,000 square feet, not a whole lot. The only thing -- the only commitment I've really heard is for a deli/coffee shop, basically. Was the -- and you have a beach area that's pretty much underserved for the public in terms of restaurant, dining options, entertainment options, that kind of thing, other than the beach. Was the amount of commercial square footage that you arrived at, 10,000 feet, was that the result of comments received during all of these meetings that you had?

MR. YOVANOVICH: The whole project is a result of the comments and feedback that we've gotten over the many, many meetings that Brian and Keith had in the smaller context, and even in the voluntary NIMs that we did before then. I mean, this is a culmination of a lot of meetings.

COMMISSIONER FRY: To rephrase, I guess, the meetings, the residents that you met with were not requesting more commercial than that 10,000?

MR. YOVANOVICH: I'll defer to Brian, but my recollection was this is kind of what they -- the local residents were asking for a place to go grab a sandwich --

(Simultaneous crosstalk.)

MR. YOVANOVICH: -- get a cup of coffee. They didn't ask us to please provide an

upscale restaurant open to the public. My co-counsel told me that we were at 25,000, and we reduced it to the 10,000 square feet as the project evolved.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Thank you. Any other Planning Commissioners have questions for the applicant?

(No response.)

MR. YOVANOVICH: We hopefully left enough time for at least staff to do their presentation, and then I'm assuming we'll start afresh with the public.

CHAIRMAN FRYER: Yes, I think that's what we'll do. Thank you very much.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Call on staff for its presentation, please.

MR. SABO: Hi. We ready?

CHAIRMAN FRYER: We are. Please proceed, sir.

MR. SABO: James Sabo, certified principal planner with the county.

And we have for you today our presentation, the One Naples team for the county. We have Transportation, Parks and Rec, Environmental, Landscape, Utilities, and then the planning review. We'll start out here.

The requested action, as they had mentioned, Growth Management Plan amendment and a rezone from C-3 commercial to MPUD, a mixed-use district.

This is the site location here. Tract 1 on the left and then the Beachmoor on the west side there. Tract 3 and 4 front the Vanderbilt Lagoon, and Tract 2 is on the south side across from the county parking garage.

Up first is Transportation, Mr. Sawyer.

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning.

What we're looking at with this petition, when it comes to the transportation, is consistency with the GMP. The applicant provided a Traffic Impact Statement that is consistent with our TIS guidelines.

Consistency is -- the best way to look at consistency, honestly, it's a determination if we have capacity on our existing roadways within the five-year planning period, and the project does. For all Traffic Impact Statements, p.m. peak hour, peak direction is what we look at as outlined in the GMP. The TIS represents a reasonable scenario which establishes a maximum total daily trip generation for the PUD of 148 two-way p.m. peak hour net trips. Exhibit F2A of the PUD has a trip limit that states exactly that.

I think we can go to the next slide. The project is located in the northwest TCMA boundaries, and it does, in fact, meet those standards.

Next slide. The table shows what we've got as far as existing capacity on the adjacent roadway links, the AUIR level of service that we currently have, and the remaining capacity that we have on both of those roadway links.

The proposed development is consistent with the GMP, as I stated. Staff, knowing the conditions that we experience in this area, requested of the applicant to provide us an operational analysis, which they did. It has been reviewed and resulted in the related operational improvements that they're proposing to do.

We do have one condition of approval, which is the addition of the right-turn lane related to the signalization at Vanderbilt and Gulf Shore without compensating right-of-way.

With that, I would like to turn over the presentation to our consultant, Tom Ross with Jacobs Engineering, who is online with us.

CHAIRMAN FRYER: And before that, sir, we've got -- Commissioner Shea has a question, then I have a question, too.

MR. SAWYER: Absolutely.

COMMISSIONER SHEA: I'm not sure if I'm jumping the gun here. I thought you were going to end.

Do you agree with the model that was just presented that if we approve this that we're significantly reducing the potential traffic than what we would have if we went with the baseline zoning?

MR. SAWYER: Actually, that's what Tom Ross is going to over with you. We actually have a before-and-after model that you can see.

COMMISSIONER SHEA: I apologize.

CHAIRMAN FRYER: I wanted to point out that I've had a sneak peek at the 2020 AUIR Attachment F, and it seems as though that segment of Vanderbilt, LOS and is going to go from a C to a D. Would you care to comment on that and how that would affect conditions there?

MR. SAWYER: Quite honestly, I haven't personally looked at the 2020 yet because it hasn't been approved by the Board. They will, in fact, when they come in for their SDP, need to provide an updated TIS, which the SDP staff people will be reviewing. And if there are -- and if there's any discrepancies between the 2019 and the 2020 when they come in, they'll have to address those with the SDP.

CHAIRMAN FRYER: Okay. Thank you. Next speaker, please.

MR. SABO: Mr. Ross, are you on with us?

MR. ROSS: Yes. Can you hear me?

CHAIRMAN FRYER: Yes.

MR. SABO: Do you need this slide or the next?

MR. ROSS: I believe it was the slide you had up last.

MR. SABO: All right. Current operational conditions.

MR. ROSS: Right. Okay.

So currently, as the applicant presented in their presentation and we found that we agree with their conclusion, there's significant queues that occur along westbound Vanderbilt Beach Road from Gulf Shore that extend past South Bay Drive.

Next slide, please.

MR. SAWYER: Sure.

MR. ROSS: So these queues occur during the weekends during peak season. The traffic counts that the applicant took were taken back in January before COVID on a weekend, and they reflect the existing conditions, and the queuing is caused by two primary issues. One is the high pedestrian volume crossing at the intersection at Gulf Shore Drive and also delay entering the parking garage due to the manual pay system where you pay on the way in, which causes quite a bit of delay.

Next slide, please. If you could --

MR. SABO: Do you want this animated?

MR. ROSS: Yes.

MR. SABO: There you go.

MR. ROSS: So we took the simulation or, rather, the analysis that the applicant provided to us for review, and we confirmed the input values that they provided, and we took a snapshot. And this is a brief snapshot somewhere about midway through the analysis period, which is overall about one hour, but we took a snapshot that represents about two minutes worth. It's been sped up. And it reflects what the traffic conditions are and shows those similar queues that the applicant had in their presentation.

Next slide, please. So the developer has offered commitments, as they mentioned and as staff has reported, to install the traffic signal at Gulf Shore Drive, extend the left-turn lane into the county parking garage, the installation of new technology to include signs notifying the public of parking availability, and also to improve the entry and payment system, and then also

improvements along South Bay Drive including the removal of the swales, installation of closed drainage, 10-foot travel lanes, bike lanes, and sidewalks on both sides of the road.

Next slide, please.

MR. SABO: Do you want this animated as well?

MR. ROSS: Yes, please.

MR. SABO: Very good.

MR. ROSS: As you can see, it does significantly improve the flow on Vanderbilt Drive with addition of the traffic signal and modifying the parking into the garage.

MR. SABO: All right. Let me back up just a quick second. I believe Mr. Williams from Parks and Rec is here if there are any questions related to the parking garage.

CHAIRMAN FRYER: Will there be any?

(No response.)

CHAIRMAN FRYER: Apparently not.

MR. SABO: Okay. I don't think I heard any questions for --

CHAIRMAN FRYER: No, I don't think so.

MR. SABO: All right. Very good. Next up is Environmental Review, Jaime Cook.

MS. COOK: Good afternoon. Jaime Cook, Principal Environmental Specialist with Development Review.

Next slide.

MR. SABO: I'm sorry. Sleeping on the job.

MS. COOK: The proposed GMP amendment and the PUD rezone were reviewed by Environmental Planning staff for compliance with environmental regulations both within the GMP and the LDC.

The site was cleared of native vegetation prior to 1962, which staff was able to confirm through aerial imagery. Most of the vegetation that is on site right now was planted to meet landscaping requirements.

The environmental consultant provided a vegetation inventory of the vegetation currently existing on site, which was verified by staff through a field visit. 0.11 acres of native vegetation is currently on the site, and then to be in compliance with Land Development Code regulations, the applicant is required to preserve 0.03 acres of vegetation, which they are proposing to do through off-site preservation. The applicant is not proposing any lakes within the project so, therefore, no littoral plantings are required.

Utilizing the regulations within the LDC and the Manatee Protection Plan, the marina and slip counts are reviewed through a consistency determination at the time the Site Development Plan is reviewed.

The Manatee Protection Plan is applicable to all multi-slip docking facilities with 10 or more slips and all marina facilities. The final design and permitting is site specific and done during the site development process in accordance with the Land Development Code and Department of Environmental Protection regulations.

Just to note that the site development process is an administrative approval, meaning that when it does come back in for review, the marina will not be reviewed again by the Planning Commission.

The maximum number of slips that a marina can have is dependent upon review of the criteria through a ranging system. An analysis is conducted involving three factors. One, whether the water depth is less than or greater than four feet at mean-low water, whether there is impact to native marine habitat such as seagrasses or mangroves, and if that habitat is adversely affected by the project and, thirdly, whether the area is considered to be high manatee use or not.

High manatee use is defined in the Manatee Protection Plan as areas where more than 20 percent of the watercraft-caused manatee deaths in Collier County have been found. Once that

analysis has been completed, the project will receive a ranking of preferred, moderate, or protected, which will identify the number of slips the applicant may have per 100 feet of linear shoreline. But we have not analyzed that data as of yet.

CHAIRMAN FRYER: Any questions for Ms. Cook?

COMMISSIONER SCHMITT: Yes. Jaime, under the current zoning Z-3 -- C-3, if the waterfront was developed into some type of commercial activities, restaurants and whatever, there is nothing that would prohibit those restaurants from coming in for docks as well; is that correct?

MS. COOK: That is correct. They would still be subject to the Manatee Protection Plan dependent on the number of slips that they're proposing.

COMMISSIONER SCHMITT: A lot of the traffic [sic] we got concerning this project had to do with manatee protection but, regardless, whether this proceeds as residential, if it were to go, again, as commercial, every commercial activity there could apply for a dock permit based on the same criteria.

MS. COOK: Correct.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Jaime, the applicant has shown us very detailed renderings of the project, but I -- personally, I don't recollect seeing a footprint for the marina, the slips themselves. Is that -- did I miss that? Is that something that you've been provided that --

MS. COOK: No, we have not seen any renderings of the marina plan as of yet, because they will have to go through this Manatee Protection Plan review to determine the number of slips they can have.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Okay. Thank you. Any other questions?

COMMISSIONER SCHMITT: I mean, they have a consultant, do they not? Didn't they, Hall -- Turrell, Hall & Associates were hired for the --

MR. SABO: I believe so.

COMMISSIONER SCHMITT: -- consultants.

MS. COOK: Yes, but they have not done -- they have not submitted the Manatee Protection Plan review requirements to us.

COMMISSIONER SCHMITT: They would be the same ones that would be working any design of the dock or dock activities, I believe?

MS. COOK: I would assume so, but I would defer that to the applicant.

COMMISSIONER SCHMITT: Bob's going out to get Tim Hall, because Tim's been out there, and we want to make sure he can get these billable hours in.

MR. YOVANOVICH: He's getting paid regardless.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Jaime, is there a limit on how far the docks can encroach in the waterway? Is that part of the criteria?

MS. COOK: That's part of the review. Not specifically, because the boat dock extensions does not apply to marinas.

COMMISSIONER SCHMITT: Here's Tim. So, Tim, just as you're walking up, the question is, have you looked at -- I know you haven't submitted anything to the county in regards to the number of docks or the design, but have you kind of come up with a preliminary of -- based on what -- what was that number?

MR. SABO: Ninety-nine --  
(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: Ninety-nine. Does that seem --

MR. HALL: That's based on a preferred ranking for the facility where the project would

be allowed 18 boat slips per 100 feet of shoreline. So 550 feet of shoreline times the 18 slips; that's where the 99 comes from.

COMMISSIONER SCHMITT: Well, the other critical factor -- I think it's probably either Tim -- but also, if this stayed commercial, there could be a boat store. There could be other type of activities as well as part of the C-3 zoning.

MS. COOK: Yes.

COMMISSIONER SCHMITT: Which could potentially be far more of an intense use, Tim, maybe from your professional assessment, and --

MR. HALL: Well, with a preferred ranking, boat ramps and dry storage facilities are also allowed, so dry storage slips would not be counted in the actual slip counts. If a dry storage facility was done, then it could be a larger number of slips going in and out of the waterway, but it would be done through a forklift or some type of a launch facility.

COMMISSIONER SCHMITT: Yeah, I didn't think about that. So, yes, you could have a complete dry storage, multistory boat docks, boat storage, plus a pretty intense marina there.

MR. HALL: And I don't know whether that is actually an allowed use under the C-3 zoning. I believe it is, but --

COMMISSIONER SCHMITT: I believe it is.

MR. HALL: But, yeah, so that would be an alternative as well.

COMMISSIONER SCHMITT: Okay. Thanks.

CHAIRMAN FRYER: Okay. Mr. Sabo?

MR. SABO: Thank you, Mr. Chair.

Mr. Schmitt, they also have proposed in their PUD document a ship store.

COMMISSIONER SCHMITT: Yes, I know, yeah, but that would be for residents -- primarily resident use, would it not?

MR. SABO: There are four charter slips as well, I think.

COMMISSIONER SCHMITT: Oh, okay, thanks.

MR. YOVANOVICH: Can I?

COMMISSIONER SCHMITT: Yeah, please, because this is important.

MR. YOVANOVICH: I want to be make sure the record's clear, the ship store and the fueling facility would remain open to the public --

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: -- in that area. We do have four slips dedicated for public use. But you would still have the ability to go, as a public member on the water, to get -- to use the ship store and the fueling facility.

COMMISSIONER SCHMITT: But from an intensity use, if it were to go commercial, it could be certainly a lot more significant impact from --

MR. YOVANOVICH: Yes.

COMMISSIONER SCHMITT: -- for commercial.

MR. YOVANOVICH: Yes.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Oh, Commissioner Fry had a question. Sorry.

COMMISSIONER FRY: This question, actually, Rich, probably more for you before you sit down. So four slips open to the public, is that in addition to the slips that are directly integrated into the fuel service station?

MR. YOVANOVICH: It's within the 99 slips. There would be four available for charter boats and things like that, and we would park it appropriately as part of our project. So it's within the 99, those four slips.

COMMISSIONER FRY: Does the fueling station also have -- you have to pull up to get full. Does it also have an additional number of slips that are not counted in the number?



MR. YOVANOVICH: Tim is going to have to confirm. I don't think that's a slip for purposes of the 99. I think that's just a temporary parking space.

COMMISSIONER FRY: Those are additional people that might use the ship store, I'm assuming?

MR. HALL: Correct. Those would be transient mooring slips. They're not permanent. There would be no overnight storage there or anything like that, so they're not normally included in the 99.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Schmitt?

COMMISSIONER SCHMITT: Yeah, I'm, again, responding to numerous emails. But let me think about what I was going to say. If I lived in one of the neighboring properties, could I rent a slip here? Is this type of a -- are the slips specifically for the residents, or could I -- are these going to be leased to nonresidents?

MR. YOVANOVICH: If you live in Barefoot Pelican, you will be allowed to rent a slip. That's the -- nobody -- you have to be a resident of One Naples.

COMMISSIONER SCHMITT: Okay. Answered the question. Thank you.

COMMISSIONER VERNON: Mr. Chairman.

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER VERNON: Mr. Schmitt had mentioned that I should -- I'm sure it's in the materials but I didn't see it, Rich. Is there going to be dry storage on your proposed plan for boats?

MR. YOVANOVICH: Mr. Vernon, no, we are not proposing dry storage as part of the residential development. That would be an allowed use under the underlying C-3 zoning. Did that answer your question?

CHAIRMAN FRYER: Commissioner Vernon?

COMMISSIONER VERNON: I'm putting my mute on and off. But, yes, that answers my question.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Thank you.

Mr. Sabo.

MR. SABO: Thank you, Mr. Chairman. The next -- are we set with the environmental?

COMMISSIONER SCHMITT: Yeah. This is pretty -- always a touchy subject with manatee.

MR. SABO: Understood.

COMMISSIONER SCHMITT: I understand.

MR. SABO: Landscape review is next, Chris Scott.

MR. SCOTT: For the record, Chris Scott, Planning Manager with Development Review Services.

Our staff reviewed the proposed MPUD for consistency with the landscape provisions, specifically the master plan as shown which you've seen several times today, does provide the required buffers that are required by the Land Development Code. There's Type D buffers along all of the street frontages, 15-foot Type B buffers to the adjacent commercial and residential uses.

As previously discussed by the applicant's team, those buffers are being enhanced with additional plantings and larger plant species or sizes at time of planting. So they are going above and beyond, and those are all reflected in Exhibit G of the PUD document.

If you go back real fast, the north side adjacent to Vanderbilt Lagoon doesn't currently show a buffer requirement. Their development standards are consistent with the Land Development Code that would allow buildings to be built up to the waterfront. So staff is asking as a condition of approval anywhere where there's no building or structures built up to that

waterfront, that the Type B buffer that would typically be required would be provided in those locations.

Next slide. There is one deviation request for the project as it relates to landscaping and buffers. At the intersection of Gulf Shore and Vanderbilt Beach they're looking to eliminate the planting requirements for that buffer in order to create a place making public -- expanded public realm.

Staff did review the proposed deviation request and the justifications by the applicant with the additions of the green wall and the public benefit that's being provided there. They are being consistent with the requirements of the buffer requirement, because it would still buffer the proposed development from the proposed right-of-ways. So staff does support that.

I will note also that in the staff report that was provided to the Planning Commission there was a condition recommended by Landscape Review as it related to the right-turn lane from Vanderbilt Beach Road onto Gulf Shore and compensating right-of-way. Since that report went out, as Mike Sawyer noted in the transportation review, no additional compensating right-of-way is required, so there is no need to adjust those buffers. So that condition is being eliminated, and James will have that as the final recommendations. If you have any other questions, I'm happy to answer those.

CHAIRMAN FRYER: Questions for Mr. Scott? Commissioner Schmitt.

COMMISSIONER SCHMITT: Concerning landscaping, and this may be -- I don't know if you can answer, but in regards to irrigation, is there secondary water down there for landscaping irrigation, or is this all going to be from county water? Because it is a significant amount of landscaping, which has to be maintained.

MR. SABO: We have Utilities next, Mr. Schmitt.

COMMISSIONER SCHMITT: Okay. That will Utilities. That's a Utilities question then. Hang onto that one. Thank you.

MR. SCOTT: Thank you.

CHAIRMAN FRYER: Thank you.

MR. SABO: All right. Utilities review is next. Eric Fey.

MR. FEY: Good afternoon, Commissioners. For the record, Eric Fey, Principal Project Manager with Public Utilities.

I'll go ahead and answer that question, Commissioner Schmitt. We do not have IQ water service available to the project, so all irrigation will be by potable water.

COMMISSIONER SCHMITT: Okay.

MR. FEY: The slide in front of you is a JS screenshot from our utility map. It shows our existing utility facilities in the Vanderbilt Beach Center subdivision. The blue lines are potable water. The green lines are gravity sewer. As you can see, there's a dashed green line in the lower right corner that represents an approximate location of a future force main that the applicant will construct to take flow from the project to the sewer on Vanderbilt Beach Road. Right now the subdivision flows west along South Bay Drive into the gravity sewer along Gulf Shore Drive. But when we reviewed the application, unlike traffic, which is reducing in intensity, when you add residential, that increases intensity for water and wastewater.

So the increase in intensity gave us some concern that the collections system along Gulf Shore Drive couldn't handle the additional flow. It's also very aged infrastructure. So we requested that the project flow go to the southeast, and that is the first Utilities commitment in the PUD document. The applicant agreed to that.

Because the existing infrastructure runs through the project along Center Street and Gulf Shore Court, it will be impacted by the proposed towers, and it does serve existing customers who will remain in Vanderbilt Beach Center when this project is constructed. That's why that area of the right-of-way is hatched diagonally. That represents the vacation of right-of-way petition that

was referenced earlier.

Another commitment from the applicant is that that infrastructure will be re-routed and reconstructed without any lapse in service to the existing customers, including Vanderbilt Palms, Barefoot Pelican, DaRuMa, and the real estate office.

Water will also be reconnected to the existing main in front of the parking garage, the beach parking garage, as you see called out there toward the bottom center. And then the right-of-way that's vacated, because we have existing customers that will rely on that until the new infrastructure's built, that will be replaced by a temporary county utility easement that will allow us to continue maintaining service to those customers until the new infrastructure is accepted and put into service.

Along with that, one of the commitments is that there will be no vertical construction on MU Tract 1 until the new easements are accepted.

With that, I'll take any questions.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes. So, Eric, your current situation right now is based on what is designed and the number of units, there's no problem with capacity in regards to handling wastewater. Is that -- is that correct?

MR. FEY: You're saying before?

COMMISSIONER SCHMITT: After the improvements are made as you required.

MR. FEY: Correct.

COMMISSIONER SCHMITT: So there's sufficient capacity in the plant to deal with the increased load based on additional residential?

MR. FEY: Yes, we have sufficient capacity in the plant and in the conveyance system.

COMMISSIONER SCHMITT: Okay. Great. Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: I'm assuming that you're extending a force main and you're not adding a pump station or pumping capacity, so I'm assuming you have adequate capacity.

MR. FEY: Yeah, the developer will construct a new pump station that will --

COMMISSIONER SHEA: Okay. Where will that go?

MR. FEY: The existing customers along Center Street and a portion of South Bay Drive will end up flowing to that new pump station, and so they also will be re-routed to the southeast rather than to the west and to the north.

COMMISSIONER SCHMITT: One more question then.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, one more question. In regards to water then, as far as the freshwater or county water, there's no issue in regards to fire flow or capacity when they go in -- when these buildings are constructed and all have to have -- you know, all be sprinkled. There should -- there's adequate freshwater to support that requirement; is that correct?

MR. FEY: I suspect so. We don't review fire flow at the zoning stage because, you know, that requires --

COMMISSIONER SCHMITT: Correct. I understand.

MR. FEY: We have 16-inch water mains in the --

COMMISSIONER SCHMITT: Oh, okay.

MR. FEY: We should be fine.

COMMISSIONER SCHMITT: Should be fine. Thanks.

CHAIRMAN FRYER: Any other Planning Commissioners have questions for Mr. Fey on utilities?

(No response.)

CHAIRMAN FRYER: If not, thank you, sir.

MR. FEY: Thank you.

CHAIRMAN FRYER: Mr. Sabo?

MR. SABO: Thank you, Mr. Chairman.

Next is Planning Review. That's me, James Sabo, for the record. Corby Schmitt is also here for Comp Planning, but I will cover that slide for him.

Growth Management Plan amendment, the uses requested for One Naples, can be found consistent the Growth Management Plan. The Growth Management Plan provides for up to 16 acres [sic]. They are requesting 31.7, and that's the basis of their amendment request. Any changes to the development standards that the Planning Commission considers, height setbacks, things like that, will affect the density that may be approved.

Do you have any questions for the comp?

CHAIRMAN FRYER: I do, but I want to see if anybody else does first. Commissioner Shea.

MR. SABO: If we could get Mr. Schmidt to come to the other podium, we'd be --

CHAIRMAN FRYER: Go ahead and ask it.

COMMISSIONER SHEA: So I'm just trying to get my hands around this. Is that the only change that we'd have to make to the Growth Management Plan for this project to go forward is increasing the density?

MR. SABO: That's one of them, for sure.

COMMISSIONER SHEA: That's not the only one then?

MR. SABO: You know what, I hesitate to talk about something I'm not familiar with. Mr. Schmidt is here.

CHAIRMAN FRYER: Mr. Schmidt.

MR. SCHMIDT: Yes.

CHAIRMAN FRYER: Please proceed. Please answer the question.

COMMISSIONER SHEA: Do you want me to ask it again? He was walking in.

CHAIRMAN FRYER: Oh, yeah, please.

MR. SCHMIDT: Yes, please.

COMMISSIONER SHEA: Now, I was just wondering if the only change we would have to make to the Growth Management Plan to allow the applicant's project to move forward would be to change the maximum density from 16 units per acre to 31.7; is that the only change?

MR. SCHMIDT: Corby Schmidt, for the record. It would be, because there's so many other details now that the hotel has been removed from the mix. There may be only that that remains is for that density.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Corby, is compatibility part of the GMP -- assessing compatibility, is that part of the GMP part of this?

MR. SCHMIDT: There's reference there, but it references back to the LDC.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: Thank you. I have an LDC question on compatibility.

COMMISSIONER FRY: Me, too.

MR. SABO: Fortunately, I have the pleasure of covering compatibility, so --

CHAIRMAN FRYER: Okay.

MR. SABO: -- I'll do that in a minute. Any more questions for Mr. Schmidt?

CHAIRMAN FRYER: Anyone?

(No response.)

MR. SCHMIDT: All right. Thank you.

CHAIRMAN FRYER: Thank you, sir.

MR. SABO: Thank you, Corby.

CHAIRMAN FRYER: Do you want to go first, or do you want me to?

COMMISSIONER FRY: Do you have a presentation on compatibility first?

MR. SABO: I do, I do.

CHAIRMAN FRYER: Oh, oh, sorry. Yeah, please. Present away.

MR. SABO: Thank you very much, Mr. Chairman.

These are the existing conditions at the site. I used a red arrow and a yellow arrow, and each of the boxes is outlined in red and outlined in yellow showing the perspective and where this view is from. The photo on the left is the red arrow facing east. That's the Barefoot Pelican and the Vanderbilt Beach Palms.

The next is the red arrow there. That's facing south and east. That is the Trieste building in the background, and the foreground is the empty lot next to the Beach Box. On the right is a due west shot from DaRuMa and the Beachmoor in the background.

This is the same shot, Trieste, from the intersection of Gulf Shore Court and looking east and south across, and then the entrance to the parking garage is there. On the right is Sotheby's at the intersection of South Bay and Vanderbilt Beach, and then behind it, behind those palm trees, is the Regatta, or the far west building from the Regatta.

The photo on the left, looking due east at the Lighthouse Inn. The photo on the right is looking west. That's the Venetian on the left and the Vanderbilt Beach resort on the right.

The same shot here, the left is -- that's the 10-story Vanderbilt Beach Resort, and on the right is Vanderbilt Beach Resort east building, I guess you could call it. And this is -- the left side is Harbor Club. That's about six stories, and then shot right in front of the Vanderbilt Beach, 10-story.

The current C-3 zoning is commercial intermediate. General commercial is permitted. Hotel use is -- actually, we don't need to talk about whether hotel use is permitted or not; they have removed that as part of their proposal.

Under C-3, we came up with a bit more generous maximum square footage for commercial at 164,000, and I'll show you how we came up with that. The light green area inside those blue boxes is the setback mark for each of those parcels. And what's left as a picture or as an aerial photo is the building envelope per se. And then at the end of Mr. Yovanovich's presentation, he showed you what those building envelopes would look like if they were in 3-D. So that's what -- that's where they would take up the space on those sites, and then what he showed you is what they would look like as blank boxes.

Summary findings for Tract MU-1: We used the same definition that Mr. Mulhere used, "compatibility." I won't read it again but, essentially -- proximity -- well, maybe I will read it again. Pardon me.

Compatibility is a condition in which land uses or conditions can coexist in relative proximity to each other a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly, by another use or condition.

So as Mr. Mulhere mentioned, that's subjective. I came up -- or we came up with a little bit different perspective on that subjectivity. For Tract 1, proposed Towers 1 and 2, actual height at 208 is not directly compatible with the adjacent neighboring buildings. The maximum height in C-3 is plus-or-minus 76. I think we were a little higher than they. They said, I think, 71. We're about five feet higher than that in terms of our understanding.

The proposed setback, 15-foot along Vanderbilt Beach, and Gulf Shore 10-foot, are not directly compatible with adjacent neighboring buildings. The C-3 zoned setback is 25 feet, and that's LDC Section 4.02.01.

Same thing for Tract -- MU Tract 3 and 4. That's the north tract in that photo there. Proposed buildings, actual height at 87. Not directly compatible with the adjacent neighboring buildings. C-3 height is 76 feet. We didn't find them compatible directly. And the proposed

10-foot setback along South Bay, again, not compatible directly with the C-3 zone district setback of 25 feet. Same thing for Tract 2.

This building is 77 feet, so I guess we could essentially throw them a bone and give them the extra foot in terms of compatibility. So I took that out of the presentation. But the setback is still not compatible with what the C-3 allows. And the Sotheby's, I calculated the Sotheby's setback at 25, and I think Mr. Mulhere had it at 15. So perhaps between now and the next meeting we can further verify that setback.

COMMISSIONER KLUCIK: What's the relevance to that?

MR. SABO: Just to confirm whether it's actually 25 or is it what --

COMMISSIONER KLUCIK: No. So Sotheby's, why are you mentioning Sotheby's? Is it on the corner there?

MR. SABO: Sotheby's is an existing building on the corner. Using it as a baseline for how future development could proceed. Sotheby's meets the C-3 zoning.

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: It meets the C-3 zoning?

MR. SABO: Correct.

COMMISSIONER KLUCIK: And so if the setbacks were similar, that would show on the new project -- on the proposed project, that would show compatibility?

MR. SABO: If the -- correct, correct.

COMMISSIONER KLUCIK: And you're not sure right now if it does?

MR. SABO: I calculated it at 25, but I didn't use a -- I didn't use a tape measure. I paced it off, so...

All right. Alternative consideration for the Planning Commission to consider: This is what their sidewalk -- approximately what their sidewalk would look like at the intersection, minus the place-making piece, but the intersection of Vanderbilt Beach and Gulf Shore.

Some dense, thick -- the parking garage for the county is right behind this. So dense, thick landscaping at the sidewalk. And you can see a couple of pedestrians there. So that is accurate what they said; landscaping right up against the sidewalk.

So, alternatively, we suggested -- and this is only an example. This is illustrative only. This is not what we're suggesting they design. That's not our business. But it does have first -- this is a parking structure with first-floor retail spaces that interact more with the pedestrian. As I had mentioned in the staff report, they are removing long-standing uses at the corner of Vanderbilt Beach and Gulf Shore Drive. The Beach Box is going to be removed. The beach store is going to be removed.

The -- there is, as Mr. Banks had mentioned, quite a large amount of pedestrian traffic and interaction at that intersection. We believe that pedestrians and business owners could benefit from a first-floor retail space for that parking structure.

Also, for proposed Towers 1 and 2, scale and massing not directly compatible with adjacent C-3 -- or with C-3 zoning, excuse me, 76 feet plus-or-minus. The surrounding buildings in Vanderbilt Beach are about 25 feet to 125 feet. This rendering is an example only, it's illustrative only, for what a stepped-back building or stepped-back architecture, wedding cake architecture might look like if they were to consider that for the upper floors.

Our recommendations here: The One Naples team recommends that the Planning Commission forward a recommendation of approval to the BCC for One Naples subject to approval of the GMPA, and to some of these development standards I'm about to list and Conditions 1 through 4.

The development standards, the maximum building height for all tracts is 50 feet zoned, 76 feet actual except that Tract 1 can be increased to 125 feet zoned if stepped-back architecture is used for the upper floors. Minimum building setbacks for all tracts is 25 feet except that minimum

building setbacks for Tract 1 can be reduced to 15 feet if street-level pedestrian commercial uses within a building at the intersection of Vanderbilt Beach and Gulf Shore are provided.

And then these are the Conditions 1 through 4. PUD deviation section. This is just ensuring that they use the PUDA process instead of a site plan with deviations for redevelopment process for their PUD. That was from Mr. Bellows.

Developer Commitment 2Bi, which is on the bottom of Page 9 for the PUD document. That's the right-turn lane for northbound Gulf Shore, and then this is what Mr. Scott had discussed, Type B buffer required along the northern waterfront boundary adjacent to Vanderbilt Lagoon for areas not developed with buildings or structures, and this is reviewed at Site Development Plan.

And then if Deviation 3 is used, the place-making elements would be required. That's one of our requirements as well.

Thank you so much for your time.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: So I am confused. When I asked the question, what do we have to change to get this approved, it was the density. But it's -- the height is significantly out of whack and the setbacks are significant. So there's more to it than just the density, it sounds like.

MR. SABO: There are two petitions before you.

COMMISSIONER SHEA: Yes. So it's an LDC issue?

MR. SABO: It is -- the rezone petition is what the height and setbacks in the development standards are related to. C-3 -- from C-3 zone to MPUD zone. So that's where we address the height, the setbacks, things like that. The density, the number of units per acre, is the Comprehensive Plan amendment and they, I think, are creating a subdistrict; is that correct? Yeah, they're creating a subdistrict.

COMMISSIONER SHEA: Can you back up one slide?

MR. SABO: Yes, I can.

COMMISSIONER SHEA: Two slides.

MR. SABO: Okay.

COMMISSIONER SHEA: So you're recommending, if they stayed with the C-3, 76 feet is the actual height that would be approved. If they were at that height, we wouldn't be talking about it? You're recommending we increase it to 125.

MR. SABO: For Tract 1.

COMMISSIONER SHEA: For Tract 1. Is that the high-rise?

MR. SABO: That's the high -- the two high-rises. That's those -- pardon me. That's those two buildings.

COMMISSIONER SHEA: Yeah, that's what I thought. So that's significantly less than the proposal.

MR. SABO: I'm very much aware of that, yes.

COMMISSIONER SHEA: Okay. I just wanted to make sure I was reading it right.

CHAIRMAN FRYER: I have a question also. The -- you say 125-foot zoned height, but I've been given to understand that the Beachmoor building is 125-foot actual height. What would your recommendation be with respect to actual height?

MR. SABO: Well, I -- maybe there's a typo there. A hundred and twenty-five foot actual height would be probably the most compatible.

CHAIRMAN FRYER: Okay.

MR. SABO: And, again, it's with that sort of wedding cake, stepping back the upper floors.

CHAIRMAN FRYER: Okay. Thank you. I appreciate it.

COMMISSIONER KLUCIK: Could you -- I didn't really hear an answer there. I heard,

like, you're not sure.

MR. SABO: No, I'm sure; 125 --

COMMISSIONER KLUCIK: So it shouldn't be zoned. It should be actual after the 125?

MR. SABO: Correct. I should have been clearer. I apologize.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So, Jim, you're recommending approval but with radically reduced building heights than they're asking for.

MR. SABO: That is correct.

COMMISSIONER FRY: And greater setbacks than they're asking for.

MR. SABO: That's correct.

CHAIRMAN FRYER: I'm sorry.

COMMISSIONER FRY: Oh, I'm sorry.

Another point, I believe in the applicant's presentation, the statement was made that because of FEMA and floodplain requirements, you could not have commercial on the first floor. Is that --

MR. SABO: That is -- so here's my ethical responsibility as a certified planner for the county, is to look at this without regard to how much it would cost to make this happen. And I know -- I know -- I understand that's not terribly realistic. I get it. But the code I have to -- the ethical code I have to live by is what's in the best interest of the community. So in the best interest of the community, in our view, is to maintain that long-standing pedestrian interaction and retail and commercial uses at the first floor and the maximum height with, you know, nearby buildings at 125 such that it is -- it is more directly compatible with the surrounding buildings.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: So if they were to change to the reduced height, then the density would get smaller, I would assume, since the lot's not getting any bigger.

MR. SABO: Well --

COMMISSIONER SHEA: The dwelling units per acre would get smaller, it would seem like.

MR. SABO: It depends on how many dwelling units they create, so --

COMMISSIONER SHEA: Well, if they make them too small, they won't sell.

CHAIRMAN FRYER: Mr. Yovanovich, I see you there. Hang on.

Commissioner Schmitt.

COMMISSIONER KLUCIK: And myself, Mr. Chairman.

CHAIRMAN FRYER: Oh, yes. Please.

COMMISSIONER SCHMITT: James, you talk about compatibility, but you're talking directly adjacent. How far --

MR. SABO: Oh.

COMMISSIONER SCHMITT: -- does that go in regards to, are you looking at the Trieste or are you looking at the Ritz-Carlton or -- that far or -- because your statement's clearly centered solely on that pretty much adjacent property, not area at large. And considering some of the height of the other buildings --

MR. SABO: That is correct, and that's a great question. Thank you so much, Commissioner Schmitt.

I focused my compatibility on the Vanderbilt Beach neighborhood, the intersection to the north. I understand and I respect what the applicant has stated with respect to the Remington and the Ritz-Carlton and the Trieste; however, none of those places are directly accessible from this particular neighborhood to the south. They are accessible. You've got to drive around into Bay Colony, go to the gate, and request permission to get in, et cetera. You can get to the Ritz, but still have to go through a gate.



So in our eyes, it was -- it was a fair comparison in terms of compatibility because those are somewhat disconnected from the Vanderbilt Beach neighborhood.

COMMISSIONER SCHMITT: And the other point I made -- and I go back to the zoning. I mean, in several places -- and I'm looking at your quotes. But "the Planning Commission may wish," and then you have several different areas where you cite "the Planning Commission may wish."

MR. SABO: I would --

COMMISSIONER SCHMITT: I don't know if I've ever seen that before. I mean, is -- was that an attempt to get us to negotiate with the developer and the petitioner to come to some attempt to -- I guess, come up with an offer that everybody agrees with? Because this is sort of waffling to me. And I'm not really pointing a finger, but it was sort of a waffle. Either it is or it isn't. But you basically say it is -- or it is not, but you may wish to do something.

MR. SABO: Okay. So --

COMMISSIONER SCHMITT: So if you'd clarify that.

CHAIRMAN FRYER: If I may say so, first of all, I want to commend Mr. Sabo for taking on this approach and I, too, had a question about directly compatible. It's nuanced.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: But what's not nuanced is his very clear recommendation about building height and setbacks.

COMMISSIONER SCHMITT: Oh, I agree.

CHAIRMAN FRYER: So you're to be commended.

MR. SABO: Thank you.

COMMISSIONER SCHMITT: I was just curious as to -- that was sort of like, okay, see if the Planning Commission can resolve this. Obviously, staff was not able to get -- convince the petitioner to do whatever you thought needed to be done.

MR. SABO: Correct. Now, it is not a punt. I'm not punting to you.

COMMISSIONER SCHMITT: Okay.

MR. SABO: So I will act as the quarterback on third down here. Not a problem. I did have a conversation with Mr. Yovanovich and Mr. Gelder directly via Zoom, and I said, hey, just -- I'm going to be straight, upfront with you. What we're looking at is reducing some of the scale and massing of those towers, stepped-back architecture, and Mr. Yovanovich, in fairness, said, I'm sorry, Mr. Sabo. This is our proposal. I'm like, okay, and that I get.

COMMISSIONER SCHMITT: Yeah.

MR. SABO: But, you know -- so what I think needs to be done here is to respect the applicant and not lead him on or say, oh, yeah, you know, whatever you present is going to be great. I was upfront, direct, and as honest as I could be with them when I talked to them.

COMMISSIONER SCHMITT: Oh, I commend you for that. I mean, that's -- I agree that -- you pointed -- you're pointing out from your job as -- as the watchdog for the county, and I fully understand that. Thank you.

MR. YOVANOVICH: May I ask -- I just want -- I note that --

COMMISSIONER KLUCIK: No, I'd actually like to weigh in on this.

MR. YOVANOVICH: I agree. I just want to make sure, before we break, that I can make a couple points.

CHAIRMAN FRYER: Commissioner Klucik, go ahead.

COMMISSIONER KLUCIK: Thank you.

Okay. So you were -- for the Comp Plan is the density change. What is the recommendation?

MR. SABO: Approval.

COMMISSIONER KLUCIK: Approval. As-is? As submitted?

MR. SABO: Yeah, that's the -- up to 172 units, 31.7 dwelling units per acre.

COMMISSIONER KLUCIK: So for the rezoning is really where the issue is. So then my question is, you were looking at, we'll say, the northern buildings versus the southern buildings, and your rationale for that is that the access is more direct.

MR. SABO: Correct.

COMMISSIONER KLUCIK: Is that a fair --

MR. SABO: That's correct.

COMMISSIONER KLUCIK: Okay. So then you're saying, it's unduly -- I guess, under the criteria it's unduly -- I forget what is the -- yeah, negatively impacts. That's what you're saying is at above 125 feet, it unduly impacts whom?

MR. SABO: The neighboring residents, most of whom have expressed that they are not interested in the project, and I did -- I was direct and honest with the residents as well, and I said, if you are looking to me to make a recommendation to deny and hope that the whole thing just moves on and packs up their bags and moves down the road, I told them it is not realistic. It's not realistic to assume that this property will not be developed. And they were understanding of that as well. And I mentioned to them, listen, what is the -- what is it that you can live with and, you know, you're going to need to come to some idea about what the minimum thing or standard you can live with is.

COMMISSIONER KLUCIK: And with the -- if you were to consider the buildings to the south and I guess even the building due west; is that correct?

MR. SABO: Due west.

MR. YOVANOVICH: East.

MR. SABO: Beachmoor.

COMMISSIONER KLUCIK: Right. Those would both be -- well, which --

MR. YOVANOVICH: Twelve.

COMMISSIONER KLUCIK: In which direction are the buildings of a similar height?

CHAIRMAN FRYER: East and south.

COMMISSIONER KLUCIK: East and south, okay.

So I don't understand how that then becomes -- if you have a building on either side that's, you know, very similar height, I don't understand how it's un -- it becomes unduly negatively impacting the community there or the adjacent folks.

CHAIRMAN FRYER: Commissioner, if I may answer that. That is exactly the reason why I've asked for a replotting, if you will, of the buildings, the structures all the way around the subject site, which would include not only what we saw in the applicant's presentation today but also what's going on due north and northwest, and then I think we can have a clear picture of what the adjoining neighborhoods are, recognizing that some are more easily accessible to the site than others.

But I personally was concerned that if all we were looking at for comparability and compatibility was the south and to the west -- to the east, that we were not getting the full presentation. So we'll definitely be talking about this on the 15th. And --

COMMISSIONER KLUCIK: Thank you very much.

CHAIRMAN FRYER: Mr. Yovanovich, I'm going to give you the last word before we adjourn.

MR. YOVANOVICH: I appreciate it.

CHAIRMAN FRYER: But not -- I not ready --

MR. YOVANOVICH: I just want to ask a couple quick follow-ups questions --

CHAIRMAN FRYER: Okay. But I want to call to Commissioner Fry first.

MR. YOVANOVICH: Oh, I'm sorry.

COMMISSIONER FRY: Oh, okay. So I think we're, I mean, right into the meat of the

matter here in terms of compatibility. I'll observe -- I mean, when I read your recommendation for approval, it sounds like a recommendation of denial to me.

MR. YOVANOVICH: Yeah.

COMMISSIONER FRY: He's saying, we want this, we're going for this, and you're saying, no, but you can have much less.

I guess you're asking them to reengineer the whole project at a lower height but possibly to achieve the same density. You would accept the density, but at the heights and setbacks --

MR. SABO: Yeah, the density is fine. The density's not an issue. The -- it's the scale and massing of the towers and the closeness of the setbacks. And I think in their presentation, they had mentioned they were at -- one point they were at zero setback for the mid-rise buildings. And, you know, in fairness to them, they did back the buildings up.

But, I mean, at zero -- I mean, they are maximizing the site, and I completely understand that, and I respect it from a developer point of view; however, my view and my interpretation has to be in what's best for the community.

COMMISSIONER FRY: So my -- here's a question, and it might possibly be one for you to weigh in on, Heidi, the issue of compatibility. This is in -- and I looked at what neighborhood it's in, and it's in Vanderbilt Beach, Trieste, the Ritz, Remington there in Pelican Bay --

MR. SABO: Correct.

COMMISSIONER FRY: -- zoned many, many years ago for the high-rises. Trieste is a little bit of an outlier. It's not on the beach, but it's a very tall high-rise, kind of a little farther east than is standard for most high-rises in Pelican Bay.

So my question is in our -- what is our latitude or what is our -- can you direct us -- in terms of how we have to view compatibility, do we need to give equal weight to Pelican Bay versus Vanderbilt Beach? Are we trying to look at the projects to the north? So just give us whatever direction you might have.

MS. ASHTON-CICKO: So it's within your purview to listen to the testimony of the experts that you've heard, one being Mr. Sabo, who had a certain neighborhood that he was considering when he gave you his opinion on compatibility, versus the other planner, Mr. Mulhere, who had a larger area that he was looking at. It's totally within your purview to decide which neighborhood or however, based on the testimony, you'd like to proceed. You do not have to go with the county. You can go with the other planner.

COMMISSIONER FRY: Or anywhere in between.

MS. ASHTON-CICKO: Yeah. You just have to look at the analysis and go with what you deem appropriate.

CHAIRMAN FRYER: That is exactly right, and also your point about anywhere in between gets back to a point that I made at the last meeting that GMPAs are -- you know, we are the primary stewards of the GMP, and although the -- so far the options that have been presented to us are binary in nature, sort of a Hobson's choice, either we have to go with the C-3 commercial use that has been depicted or the proposal that is in front of us, hook, line, and sinker.

And, really, what we have the option of doing -- and it certainly doesn't bind the applicant in any respect whatsoever when they go to the Board of County Commissioners, but we could adopt -- we could approve the petition with the conditions even though the conditions are not supported by the applicant, and then it goes on to the Board of County Commissioners, and they decide what they want to do.

Mr. Yovanovich, last word, sir.

MR. YOVANOVICH: I don't want a word. I want to ask some questions, if that's okay.

CHAIRMAN FRYER: You want to do what?

MR. YOVANOVICH: I would like to ask Mr. Sabo some questions.

MS. ASHTON-CICKO: As a party -- as a party to this matter, which the applicant is, they

do have the right of cross-examination of the witnesses, so it would be best to do it now rather than later, because with the lapse in time, it might be difficult to follow.

CHAIRMAN FRYER: Okay.

MR. YOvanovich: It won't be long.

CHAIRMAN FRYER: Ordinarily, this would be a rebuttal item, though, would it not?

MR. YOvanovich: No, nope. I have to ask the questions when the staff is making their presentation.

CHAIRMAN FRYER: Okay.

MR. YOvanovich: That's why I wanted to clarify early in the hearing.

CHAIRMAN FRYER: That's fine. Please proceed.

MR. YOvanovich: Can I still call you Jim?

MR. SABO: Yes.

CHAIRMAN FRYER: I think he prefers James, but that's --

MR. SABO: My actual name is Charles.

MR. YOvanovich: James. James. Sorry, James.

And I'm not going to call him Mark anymore.

All right. So can you go back to the picture that you showed to the -- that you were showing to the south.

MR. SABO: To the south. One moment, please.

MR. YOvanovich: I'm going to -- take as long as you need to get there.

MR. SABO: That one? That's to the south.

MR. YOvanovich: No, that's -- I don't think that's to the south. I think you're looking to the east on that one. There you go. There you go.

MR. SABO: Okay.

MR. YOvanovich: You referenced that as being, I believe, Regatta, did you not?

MR. SABO: No, that's Trieste.

MR. YOvanovich: But I think you referred to it -- so it is actually in your -- showing the sites that are immediately around this vicinity, you actually have a picture of Trieste, yet you don't want to consider Trieste as part of your compatibility analysis?

MR. SABO: That is correct.

MR. YOvanovich: Now, why don't you have a picture of Regatta, which is on the north side of Vanderbilt Road -- Vanderbilt Beach Road in your presentation?

MR. SABO: I do. The slide on the right is a picture of Sotheby's, and in the background is Regatta.

MR. YOvanovich: What is the zoned height of Regatta?

MR. SABO: I can't recall, but I believe it's 54 or 55 feet.

MR. YOvanovich: That's for the mid-rise. Tell me about the taller buildings in Regatta. What's the zone height of that?

MR. SABO: I do not know. I'd have to research that.

MR. YOvanovich: Would you trust me when I tell you that the zoned height of Regatta is 120 feet?

MR. SABO: I do trust that you know that fact.

CHAIRMAN FRYER: My notes show 148, but --

MR. YOvanovich: That's actual height.

COMMISSIONER FRY: Actual height.

(Simultaneous crosstalk.)

COMMISSIONER FRY: Jim, you should be an attorney.

MR. YOvanovich: So Regatta, on the same side of the street, has a zoned height of 120 feet and an actual height, I believe, of 148 feet. Do you trust me subject to -- trust but verify?

MR. SABO: I trust but verify. Thank you very much.

MR. YOvanovich: Yet, that's not an acceptable height for our proposed project?

MR. SABO: Correct.

MR. YOvanovich: Is Regatta compatible with Barefoot Pelican?

MR. SABO: I would say no.

MR. YOvanovich: How did the county approve Regatta if it's not compatible with Barefoot Pelican?

MR. SABO: I do not know the answer to that.

MR. YOvanovich: So you weren't the planner on that project where it got approved?

MR. SABO: No. It was -- Barefoot Pelican was '82.

MR. YOvanovich: And when was Regatta?

MR. SABO: I don't know when Regatta was.

MR. YOvanovich: After 1982?

MR. SABO: I'd have to research that.

MR. YOvanovich: Okay. Will you trust --

MR. SABO: Do you have that fact?

MR. YOvanovich: Will you trust me when I tell you that Regatta was approved after Barefoot Pelican?

MR. SABO: I will trust that you know that fact.

MR. YOvanovich: Will you trust me that there's always been a compatibility analysis done when you do rezone petitions in Collier County?

MR. SABO: I would trust that.

MR. YOvanovich: Would you trust me that the county found Regatta compatible with Barefoot Pelican?

MR. SABO: I would have to research that.

MR. YOvanovich: Did Barefoot Pelican -- I mean, did Regatta get approved?

MR. SABO: It appears so.

MR. YOvanovich: Now, I've been to the Ritz a few times. I don't ever remember going through a gate to get to the Ritz. Did they put a new gate in at the Ritz?

MR. SABO: They did. I don't know when, but I have to go through a gate when I go to the Ritz.

MR. YOvanovich: So -- but before they recently added the gate, the Ritz -- if I want to go stay at the Ritz, I can go stay at the Ritz, correct? It's public.

MR. SABO: That is correct.

MR. YOvanovich: Okay. Now, was the Ritz compatible with Barefoot Pelican?

MR. SABO: I don't know. I don't know the answer to that.

MR. YOvanovich: Isn't there -- hasn't there always been in the county's zoning process a compatibility determination when you ask to rezone property?

MR. SABO: Again, I'd have to research that. I don't know the answer to that. I would trust -- if you know that that's true, I would trust that.

MR. YOvanovich: Okay. So would you trust me that when the county does rezone, one of the criteria for a rezone analysis is determining compatibility?

MR. SABO: I would trust that that -- I would trust that, yes.

MR. YOvanovich: Well, we know that that's true, because you just did a compatibility analysis, correct?

MR. SABO: I did, that is correct.

MR. YOvanovich: So Pelican Bay is compatible with Barefoot Pelican?

MR. SABO: Personally, from my professional opinion and my professional viewpoint, those two neighborhoods are separate, and I stand by my recommendation.

MR. YOvanovich: And I'm fine with your professional opinion. I just want to inquire on how you got to that professional opinion.

Now, it appears to me, and correct me if I'm wrong, you've determined compatibility to mean you need to build a project consistent with the C-3 development standards, correct?

MR. SABO: That is correct.

MR. YOvanovich: Okay. So if I want to vary from the C-3 zoning standards, you would deem it incompatible, correct?

MR. SABO: Not necessarily.

MR. YOvanovich: So let me ask you your question about the activation of the street in exchange for allowing us to go above 50 feet zoned, 76 feet actual. You made a statement that it's not your job to determine how much it would cost me to comply with your recommendation, correct?

MR. SABO: That is not exactly what I said.

MR. YOvanovich: Well, correct me.

MR. SABO: All right. So I said, I have an ethical responsibility to the community and to the county to make a determination based on what as a professional I believe is in the best interest of the county. And I believe what is in the best interest of the county is to maintain longstanding retail and commercial use at that intersection.

MR. YOvanovich: Different question. Is it retail at that intersection at the ground level, or is it retail at the minimum flood elevation?

MR. SABO: At the ground level.

MR. YOvanovich: Ground level, okay.

Now, you also have, I'm assuming, an ethical responsibility to make a recommendation that's legally achievable, correct?

MR. SABO: I guess so, yeah. I don't -- you're asking me some questions that I don't know specifically the answer to.

MR. YOvanovich: Well, you've made a proposal that we can, in fact, achieve retail at the ground level. Can I legally achieve retail at the ground level?

CHAIRMAN FRYER: If you know. If you don't know, you can't answer.

MR. SABO: Yeah, I don't know.

MR. YOvanovich: So why would you make a recommendation to do something if you don't know if it can be achieved?

MR. SABO: Well, I can tell you what I did do -- and that's a fair question. I reviewed it with the County Attorney's Office thoroughly, and after reviewing it with the County's Attorney's Office, our staff report was found to be legally sufficient and, hence, I am here making this presentation.

MR. YOvanovich: Would you trust me --

MS. ASHTON-CICKO: I just have to interject. I'm not involved at all in his opinion. I just help him clarify --

CHAIRMAN FRYER: I don't think your mic's on, Heidi.

MS. ASHTON-CICKO: I just helped him clarify to make it easier to read. I did not influence his opinion in any way.

MR. YOvanovich: So would you trust me?

MR. SABO: I'm doing a lot of the trusting.

MR. YOvanovich: Would you just trust me to --

COMMISSIONER SHEA: Lawyer asking that question.

MR. YOvanovich: Would you trust me, when I did ask county staff if I can actually build ground-floor retail, and the answer was I cannot legally build ground-floor retail?

MR. SABO: I trust -- if that's what they told you, I would trust that.

MR. YOvanovich: So the reality is, you're recommending that this project must be consistent with the C-3 development standards for you to determine that it is compatible, correct?

MR. SABO: Yes, however, minus the development standards that I proposed.

MR. YOvanovich: But I can't do ground -- I'm just -- so basically -- I want to make sure I understand the implications of your decision. I legally can't do ground-floor retail. That was my only ability to go above 50-foot zoned height, 76-foot actual, correct?

MR. SABO: I don't -- I don't know the -- I don't know. I don't know the answer to that.

MR. YOvanovich: Well, I'm just trying to understand your recommendation. Your recommendation said, zoned height is 50 feet, actual height is 76 feet except on Tract 1 --

MR. SABO: Except on Tract 1.

MR. YOvanovich: -- I could go taller if I have ground-floor retail.

MR. SABO: Correct.

MR. YOvanovich: And now I can't do ground-floor retail, so your recommendation is on mixed-use Tract 1, that we are limited to 50 feet zoned, 76 feet actual; is that correct?

MR. BELLOWS: If I might.

CHAIRMAN FRYER: Please go ahead, Mr. Bellows. Introduce yourself.

MR. BELLOWS: For the record, Ray Bellows. I'm the Zoning Manager for the county.

In regards to the question about ground-floor retail, I think the answer has to be couched upon what options are available under the Land Development Code. They have to meet the FEMA flood elevation, but that doesn't prevent a gradual sloping and filling of grade to create a ground-level commercial that meets the FEMA flood elevation.

MR. YOvanovich: Do you have any clue at what --

MR. BELLOWS: I'm just saying that's one option. I didn't explore it.

MR. YOvanovich: So the option is I fill the land at a slope to somehow make it a ground level to now I can have retail?

MR. BELLOWS: It may or may not be doable, but that's just where probably some of that staff recommendation came from.

MR. YOvanovich: I think that's all I have for now.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: What's the BFE there, the base flood elevation?

MR. YOvanovich: Twenty-one.

COMMISSIONER SCHMITT: Twenty-one. That's what I thought. Okay. Thank you.

COMMISSIONER KLUCIK: Mr. Chairman, could I just clarify?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: So what we -- what I think I heard is that if we were to go with the recommendation as it was proposed by Mr. Sabo and in compliance with the law, then the limit is 70-some feet everywhere?

MR. YOvanovich: He's basically -- what I understood the recommendation -- the net effect of the recommendation is he wants the C-3 development standards to apply to my residential project, which would be 50-foot zoned height, which is an actual height of roughly 76 feet, 80 feet, depends. We can quibble over what the actual height is. But it, effectively, is saying, in order for him to determine compatibility --

COMMISSIONER KLUCIK: No, I know. To get to 125, you would have to do ground-floor retail.

MR. YOvanovich: Which I can't legally do.

COMMISSIONER KLUCIK: Which you can't do. So the net result is everything is limited to 70 --

MR. YOvanovich: '6 feet.

COMMISSIONER KLUCIK: -- '6 feet everywhere.

CHAIRMAN FRYER: Except for the fact that what we're talking about is staff's recommendation and, ultimately, what we're going to have before us is what becomes our recommendation, which may --

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: I'm sorry, Mr. Chairman.

CHAIRMAN FRYER: Which may or may not include ground-floor retail. That will be entirely within our purview.

COMMISSIONER KLUCIK: Right. But just -- the recommendation, essentially, is you can't go any higher than 76 feet anywhere on the project. That's what staff has recommended to us.

MR. SABO: No.

COMMISSIONER KLUCIK: Well, in accordance -- if we were to comply with the law.

MR. SABO: Well, we haven't determined that yet. Mr. Bellows just made a statement that there are certain conditions that can be met --

COMMISSIONER KLUCIK: Okay. Sure.

MR. SABO: -- if you construct things a certain way. You know, I don't know all the answers to how they can create ground-floor retail, but --

MR. YOVANOVICH: You know what I'm going to do, I'm going to go ahead and I'll bring an exhibit back to show you exactly how much fill I would have to put in to get to ground floor and where the building would actually end up, and my guess is it's not on mixed-use Tract 1.

CHAIRMAN FRYER: You know, we've gone to after 5:00, and I don't know whether staff has more in its presentation, but certainly if it does, when we convene on the 15th, we would start with that, or whether any planning commissioners have further questions for staff, we would want to take those first off.

So having said that, before we do adjourn, I want to apologize sincerely to all members of the public who were here and sat patiently through this without an opportunity to speak. But rest assured that the interest groups and the public, the organizations, the individuals, will have a full and fair opportunity to be heard when we reconvene on the 15th.

COMMISSIONER SCHMITT: Mr. Chairman, one clarification.

CHAIRMAN FRYER: Please.

COMMISSIONER SCHMITT: The information you had asked for regarding setbacks and the requirements, and I asked for the association -- associated densities, I would ask that the applicant run that through the county staff as well. I want to make sure the county staff verifies that information.

CHAIRMAN FRYER: That's a good suggestion. Thank you, Commissioner.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: All right. So, again, thank you very much. Any new business?  
I sincerely doubt there is.

(No response.)

CHAIRMAN FRYER: Any old business?

(No response.)

CHAIRMAN FRYER: Any public comment, matters that were not on the agenda?

(No response.)

CHAIRMAN FRYER: Without objection, we're adjourned.

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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 5:04 p.m.

COLLIER COUNTY PLANNING COMMISSION

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EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on \_\_\_\_\_, as presented \_\_\_\_\_ or as corrected \_\_\_\_\_.

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