

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
March 17, 2022

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  
Joe Schmitt  
Paul Shea  
Robert L. Klucik, Jr.  
Christopher T. Vernon (remotely)

ABSENT:

Karl Fry  
Tom Eastman, Collier County School Board Representative

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager  
Mike Bosi, Planning and Zoning Director  
Jeffrey Klatzkow, County Attorney

PROCEEDINGS

MR. BOSI: Chair, you have a live mike.

CHAIRMAN FRYER: Thank you. Good morning, everyone. Welcome to this, the March 17, 2022, meeting of the Collier County Planning Commission.

Would everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Before we begin, I'm going to ask staff if we've heard from Commissioner Vernon.

COMMISSIONER SHEA: He's still trying to -- he just texted me. He's still trying, but he said go ahead and start, and he'll chime in when he's in.

CHAIRMAN FRYER: Okay. He has what I think would be considered extraordinary circumstances. He's ill. And so if he wants to dial in, my recommendation would be that we allow for that. And we can dispense with that item, really, right now. Is there a motion?

COMMISSIONER SHEA: So moved.

COMMISSIONER SCHMITT: I make a motion to allow to dial in.

CHAIRMAN FRYER: Yes. Is there a second?

COMMISSIONER KLUCIK: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of allowing Commissioner Vernon to dial in and participate remotely on account of illness, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Thank you.

Commissioner -- Secretary Fry has an excused absence, so I'll call the roll.

Mr. Eastman, who also has an excused absence for medical reasons.

Mr. Shea?

COMMISSIONER SHEA: Here.

CHAIRMAN FRYER: Mr. Vernon?

(No response.)

CHAIRMAN FRYER: Mr. Fry? Excused absence.

Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

CHAIRMAN FRYER: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

CHAIRMAN FRYER: Mr. Klucik?

COMMISSIONER KLUCIK: Present. And I do have a question before we begin, after you do the roll.

CHAIRMAN FRYER: Okay. Good. We have one, two, three, four, five. Did I count right? Yeah. Five and possibly six, so we have a quorum.

Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: I just want to confirm, especially because I can't log in yet for the Internet, is the packet -- the agenda packet that was published a few days ago, like, four or five days ago on the Internet, is that still an accurate agenda?

CHAIRMAN FRYER: I think there's one change, isn't there?

MR. BOSI: It's an accurate agenda, but we are going to propose a modification to the

agenda this morning.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Procedural.

MR. BOSI: Yeah, procedural.

CHAIRMAN FRYER: Yeah. Okay. All right. So that does take us to agenda addenda, and Mr. Bellows.

MR. BELLOWS: Yes. We're going to move agenda Items 9.4 and 9.5 to the top of the public hearing agenda items today. That's dealing with the Golden Gate Golf Course.

CHAIRMAN FRYER: You're going to ask us to do that?

MR. BELLOWS: Yes.

CHAIRMAN FRYER: That's what I thought you meant.

MR. BELLOWS: That's what I -- and you were also going to entertain allowing a public speaker to go first.

CHAIRMAN FRYER: Yes. Okay, thank you.

COMMISSIONER SHEA: Why do you want to do that?

COMMISSIONER SCHMITT: That's my question as well. What's driving that change?

MR. BOSI: The Board of -- certain Board of County Commissioners is concerned about how long the golf course has taken to get to public hearing associated with the affordable housing commitments and the BigShots --

MR. KLATZKOW: We need to get this done because a couple deals may fall apart if we don't.

MR. BOSI: Yes. And so they urged us to put it at the front of the meeting so we can take action on it today so we can make the April 26th Board of County Commissioners meeting.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes.

COMMISSIONER SCHMITT: But does that -- is there some kind of concern that they don't think we're going to get through this agenda today? Is that --

MR. BOSI: Yeah.

COMMISSIONER SCHMITT: I mean, I'm fine with the change. I just find it somewhat --

MR. BOSI: Yes. They're concerned that maybe if it's at the end of the agenda, that we wouldn't have time to -- if it runs longer than what we would expect. So the request was to put it to the front of the agenda so we can take action on it.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Did I heard the word "big shots"?

MR. BOSI: Yes.

COMMISSIONER KLUCIK: Okay. I just suggest we don't take any action based on anything asked by big shots.

MR. KLATZKOW: No, that's not -- gentlemen, that's not the issue here.

COMMISSIONER KLUCIK: No, I understand.

MR. KLATZKOW: We've got affordable housing commitments that could fall apart.

COMMISSIONER KLUCIK: No, I understand. And my point is simply that I don't want anyone -- you know, that we serve the public, and I don't want the public to think that we're making our decision because big shots asked us to.

MR. KLATZKOW: No, this has nothing to do with BigShots, is my understanding.

COMMISSIONER KLUCIK: Okay. All right.

CHAIRMAN FRYER: Any further comments before we --

COMMISSIONER SHEA: The only -- I'm just concerned a lot of people came here based on the agenda, and they're sitting in the audience, and now all of a sudden, we're going to switch the agenda around. I don't know how much --

CHAIRMAN FRYER: That's always a concern, and that's why I'm going to find out who's here for what now.

COMMISSIONER SHEA: Thank you.

COMMISSIONER KLUCIK: I also want to say that Mr. Bosi, I don't think, makes his decisions based on what big shots say to him. So I don't -- I understand that that wasn't your intent, but...

CHAIRMAN FRYER: As far as I'm concerned, we're the big shots here.

And now I'd like to ask, how many people are here publicly to speak on the Golden Gate Golf Course matter, please raise your hand.

Okay. Is there anybody dialing in? No. So we've got one person for that.

How many people are here for the --

COMMISSIONER KLUCIK: Two dialing in.

COMMISSIONER SHEA: Two dialing in.

CHAIRMAN FRYER: Two dialing in, okay. Thank you. So we've got a total of three.

How many people are here for Siena Lakes? Two.

How many are here for Sabal Palm?

(No response.)

CHAIRMAN FRYER: None. Okay. And the EAR-based amendments, how many are here for that? One. All right. Okay.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, go ahead.

COMMISSIONER KLUCIK: I suggest that any items for which we actually have people here in the room, that we take those at least in the order that they were on the agenda and don't prioritize anything before those.

CHAIRMAN FRYER: I think that that is -- certainly could be the desire of the Planning Commission. I don't oppose doing that. But what we're asking the members of the public who are here -- and I can't estimate at this point how long Golden Gate Golf Course is going to take or how short we'll get through it, but in any event the change has been requested. We haven't voted on the agenda change yet, but without objection from the Planning Commission, we will ask any public speakers who are here and who wish to have their three minutes or a little longer in the case of organizational representatives, if they want to be heard before that agenda item is called so that they don't need to sit through the Golden Gate, we will allow for that. Is there any objection to that procedure?

(No response.)

CHAIRMAN FRYER: Apparently not. All right.

And so I know Dr. Hushon is here on behalf of the League of Women Voters and wants to -- she's already indicated that she wants to be heard before we go into the main agenda, and so we're going to hear from her now at this time. But we're not going to continue with that matter until we come to it on the agenda.

The Chair recognizes Dr. Hushon.

DR. HUSHON: Judith Hushon representing the League of Women Voters of Collier County.

And I want to speak to 1A, and I want to commend the county for doing a good job at turning this around. They listened to some recommendations that we gave to them for a language change, and it looks like it makes sense now.

We do have a tool that we can use. This is the ACUNE tool for sea level rise and for storm surge, and you-all saw that in your presentation in October, I believe it was. So that tool is -- we have since that time educated about 15 to 20 people in the county, in the City of Naples, and the City of Marco Island to use that tool so it's in greater use than it was. And I want to congratulate you on that.

And item -- you do have an option in Policy 14.1.6 where it says, the county shall

coordinate with local municipalities regarding sea level rise adaptation and mitigation measures. There is, actually, afoot a southwest compact, and Collier has been approached to be a member of it, as have Lee County, Charlotte County, City of Sarasota, City of Naples, Marco Island, Everglades City, Bonita Springs, all of these jurisdictions that are within the southwest part of Florida.

The goal of this would be to coordinate any actions that are taken to combat sea level rise and storm surge and make them uniform across the region. We're all affected just about to the same extent. We're different from the East Coast. What -- the sea level rise is a different phenomena on the East Coast. It's happening a little faster because the East Coast is sinking, and they have different water, different water patterns. So they have a different set of issues than we do on the Gulf Coast. So we'd like to look at these issues as a group.

So if one wanted to put in the southeast compact here, one could do that, and it would make sense because that's a possibility. And you could say, coordinate with local municipalities under such organizations as the southeast compact. I mean, you could make it like that.

You also -- that doesn't rule out going to other groups, meeting in other ways to talk about how you're going to deal with sea level rise. We've had the Army Corps of Engineers come in here and show us the metallic way of dealing with it, the heavy engineering way, and now they're back looking at a lighter engineering way, and maybe this is something we need to look at all up and down the coast together.

MR. KLATZKOW: And with all due respect, I would definitely recommend against that, putting something like that in the Comp Plan.

DR. HUSHON: Okay. I'm just saying it's a possibility. But I commend you on getting the ACUNE in the front part, because I think that is what we are using.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt, I think, may have a question.

COMMISSIONER SCHMITT: Judy, just to let you know, those two areas I've addressed, and I'm going to ask staff about both the model and the language in dealing with the --

DR. HUSHON: Right.

COMMISSIONER SCHMITT: -- the group that's going to be formed to study it. But I think it would -- that would not be appropriate for me to ask you to comment on that because it's questions I have of staff.

DR. HUSHON: Okay. But I did explain to you this morning --

COMMISSIONER SCHMITT: Yes.

DR. HUSHON: -- that the model is -- we're using the sea level rise numbers from NOAA.

COMMISSIONER SCHMITT: Yes.

DR. HUSHON: This is the accepted numbers at the moment. You may have read that there's some new reports out in 2022. They're releasing them one a month, and they will be upping or downing the numbers, adjusting the numbers, in light of what NOAA's new recommendations are in 2022 at the end -- probably in the fall of 2022. So just to know that that will be happening to reflect the latest science. Thank you.

CHAIRMAN FRYER: Okay. Thank you.

The two witnesses who are here who wanted to speak about Siena Lakes, do you want to be heard now, or do you want to be heard when the matter is called?

MR. SANTAGATA: Now.

CHAIRMAN FRYER: Please approach, and we'll swear you both in. The court reporter will swear you in. Please both raise your hands if you're going to speak now. Well, first of all, let's get you both sworn in.

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

MR. SANTAGATA: I do.

MR. GENTILE: Absolutely.

CHAIRMAN FRYER: Okay. Thank you.

Please then state your name and tell us what you want us to hear.

MR. GENTILE: My name is Charles Gentile. I'm a resident of Lakeside of Naples. I've lived in this community for a little over five years now.

There is an issue with regard to birds that migrate at dusk from the gulf to what I would refer to as a rookery. It's adjacent to the Greek Orthodox Church, St. Katherine's, on Orange Blossom.

These birds are a source of amazement to the residents, certainly to me, as I can view them from my home. There is a project that's underway that's going to add more square footage and another building, and there is a threat to, I think -- and, again, I'm not an expert. But there is a threat to these birds in terms of how that project is going to be undertaken.

Rumor has it -- and, again, I'm speaking to this. I don't know for sure -- that a portion of that lake is going to be filled in. I have no idea what the impact of that, if it were to take place, would be on the birds, but I know that the staff of the Environmental Department here in the county is going to address that, and I just wanted to make you all aware of that.

CHAIRMAN FRYER: Thank you.

Please identify yourself, sir, and let's hear from you.

MR. SANTAGATA: Thank you. Michael Santagata, 2571 Citrus Lake Drive, a 32-year resident of the Lakeside community, and I'm also the president of the homeowners association. We have approximately 340 units there.

We would like to endorse the avian study that Craig Brown from the county is recommending that it be completed and added prior to any type of -- any type of work that's performed there. As my colleague Charlie Gentile mentioned, it's a lake, and it's completely surrounded with trees and brush, and it's just amazing at night, the birds that flock in when the sun is going down.

And Mr. Brown was kind enough to come up on a couple of occasions and identify two species, a little blue heron and a tricolored heron that are endangered by the State of Florida, that roost there every night.

So we would appreciate it if you would take into consideration the recommendation that an avian study be done on this particular property before any work -- any type of foliage is removed or the lake is covered over. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes. Appreciate your concerns and expressing the issues you raised concerning environmental. I'm not going to ask any questions now, but I do want to ask that the environmental consultant be prepared to discuss the issues whether this -- these are endangered or listed species and what consultation was involved with regards to U.S. Fish and Wildlife or with Florida Fish and Wildlife. So we'll need those particulars and specifics when we address this issue.

So the petitioner there from Siena Lakes, yeah, you'll be able to address that. Thank you.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: I sit as the environmental consultant or chair as well so I'm well aware of the whole process being a former Army Corps guy. So I do want to hear from the consultant, the environmental consultant on their position on that. Thank you.

MR. GENTILE: Thank you.

CHAIRMAN FRYER: Thank you.

All right. I think it's appropriate at this time, the Chair would entertain a motion to alter the agenda so that we hear Items 4 and 5 as 1 and 2. Is there a motion to that effect?

COMMISSIONER SCHMITT: I make a motion to amend the agenda as recommended by staff.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion? If not, all those in favor, please say aye.  
COMMISSIONER SHEA: Aye.  
CHAIRMAN FRYER: Aye.  
COMMISSIONER VERNON: Aye.  
COMMISSIONER HOMIAK: Aye.  
COMMISSIONER SCHMITT: Aye.  
COMMISSIONER KLUCIK: Aye.  
COMMISSIONER VERNON: Aye.  
CHAIRMAN FRYER: Opposed?  
(No response.)  
CHAIRMAN FRYER: It passes.  
Okay. Is that Commissioner Vernon?  
COMMISSIONER VERNON: Yes.  
MR. BELLOWS: Correct.  
CHAIRMAN FRYER: Okay, good. Thank you. So it passes 6-0.  
\*\*\*And we will now go to the revised first and second matters. They are -- they're companions. We've got PL20210001610, which is the Golden Gate Golf Course GMPA, and PL20210001047, which is the Golden Gate Golf Course MPUDZ.  
COMMISSIONER KLUCIK: Mr. Chairman?  
CHAIRMAN FRYER: Mr. Schmitt. I'm sorry, Commissioner Klucik.  
COMMISSIONER KLUCIK: Just, if I could remind staff, I'm still waiting for IT support, because I can't get logged in.  
CHAIRMAN FRYER: All right. What are we doing on that? Is Mr. Miller coming in?  
MR. YOUNGBLOOD: They're coming.  
CHAIRMAN FRYER: Okay. Good.  
All right. Without objection, we will hear and vote on these matters together, and we will take ex parte disclosures at this point starting with Commissioner Shea, please.  
COMMISSIONER SHEA: Staff material and site visit.  
CHAIRMAN FRYER: Okay. Commissioner Vernon?  
COMMISSIONER VERNON: Meeting with staff; that's it.  
CHAIRMAN FRYER: Thank you. In my case, meeting with staff and also with representatives of -- well, let's see. I guess I met with Mr. Arnold.  
Vice Chair?  
COMMISSIONER HOMIAK: Nothing for me.  
CHAIRMAN FRYER: Commissioner Schmitt, ex parte?  
COMMISSIONER SCHMITT: No, nothing to report.  
CHAIRMAN FRYER: Okay.  
COMMISSIONER KLUCIK: Just -- I communicated with staff.  
CHAIRMAN FRYER: Okay. Thank you.  
Mr. Arnold, you may proceed, sir.  
MR. ARNOLD: You might want to swear.  
CHAIRMAN FRYER: Oh, we better do that, hadn't we? All please rise to be sworn in by the court reporter. Thank you for reminding me.  
(The speakers were duly sworn and indicated in the affirmative.)  
CHAIRMAN FRYER: Thank you. Now you may proceed, sir.  
MR. ARNOLD: Good morning, Mr. Chairman and Planning Commission members. I'm Wayne Arnold. I'm here representing the applicant, which is both Collier County Government and the hotel parcel that's known as the Golden Gate Inn & Suites.  
Mr. Yovanovich is also here representing the hotel parcel, and you have several representatives here. I don't think Jeff Davidson's here, but the contract to be involved with the golf course conversion for Golden Gate was issued to Davidson Engineering, and we were then

subsequently contracted to assist in that endeavor, and I'm specifically here to help on the Growth Management Plan amendment and the PUD's zoning aspect of that case.

So we have quite a few team members. We have Dave Closas, who's a project manager for Collier County Government here; Geoff Willig from the County Manager's Office is here; Jeff Davidson, of course; Mike Delate, our professional engineer who's working on the drainage aspect of the case; and then Jim Banks, who's the traffic engineer for the matter.

I think most of you all are familiar with the acquisition that the county made several years ago. So we're bringing that in through the process to convert a portion of the golf course to allow for the golf course to remain and then to allow some other governmental facility uses, some community facility type uses, and commercial uses.

I mentioned that the Golden Gate Inn & Suites Hotel is a component of this. There was a contractual obligation between the county and that property owner to include it in the zoning case, so we are bringing that in as part of the zoning, and it's also a portion of the Growth Management Plan amendment portion.

So on the aerial here, there are two large stars. Those are the two parcels that are encumbered with our Growth Management Plan amendment. It's just a little over 20 acres. The statutory threshold for a small-scale amendment is now 50 acres or less, so we're within that threshold for a small-scale amendment. So that will track concurrent with the PUD rezoning. No need to transmit it separately to the state or no state review for that item.

So, again, we're -- the Comp Plan amendment, we're right now designated Golden Gate urban -- Golden Gate City sub-element of the master plan for Golden Gate, and it's a mixed-use district. And right now it does not permit for the governmental services that we would propose nor does it recognize the hotel that's in existence today.

The county was also deeded the small parcel. If you've been around long enough, it was the old JD Jags Restaurant building on Golden Gate Parkway. That building was deeded to the county, so it's also included in this. And so your Comp Plan change represents about 20.1 acres, and then the overall zoning case is for 171.6 acres.

The request, of course, for the Comp Plan amendment is to acknowledge general governmental offices, and those would be things like Tax Collector offices, property appraiser, the functions that occur at Horseshoe Drive, et cetera, as well as community centers, libraries, parks, things of that nature. And then we've also -- the county owned a C-3 parcel of land located at the corner of Golden Gate Parkway and Collier Boulevard.

The hotel parcel is zoned RT, residential tourist, and that allows hotel, timeshare facilities, and we're also asking for that to allow C-3 commercial uses. And then the JD Jags building that I mentioned that you-all recently acquired through deed was -- or is zoned C-4. So all of those are going to be combined into a singular PUD. And we've established the PUD to have separate tract areas that will designate those and have separate uses and development standards for each.

So, again, this is a map exhibit that's part of your Comp Plan that reflects the two areas that are part of the new subdistrict that we're creating.

The golf course conversion process, this is the first project that's being brought through the process. So the county adopted those standards a few years ago, but it starts with an intent-to-convert application process, and that application process was initiated. There were two stakeholder outreach meetings that are required by code. Those have to be held in season, and they were. You had to present conceptual plans to them. You had to do participant surveys as part of that. And at the time, it wasn't known whether or not the county would retain the golf course, so it was presented as either going to be a park or a golf course, and I think the folks who live nearest in the Pars Condominiums clearly favored retaining a golf course.

So the county has subsequently made the decision to pursue the golf course, and right now the 18-hole golf course will be converted to a 12-hole golf course, and a portion of it will be developed as a driving range entertainment complex. Those two uses are permitted by right under the existing golf course zoning and don't necessarily require the PUD rezoning, but we are going



through the process to include those for that use. So the county has made the decision to pursue the 12-hole golf course. They have contracts and leaseholds in place for those users, and they also have use agreements for the affordable housing component that I'll talk about shortly. So --

COMMISSIONER KLUCIK: Where is the affordable housing component?

MR. ARNOLD: I'll get to that in just one moment. I'm show you, Mr. Klucik.

So after we finished the intent-to-convert process, we were allowed to submit for the PUD rezoning and the companion Growth Management Plan amendment. We've held our -- we've had three neighborhood informational meetings. We backtracked and held one after we added the hotel parcel, after we started. We've had moderate participation. I'd say there were about a dozen people in our last meeting in February that attended. I think, generally, it's favorable to the golf course and the overall project.

Some concerns that are related to development in the county, and that is they're going to be six-laning Collier Boulevard and a portion of the golf course property; about 40 feet of it will be utilized for improvements to Collier Boulevard, and then there probably will be some bridge reworking for access into the Eastern Estates. And so there have been some members of the Estates who've participated over the course of the last year expressing interest in where the bridge would be located.

So these were proposed plans that were submitted as part of the intent to convert and the stakeholder meeting outreach plans. They're a little hard to read in this context, but they showed either, you know, just open space, park system, or potential golf course.

And, Mr. Klucik, the affordable housing component is on the left bottom part of the screen on these intent-to-convert plans. And in green are the proposed greenways that are between any portion of the plan converted from golf course to another use. And you can see that on the bottom, No. 3C, as it's labeled, shows the extent of the --

COMMISSIONER KLUCIK: Excuse me. I'm just trying to orient where these pictures are on --

CHAIRMAN FRYER: The problem with this is is that north is not pointing up.

MR. ARNOLD: Correct. North is to the right.

COMMISSIONER KLUCIK: Right. That's what -- I thought I was a little disoriented.

CHAIRMAN FRYER: It's in the southeast corner.

MR. ARNOLD: Yeah. North to the right, so the affordable housing project is in the far southern extent of the PUD. It's adjacent to the canal and Collier Boulevard.

CHAIRMAN FRYER: While we're on that, I think I speak for the rest of the Planning Commission that it -- would you please have the maps oriented with north up? It just -- it saves us a lot of time.

MR. BOSI: And what I would say is that sometimes the map is oriented on the screen towards where it gets very limited towards the display, so that's why they alternate it so you can get a better understanding of everything that's going on, because if you orient -- if you orient it to the north, all of a sudden you've got a very narrow window. That's why they do it. It doesn't --

CHAIRMAN FRYER: I also rotate them in my PDF reader.

COMMISSIONER SHEA: A good example of that is the one right there. If you rotate that north, you're not going to be able to read it as well.

COMMISSIONER KLUCIK: The good news is is that my brain has now locked in. I get it.

MR. ARNOLD: I've moved on to the conceptual PUD master plan. It's a little easier to see, but I'll sort of orient you. So to the -- north is to your right, and that's Golden Gate Parkway. So starting on the far-left portion of the screen is our public use tract, and that was where we made provisions for there to be the governmental facility uses and/or the potential for community facility use which might be in the form of a veterans nursing home that you've probably heard about.

And then as you go farther east, we have a tier of residential that's not included, and then we have a tract of land that's owned by the county now that was part of the original golf course that

we labeled community facility. It also makes provisions for governmental facilities and the group housing use, which might include the nursing home.

And then to the east we have the commercial Parcel B, which is the JD Jags site, which is just about half an acre. So it's -- it's almost nonfunctional in future context unless there's shared parking, which there is a shared parking agreement in place. And then, of course, the hotel parcel itself is a little over six acres, and that has the existing hotel. We've made provisions for that to be either timeshare as well, because it's a permitted use under the existing RT zoning, or future C-3 residential, and there are several conditions that staff has posed, and I've got a couple of comments I want to make when we get to the closing on that.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Mr. Klucik.

COMMISSIONER KLUCIK: While we have this map up, okay. So I'm just a little confused. You mentioned that there was an area that the -- it's for government services and an area that, otherwise, is for county. I'm trying to figure that out, because I see the hash tag -- the hash is where it says "government public services and residential tourist subdistrict." So the hashes are the same down there where the hotel is, so I'm trying to figure out what's -- that's confusing to me because, obviously, those are very different uses.

MR. ARNOLD: Okay. So the public-use tract I'm circling with the mouse, and then the community facility tract is here. The hotel tract is here, and it excludes what's known as Commercial Tract Parcel B. So Commercial Tract B is the JD Jags building. That's small. It's about a .45-acre piece of property. So it's zoned, and then there's an area that's not included also zoned RT. It gets confusing, but there are some condominiums on that parcel. They were not a participant in this process.

COMMISSIONER KLUCIK: Is there land that the county is going to use?

MR. ARNOLD: Yes.

COMMISSIONER KLUCIK: Where?

MR. ARNOLD: The county will either utilize what's known as the public-use tract, or it will use the community-facility tract.

COMMISSIONER KLUCIK: Okay.

MR. ARNOLD: And it will use part of commercial Tract B, Parcel B, that it owns.

COMMISSIONER KLUCIK: Okay.

MR. ARNOLD: The one question that we don't know for sure what they intend to do with it -- it may become part of right-of-way, but the county owns a parcel of land that zoned C-3 right at the hard corner of Golden Gate Parkway and Collier Boulevard, right here, and that's zoned C-3. It's in a commercial subdistrict unto itself under the Golden Gate Master Plan. We've included it in our zoning. It permits all C-3 uses. It might permit a parking lot. It may permit water management features when they redo the intersection. We're unclear on that. So then the largest part of this entire process becomes, then, the golf course that remains around the Par 1 condominiums that are located in the middle in this hatched area. That's the Par 1 Condominium project.

And then the residential component, which is allowing up to 400 affordable housing units, is on the residential tract. That tract is a little less than 25 acres, but it's separated from its nearest neighbors by an 81-foot-wide greenway. So that's the first greenway area we're dealing with under this process. And then the second greenway area --

CHAIRMAN FRYER: Excuse me. Commissioner Klucik, has your question been answered?

COMMISSIONER KLUCIK: Okay. So that residential tract is where the nonmarket housing is going to be?

MR. ARNOLD: That's correct.

COMMISSIONER KLUCIK: All right. And then who is actually doing that? Who owns that? Who's going to actually --

MR. ARNOLD: The county will retain ownership of everything it currently owns, and they will have lease agreements with each of those participants.

COMMISSIONER KLUCIK: Well, okay. So the residential tract there that we're talking about is owned by the county and will continue to be owned by the county?

MR. ARNOLD: That's correct.

COMMISSIONER KLUCIK: And then -- but the funds to build this are all private funds?

MR. ARNOLD: No, sir. There's --

COMMISSIONER KLUCIK: These are county funds?

MR. ARNOLD: There's a combination of several funding opportunities, which is why Mr. Klatzkow mentioned there's some urgency for the county to get this through.

The Community Foundation of Collier County -- Mr. Klatzkow can help me if I'm wrong -- but I think it's somewhere around \$10 million that were pledged to go toward an affordable housing project here. There's also some other state funding. There's also going to be bank financing through Rural Neighborhoods, who was selected by Collier County to be the actual building and developer of the affordable housing component. It will also include a senior housing component for seniors that are --

COMMISSIONER KLUCIK: So are these going to be purchase or rental?

MR. ARNOLD: These will be rental.

COMMISSIONER KLUCIK: These will all be rental. And the county is going to maintain ownership and be the receiver of the leases or -- of the payments?

MR. ARNOLD: The Rural Neighborhoods will be the developer. They will be in charge of leasing each of those facilities. The county will have a ground lease with Rural Neighborhoods.

COMMISSIONER KLUCIK: So we're basically -- the county is just holding the property and giving more or less carte blanche to do the project as conceived to the private entity?

MR. KLATZKOW: Think of it as a public/private partnership.

COMMISSIONER KLUCIK: Right. Okay.

MR. ARNOLD: There is a separate agreement in place, as a separate agreement for the golf course developer. They will lease the land from Collier County. The driving range complex will lease the property. The future user, if it becomes a veterans nursing home facility, would lease that property from Collier County. Collier County will retain ownership of everything that it currently owns under the plan today.

COMMISSIONER KLUCIK: And is -- the plan for this housing, is it to be perpetual?

MR. ARNOLD: Jeff, I don't know what the agreement said with respect to that. You may know.

MR. KLATZKOW: My recollection is that it is -- I don't know what "perpetual" means, but there's no end date to it. These are affordable.

COMMISSIONER KLUCIK: In other words, it can't convert to market after 10 years or after 20 years?

MR. KLATZKOW: My recollection is, no, they cannot. I could be in error, but that's my recollection.

MR. ARNOLD: Mine as well.

CHAIRMAN FRYER: As a friendly reminder to Commissioner Klucik, please use your --

(Simultaneous crosstalk.)

MR. KLATZKOW: And I do have the affordable housing --

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: I apologize. You're right. I'm filibustering.

CHAIRMAN FRYER: That's all right.

Commissioner Schmitt has been waiting patiently.

COMMISSIONER SCHMITT: That's fine. Here's your button.

Wayne, the general location of the driving range, that is the -- that's marked out, delineated

there with a -- okay.

MR. ARNOLD: It is. Let me give you this drawing. It's a little bit more clear where things are at.

COMMISSIONER SCHMITT: That's the driving range. That -- is that going to be the driving range also for the golf course? Just curious.

MR. ARNOLD: It would be a driving complex --

COMMISSIONER SCHMITT: Complex.

MR. ARNOLD: -- associated with it. It will have a restaurant. There's also a First Tee golf facility that's a component of that. There will be putting greens and things of that nature associated with that.

COMMISSIONER SCHMITT: And as part of this, then, the -- as per a previous approval, I think, from staff, that facility is considered an accessory use to the golf course, or is that specifically identified in the PUD? I don't remember reading that.

MR. ARNOLD: It's both, Mr. Schmitt. If I could answer that, the golf course zoning allows golf course and driving range.

COMMISSIONER SCHMITT: Yes.

MR. ARNOLD: There are restrictions for the number of seats, for instance, in a golf course clubhouse under your code, 250. This facility wishes to have 350 seats, so we've made provisions for 350 seats associated with their restaurant. So that's one difference under the general golf course standards. But, otherwise, they had submitted plans, and they're under review currently for Site Development Plans for the golf course and the driving range complex today under the golf course zoning district.

COMMISSIONER SCHMITT: So even the, what I would call, commercial facilities of that entity that's going to rent or build is deemed an accessory use to the golf course?

MR. ARNOLD: That's correct. It will be permitted use by right --  
(Simultaneous crosstalk.)

MR. ARNOLD: -- as zoning occurs, but they are accessory today.

COMMISSIONER SCHMITT: You mentioned -- one other question since I've got the mic. You mentioned six-laning of Collier Boulevard, and maybe staff will bring that up as well, either Trinity or Mike. But the timing of that, that's -- my greatest concern is the timing of that in regards to the development being completed. So I guess we'll wait for staff to address those issues.

CHAIRMAN FRYER: Mr. Bosi, did you want to be heard now? I thought you were raising your hand.

MR. BOSI: No, no.

CHAIRMAN FRYER: Sorry.

MR. ARNOLD: Mr. Schmitt, the one aspect of the Collier Boulevard widening that is beneficial to the county is that you already own the right-of-way that's going to be basically utilized for it, and it's approximately 40 feet of the golf course property, it's my understanding. This is your five-year CIP. I don't know exactly where it is in terms of design. I know that design is underway. I don't think it's been finalized.

So they're still trying to decide some other roadway improvements. There probably will be a weir replacement on the canal. There may be a bridge relocation bringing traffic in and out of Golden Gate over to Collier Boulevard. So there's some other moving pieces, it's my understanding, but at least you control the right-of-way.

COMMISSIONER SCHMITT: Okay.

MR. ARNOLD: So sort of just a site summary to show you how all this 171 acres adds up. You've got a couple of acres of traditional commercial, we've got the residential tourist area that's a little over six acres, the residential's about 25 and a half, community facility designation's about 8.3, your public-use area's about 13-and-a-half acres, the golf course, as it remains, will be about 112 acres, and then it's about four acres for the right-of-way reservation.

So we also have the greenways that were shown on that plan. The greenway adjacent to the residential I already spoke about down in the lower part of the screen. We also end up with greenways wrapping around between the public-use area and the community-facility tract where those abut residential, and then we have a greenway adjacent to our public-use area. And to make up the acreage that we needed to meet your golf course conversion requirements, we took some unused area from the county that they didn't really program for the golf course and made that a greenway.

And so as part of the greenway requirements, that has to be maintained as green space. You can have certain water management features. You can have certain recreational uses in it. It can be used for passive recreation. So we don't know what the county will ultimately do with that portion of their greenway, but it's there and it meets the 16-point-something-acre requirement that you have under the code.

I don't know how much you want me to go into all of the details, if you want me to just sort of go to the end and talk about some of the issues that we have. I've got development standards I can talk about if you-all have certain development standards. I would point out on the residential tract, most of those are going to be three-story buildings. The senior housing, we made provisions for it to be 85 feet tall, and that would allow it to be probably six stories over parking potentially. That's not designed yet, but that's why that standard is in there, and it probably seems a little taller than many of you have been accustomed to seeing. But that would be a more vertical element for income-restricted senior housing.

This is a more specific layout that we showed the public at our last neighborhood meeting. It shows you the orientation of the three-story buildings adjacent to the greenway and then adjacent to single-family homes, and the ends of those buildings were turned to residential to minimize any potential impact. We did some view studies demonstrating that with the landscape buffer and the greenway separation there really isn't a view of a three-story building from those single-family homes.

Rural Neighborhoods, they've developed all over the state of Florida. They're looking at several different styles. We showed these renderings to the public. No style has been selected, but these reflect some other three- and four-story product that they have constructed around the area between more of a modern style, the West Indies that we see around town now, and then a more typical Florida style.

I'm going to just go through these. So this was the BigShots conceptual rendering, which we won't mention their name, but it is on the screen. And it shows the orientation more specifically of the driving range entertainment complex. It's more of a targeted golf system.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Since you threw up the range there, will they manage the golf course as well, or does the golf course remain under control of the county?

MR. ARNOLD: There's going to be an agreement between the county and ClubCorp that will renovate and manage the golf course.

COMMISSIONER SCHMITT: Okay.

MR. ARNOLD: And it's my understanding the driving range complex is another sub-entity of ClubCorp. I don't know how they operate internally, but they're both owned by the same parent company.

COMMISSIONER SCHMITT: But the county still owns the golf course.

MR. ARNOLD: The land. Yes, the county will own the golf course property.

COMMISSIONER SCHMITT: Okay. Just curious as to the ownership of the land.

Thanks.

MR. ARNOLD: So we've asked for a few deviations from the code. Landscape buffers, we asked for there to be no landscape buffer required between any of the internal tracts and the golf course property. We thought it made sense not to provide buffers, because if we end up with a nice nursing home complex, it would be nice for them to have views of the golf course rather than

to have a buffer that they have to look at.

CHAIRMAN FRYER: Mr. Arnold, I want to state that in a slightly different way and see if I can get your concurrence. My understanding is that there will be buffers except where the view is of green space.

MR. ARNOLD: Yes.

CHAIRMAN FRYER: Is that a correct statement?

MR. ARNOLD: I think that's fair to say, yes, yep. And also it applies -- there's no buffer along the greenway. So we don't have to put the greenway in plus an additional buffer.

CHAIRMAN FRYER: Understood. But the borders of the project and where a view would be something other than green space would be buffered?

MR. ARNOLD: Absolutely.

CHAIRMAN FRYER: Thank you.

MR. ARNOLD: So the first two deviations reflected that landscape buffer deviation. Deviation 3 relates to parking. So the -- we made a provision for the off-street parking to not be required separately for the outdoor dining area for the restaurant component. There's already going to be shared parking between the golf course, the driving range complex, and there's probably not going to be night use of the golf course, but there might be night use of the driving range complex and restaurants, so there's ample parking there.

There's typical language about a transit facility, reduction in parking. The affordable housing development will allow an administrative reduction by up to 10 percent for their parking if necessary. And then parking for the hotel use is going to be shared with the commercial properties. There was a separate agreement in place, and the OR book and page is referenced there, and it will remain void -- or it will remain valid, I should say, even after rezoning of that RT parcel.

And then for the group housing, we've asked for an FAR increase from .45 to .6, what you've commonly seen. And because we don't know who the end users may be for that group housing use, we thought it made sense to go ahead and ask for the deviation now so that we don't have to come back and do this again, because it's likely it will be under some urgency at that point because it's likely to be a state and county project.

That shows you the location of these deviations, and you can see that the only one that's near the perimeter is on the canal, in Golden Gate Canal.

And that really wraps up where we are. A couple things I did want to mention. Staff has made several recommendations to you as this has evolved since we've started the process. And I think we're in agreement with all of -- "we" meaning the representative of the county is in agreement with staff's recommended changes. I did want to highlight, No. 1. It says, lights shall be fully shielded to avoid light spillage onto other properties. I don't exactly what the term "fully shielded" means, but -- I don't know that that's the correct term. I mean, maybe we talk about having cutoff shields or, you know, lighting that's focused away from adjacent residential properties or something to that effect. I'd like your concurrence to maybe work with staff to develop a commitment that says something different than fully shielded because to me fully shielded means maybe it's completely enclosed, and that doesn't work for lighting. So that's that comment.

The other comment is one that affects potentially the hotel property. And the way that is written that it says it would develop on -- it's No. 4 on your recommendation. It says, amend Exhibit A, Table 4, add Footnote 3. If hotel is developed with any of the allowed C-3 uses, then C-3 development standards apply. And I think for Mr. Yovanovich's client, that language should probably be cleaned up to say that if new buildings are constructed on that parcel, they would comply with the C-3 development standards, because I don't want -- I don't and I'm sure Mr. Yovanovich doesn't want somebody to decide that redoing their parking lot becomes redevelopment and, therefore, somehow it has to comply with C-3 because the hotel would not comply with C-3 development standards. So I think that language needs to be reworded so that it

reflects new buildings would be in compliance with that.

CHAIRMAN FRYER: Any objection from up here to that?

(No response.)

CHAIRMAN FRYER: I asked staff a little bit about the commercial designation there, and it was confirmed that C-3 is the extent of the commercial activity. It does not extend to C-4 or above. And that -- that is part of the understanding, correct? Even though the other parcel, the little piece in the extreme northeast, is C-4, the hotel is C-3; is that correct?

MR. ARNOLD: The hotel parcel is zoned RT today.

CHAIRMAN FRYER: Yeah, but it would be C-3, not C something else?

MR. ARNOLD: That's correct.

MR. YOVANOVICH: I assume you want me to state that on the record.

CHAIRMAN FRYER: Sure. Yeah.

MR. YOVANOVICH: Yes. And my concern, candidly, was --

CHAIRMAN FRYER: Why don't you identify --

MR. YOVANOVICH: I'm sorry. For the record, Rich Yovanovich.

My concern was a restaurant's a C-3 use. If I put a restaurant in the hotel, am I now stuck with C-3 standards versus having to argue that the restaurant is an accessory to the hotel? So new structure's fine, and that's what I talked to staff about originally was if a new structure or C-3 structure comes in, we'll meet the C-3 standards, but if we put a C-3 use within the existing structures, I didn't want to have to somehow tear them down and start over again.

CHAIRMAN FRYER: I understand. That make sense. I just wanted to clarify, because you're going to be next door to a C-4.

MR. YOVANOVICH: I understand. And we've spent a lot of time with staff making sure that the appropriate uses were on the hotel designated site.

CHAIRMAN FRYER: Okay. Thank you.

MR. ARNOLD: Thank you. That really concluded our presentation. So if you have additional comments, questions, we have our team here that can answer any specific questions you may have.

CHAIRMAN FRYER: Okay. No one is signaling as yet. Anyone up here have questions?

(No response.)

CHAIRMAN FRYER: I think all of mine have been answered along the way.

For clarification, this matter started at approximately 163 or '64 acres, and it grew to 170 as a result of bringing in the hotel property which was brought in as a result of Attachment Q, the contract with the county. So that's what caused the change in numbers and also what caused the fact that it had to be postponed.

MR. ARNOLD: Correct.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: I have one question in the staff report, Wayne, and maybe -- I don't know if you're -- you had any charts to cover this, but on Page 11, the bottom of the page was a paragraph, develop -- and I'll go to the second sentence. Developer agreement commits the developer to provide 100 units for seniors at 30 to 60 percent of the area median income. Developer also proposes to provide a minimum of 250 units targeted for essential service personnel at income 60 percent to 140 percent AMI. The developer agreement also allows -- or the developer agreement allows the developer to provide a maximum of 300 units for ESP tenants at the same income range, and 5 percent of the units shall be targeted for veterans. That was a lot of housing. Is there, like, a double counting there? Because I tried to wrap that around my brain. There was --

MR. ARNOLD: Well, the developer, right now their agreement with Collier County says that they have to build at least 350 units. We're asking for a total of 400 units. That will give them some flexibility to come back and negotiate with the county. But the way that's broken

down, it was negotiated between Collier County Commission and the developer as part of them being selected to be the builder of the affordable housing units.

COMMISSIONER SCHMITT: You as the applicant, the way the parameters are identified here, have no argument with the percentage requirements that are being imposed upon you?

MR. ARNOLD: Those have been imposed already by the Collier County Commission.

COMMISSIONER SCHMITT: Okay. And I have one question for staff when we get to it.

CHAIRMAN FRYER: Okay. Anybody else have a question for the applicant?

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER KLUCIK: Okay. The 300 units is the cap that the developer agreement allows, and what's being proposed as we go forward that we would be voting on is for 250 of those 300 ESP units?

MR. ARNOLD: You're being asked to approve 400 units in the PUD.

COMMISSIONER KLUCIK: Well, right. The developer agreement allows the developer to provide a maximum of 300, and what we're -- what's being proposed now is to do 250 out of those 300 ESP units and then an additional 100 units for the senior?

MR. ARNOLD: Correct.

COMMISSIONER KLUCIK: And then -- so that would be a total of 350, and then another 50 units of what?

MR. ARNOLD: They haven't decided. They may not build 400 units, but it's there so they wouldn't have to go back through the rezoning process. They could go directly to the County Commission and amend their agreement.

COMMISSIONER KLUCIK: Would it have to be something other than market-rate housing, or could those 50 be market rate?

MR. ARNOLD: I don't know. We've not contemplated anything other than what I'll call income-restricted housing.

COMMISSIONER KLUCIK: I guess that would be a question. Are we -- I don't care if we are or not. I'm just asking. Are we going to be approving the opportunity for 50 market-rate units? I'm asking our attorney, I guess, if we were to approve this.

MR. KLATZKOW: Potentially, yes.

COMMISSIONER KLUCIK: Okay. And, like I said, I'm not -- I'm not necessarily against that. I just want to make sure I know what's being proposed.

CHAIRMAN FRYER: Other questions for the applicant?

(No response.)

CHAIRMAN FRYER: If not --

MR. ARNOLD: Thank you.

CHAIRMAN FRYER: -- we'll hear from staff.

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

We have -- at the end of our staff report we've provided a recommendation of approval for the MPUD with a number of additional conditions we're asking to be added to the PUD as well as recommendation of approval for the Growth Management Plan amendment. I would like to ask Parker Klopf of our Comp Planning team to provide a little clarification, a couple minor adjustments to the GMP amendment that we need to get onto the record.

CHAIRMAN FRYER: Thank you.

MR. KLOPF: Good morning, Commissioners. My name's Parker. I'm with Comp Planning. There was a few minor corrections --

CHAIRMAN FRYER: You might just give us your last name as well for the public record.



MR. KLOPF: Parker Klopf, K-l-o-p-f.

CHAIRMAN FRYER: Thank you.

MR. KLOPF: There was a few minor corrections to scrivener's errors, basically, on the GMP amendment. Nothing major. A few amendments to the maps. Nothing really changed with the subdistrict language. But I just wanted to let [sic] you guys aware of that.

MR. KLATZKOW: Is this -- is this -- you've made changes to stuff that they don't have?

MR. KLOPF: I provided copies of it. They didn't get passed around. I apologize. One of the few first changes was a -- as shown on the screen, was to -- the subdistrict was named wrong on the list of maps. If we move forward, the land-use description section didn't have that portion, and then on the last couple pages, the maps were updated to show the correct parcels and have the government services public --

COMMISSIONER KLUCIK: Mr. Chairman.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I'm having trouble following what we're -- what this is all in reference to. What document are we talking about, what page in what we do have?

CHAIRMAN FRYER: That was, I think, handed out this morning. And while that is being provided to you, I'm going to express a level of discomfort and indigestion, if you will, that I know the County Attorney is sharing as well when things come to us at the last minute, whether the county itself is the applicant or a commercial enterprise is the applicant.

So, please, it's -- we know that this is an important matter, and we need to get it accomplished, but it does put stress on us to review something on the fly at the very last minute and, when you possibly can, please don't let it happen.

COMMISSIONER SCHMITT: Isn't it of our policy now we have to vote to accept this, I thought? Wasn't that part of the --

MR. KLATZKOW: You don't have to accept this at all, and I find this unacceptable.

MR. BOSI: Well, could I provide a clarification? These are -- these are minor. These are not substantive adjustments. There is no substantive change that is provided for with this other than clarification.

COMMISSIONER SCHMITT: I understand, Mike. That's not an issue. The issue is we had a very clear -- I don't know what it was -- guidance or an ordinance or whatever we talked about three meetings ago in regards to last-minute changes, and there was a procedural requirement. That's what I'm asking.

MR. KLATZKOW: Commissioner, we are under time deadlines here because this thing got delayed and delayed and delayed. Normally I would 100 percent agree with you. On this case, my advice is bite the bullet on this one. Don't do this again.

COMMISSIONER SCHMITT: I'd put on the record that I have no objection, and I would say -- I would ask the Board we vote to accept this, then.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SHEA: Second.

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

CHAIRMAN FRYER: All in favor of hearing this additional material, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Thank you. Please continue.

MR. KLOPF: So as I had mentioned before, these were just minor scrivener's errors/corrections. Nothing really changed with the subdistrict text. All of that is going to be same as reviewed and approved. As you guys see, I went through and highlighted everything that was the minor changes, and they're just updates to the maps and to the section language or -- yes.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, I have some questions on the PUD document. I don't know if you're the --

MR. KLOPF: No, I'm just --

COMMISSIONER SCHMITT: -- rookie for that, or Mike, since we're going to be voting on both. On the PUD document, the staff report, I believe, just for the record, you have one correction you want to make. Let me go to it. On page -- it's my page 9A5B. It's Page -- stand by. It's Page 9 of 32 of the staff report. The paragraph -- it starts second paragraph, there -- well, it's actually a new paragraph on top of the page. And I believe it should be -- and it says six there, and it should say six-lane. Do you want to insert the word "lane" in there? It reads something to the effect of to the I-75 interchange and the six expansion. Six-lane expansion?

MR. BELLOWS: For the record, Bay Bellows. You are correct.

COMMISSIONER SCHMITT: Okay. Just for the record, then, that word "lane" has got to go in there.

MR. BELLOWS: We'll clean that up.

COMMISSIONER SCHMITT: And on the -- just a question as to why staff is -- I have no issue with it but, again, in the final recommendation -- excuse me while I go to the page. It was the recommendation. Amendment A, add golf education school under accessory use in the golf course text. No issue, but isn't that sort of inherent with a golf course? Why do we have to single out that it's -- all golf courses have lessons and golf education.

MR. ARNOLD: Wayne Arnold, for the record. Mr. Schmitt, we don't disagree with you. We felt the same way. Staff is asking for that as a simple clarification. We're happy to add the language, but that would allow First Tee without question.

COMMISSIONER SCHMITT: Well, those of us who are golfers, we understand we need a lot of education.

MR. ARNOLD: Absolutely.

CHAIRMAN FRYER: Any other comments? Questions for staff?

(No response.)

CHAIRMAN FRYER: If not, it would be appropriate to hear from members of the public at this time who wish to speak. Mr. Youngblood, who do we have?

MR. YOUNGBLOOD: Mr. Chairman, I have two registered speakers. Our first one is going to be Kyle Littleton. And Kyle is being prompted to unmute your microphone.

MR. LITTLETON: Good morning, everybody, County Commission. Thanks for letting me join you-all this morning.

I live on 4200 29th Place Southwest just behind where the proposed affordable housing is going to be placed. Now just a couple of quick questions for you and hopefully a couple of quick answers. You had mentioned that the affordable housing is nonmarket. Can you clarify what that means for me, please.

CHAIRMAN FRYER: County?

MR. BOSI: Did you hear a question?

MR. ARNOLD: For the record, this is Wayne Arnold.

What that means is the county has entered into a contract with a developer by the name of Rural Neighborhoods to build essential service personnel housing and income-restricted senior housing. So these apartments that are going to be built won't come on the market for just

market-rate consumption. They will be income restricted at the ranges that are in the staff report and in the agreement between Collier County and the developer.

MR. LITTLETON: Are there any processes in place to validate these quote-unquote requirements, i.e., emergency service personnel, income-restricted seniors, or is it going to kind of be just a "we trust you at your word" thing?

MR. KLATZKOW: We trust, but we verify.

MR. ARNOLD: Yeah, there is an income qualification process. County staff from the Affordable Housing Department is here to answer.

CHAIRMAN FRYER: I think we need to hear a little more about that, if we could, please.

MR. ARNOLD: Sure.

CHAIRMAN FRYER: And, sir on the phone, we'll give you a chance to finish up. Let's hear more about the affordable housing now.

MR. LITTLETON: Thank you very much.

MR. LaROW: Good morning, Jacob LaRow with Community Human Services, for the record.

Just to touch briefly and answer the question by the gentleman on the phone, the developer agreement that was entered into and Mr. Arnold referenced earlier does require that there's a set-aside provision where a number -- a percentage of the units are income targeted.

The developer, Rural Neighborhoods, Steve Kirk regularly enters into and receives financing through the state Florida Housing Finance Corporation in which the income and rent restrictions are often imposed for a period of 50 years or greater. And there are annual inspections, there are annual file reviews performed by the state to ensure that any developer that receives financing either through the -- through the state programs is in compliance with that. When people rent, the initial lease-up period, there is an income verification that is performed on all the units, so -- and that's done annually for the period of affordability or compliance.

CHAIRMAN FRYER: Thank you.

The gentleman on the phone, any further questions, sir, or comments?

MR. LITTLETON: Yeah. So basically what I'm hearing is is that even though it's being stated that these units are for low-income seniors, in the documentation that I've received in the mail -- you know, I'm sorry I couldn't be there in person. I just had COVID recently.

CHAIRMAN FRYER: Thank you for not being here in person.

MR. LITTLETON: Yeah. So I guess, basically, just what I'm hearing is that this is rent-controlled housing. It doesn't matter who's really going to live there. As long as they meet the income requirements, they could move in; is that correct?

MR. LaROW: So the first -- the phase that covers essential service personnel, that essential services personnel is defined in our -- a document that we submit to the state every three years called a Local Housing Assistance Plan. So there are strict definitions. Those cover skilled trades, teachers, government workers, et cetera. So there is a definition for that. That is something that Rural Neighborhoods is aware of. He has -- Mr. Kirk has plenty of experience in that as well as CHS and county staff that is involved in monitoring that.

The other second phase, if you will, for the seniors, seniors is defined as 55-plus so that will -- and those are the 100 units there. Those also have the rent and income targeting. So that's all -- this is -- these types of programs have been going on for nearly 40 years, and so there's a lot of eyes on this with the county, the state, and the IRS. So there's plenty of assurances that -- and protections that the developer will have to abide by what they agreed to.

CHAIRMAN FRYER: Thank you. And I think it's been very useful for us to have that information provided to us again. Even though we've been told these things numerous times over the years, it's very, very important.

So, caller, I appreciate your asking those questions and getting them answered. Did you have anything further, sir?

MR. LITTLETON: Yeah. I guess my main concern is, you know, I used to live over on Davis Boulevard. I'm a native. I was born here. I grew up here. I went to, you know, Golden Gate -- no, I'm sorry. I went to Gulf Coast High School.

And, you know, I've seen -- you know, my mom used to live over in Crown Pointe before they built -- I can't remember what the name of it is -- Ospreys Landing over there, I think. And I guess the concern is -- and, you know, I talked to quite a few of my neighbors in this area, is the -- has there been any consideration given to what low-income housing might possibly do to this area?

I know you had mentioned that there was a 150-bed facility without a -- really a targeted plan. You said there had -- there was no defined use yet for the 150-bed facility. Now, could that 150-bed facility eventually become a homeless veterans facility? A homeless facility? A -- you know, another St. Matthew's House?

CHAIRMAN FRYER: I'm going to ask Mr. Bosi to make a comment or two with respect to the supply-and-demand situation being across the board in Collier County for affordable housing so that we can keep this in perspective.

MR. BOSI: Thank you, Chair. Mike Bosi, again, Planning and Zoning director.

I do not believe that any of these have been designated or requested to be associated with a homeless shelter or facility. What this is particularly trying to address -- and if you would -- had watched the Board of County Commissioners on the 22nd of February, there's been a recognition that there is a severe imbalance within the supply-and-demand curve related to housing units in Collier County and within the nation as a whole, but Collier County in particular as it pertains to our needs. And that supply-and-demand relationship is an overabundance of demand for a very limited supply of housing units, and this is one of the attempts of the Board of County Commissioners to take -- to take aim at that imbalance and trying to provide more supply to try to provide a better equilibrium between those two forces that are always in play and are always influencing what market rates are being charged within our market as well.

So this is one of the first efforts to try to really address the supply-and-demand curve that we have the imbalance related to the over -- over-demand and under-supply that currently is experienced within the county.

CHAIRMAN FRYER: Thank you.

And before I call on Commissioner Schmitt, I want to, just to keep things in sequence, mention at this time what a pleasure it is for us as members of the Planning Commission to acknowledge that our colleague, Commissioner Paul Shea, was unanimously elected by the Board of County Commissioners to serve on AHAC. That's the Affordable Housing Advisory Committee. And we've had a long, close relationship with AHAC. Commissioner Schmitt served on it for a number of years. I think it's very important for us to be closely connected to AHAC, particularly in these times, given the Board of County Commissioners' new focus highlighting the issue of affordable housing and its importance in the county, and I know that we will be looking forward to Commissioner Shea developing into a genuine expert and then providing us reports on a regular basis to letting us know what we can do to further the cause of affordable housing in Collier County. So on behalf of the Planning Commission, thank you very much for taking that on, Commissioner Shea.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Let's see. We've got Commissioner Schmitt.

COMMISSIONER SCHMITT: I'll wait till the speaker -- I have two other questions I wanted to ask that I failed to during the staff presentation. But I'll wait till speakers are done. Thank you.

CHAIRMAN FRYER: Okay. Thank you. I've got -- Commissioner Klucik, was that your light that was on?

COMMISSIONER KLUCIK: No.

COMMISSIONER SCHMITT: It was mine. I turned it off.

CHAIRMAN FRYER: Oh, somehow I've got Commissioner Vernon lit up.

COMMISSIONER KLUCIK: Well, I won't blame you for thinking maybe I wanted to say something.

CHAIRMAN FRYER: Thank you. Somehow I've got Commissioner Vernon lit up, and I wonder who that might be.

MR. BELLOWS: I believe Mr. Vernon has signed in, so he may have raised a signal.

CHAIRMAN FRYER: Oh, can he -- okay. Commissioner Vernon.

COMMISSIONER VERNON: No, I don't know how to -- I'm not technologically sound enough to know how to light up remotely. But since I have the floor, I apologize for not being there in person. I just have allergies, and I didn't want to be coughing on Joe and Karen.

COMMISSIONER HOMIAK: Thank you.

COMMISSIONER VERNON: So, anyway, I just -- I don't think you should go -- if I heard correctly, Community Foundation's committing a million dollars to this, and I think that's pretty significant. And the only question -- thought I had was very minor, but a little while ago I think Wayne was talking about the lighting issue that staff was recommending. I just want to make sure that that doesn't get sort of lost in everything else; that they're going to continue to explore it, but after they continue to explore it, what's the next step so that we make sure that the lighting is not a big problem, because, like I said, we're -- nobody's really focused on it.

CHAIRMAN FRYER: Mr. Arnold, did you want to say anything further on that?

MR. BOSI: And I think -- Mike Bosi, Planning and Zoning director.

I will work with Wayne to have the acceptable -- because we understand. We want the light to be down-shielded to only -- to focus upon the property that's owned by the county and not to bleed over to any neighboring residents. So we want to make sure -- we'll work with the applicant so what's being put before the Board of County Commissioners is acceptable to all parties.

CHAIRMAN FRYER: Okay. So this is a work in process, but it will get worked out before it goes to the BCC?

MR. BOSI: Absolutely, sir.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER SCHMITT: I have a question on the lighting. Since we're talking lighting, the poles are 195 feet. Will there be any -- is 195 for the -- the poles that are going to be for the nets?

MR. ARNOLD: They're varying heights, but the tallest, to my understanding, would be up to 195 feet.

COMMISSIONER SCHMITT: That's what I thought I read.

MR. ARNOLD: But we also have a lighting restriction that those lights associated with it are 60 feet.

COMMISSIONER SCHMITT: Okay. Will there be requirements for any type of warning lights because of the approach into Naples Airport? Has that been looked at, FAA requirement, any type of --

MR. BOSI: That would part of SDP for the facility. We'll have to go through coordination with the Naples Airport.

COMMISSIONER SCHMITT: Yeah. Just so the public's aware that they're possibly going to have to have some warning lights on top of those poles.

MR. ARNOLD: Yes, it probably will be required --

COMMISSIONER SCHMITT: I would expect, yes. You're in a -- the flight zone corridor.

MR. ARNOLD: Typical of the cellular tower devices and others that we see around town.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Anything else?

COMMISSIONER SCHMITT: I want to ask staff about the six-laning of Collier. I

don't -- Wayne addressed the timing, but are we going to be finishing this -- I'll call it the driving range for lack of a better term, the facility, before the six-laning is completed? You say it's in the five-year program? And --

CHAIRMAN FRYER: We have Mr. Sawyer approaching.

COMMISSIONER SCHMITT: That is probably going to be one of the more significant issues with the public attending -- going to this venue. It's going to certainly put a burden on that section of the road.

CHAIRMAN FRYER: Mr. Sawyer?

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

The improvements are within the five-year work program. And as far as the exact timing, right now we're working on the location for the bridge that's going to be associated with the six-laning that will be going out into the Estates area and then also hopefully working as far as trying to get it also coordinated at the same time with the improvements at the intersection. And if you want to play Trinity's intro music, she can probably provide you some additional information.

CHAIRMAN FRYER: She certainly is free to if she wishes. And here she is.

MR. ARNOLD: If I might add, too, Mr. Schmitt -- this is Wayne Arnold again.

CHAIRMAN FRYER: Go ahead.

MR. ARNOLD: The BigShots are in for Site Development Plan review today, so it's very likely that they will be ahead of the road improvement.

COMMISSIONER SCHMITT: I would expect, yes. I mean, it's pretty obvious they will be. I'm -- go ahead, Trinity. Hi.

MS. SCOTT: Thank you.

For the record, Trinity Scott, Department Head, Transportation Management Services.

Yes, we have the six-laning of Collier Boulevard within our five-year program. As Mike indicated, we are working on a study to finalize a bridge location. There's an existing bridge that needs to move away from the Golden Gate Parkway intersection to allow that to work better.

Also, the Florida Department of Transportation advanced the interchange improvements at Collier Boulevard. They anticipate starting construction next spring. That will go through 2025. So the area will certainly be under construction for quite some time in the immediate area.

We are getting ready to -- we have the project at 60 percent design. We took it to 60 percent design some time ago. Once we finalize the bridge location, we will proceed forward with finalizing our design and getting that out to construction.

Mr. Arnold is correct that most likely the BigShots will be well underway while we are under construction, and we will work with our contractor to make sure that we have the appropriate maintenance of traffic to accommodate the development.

COMMISSIONER SCHMITT: Okay. Well, that's good. The public is aware.

MS. SCOTT: Absolutely.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: Thank you, Ms. Scott.

Let's see. Commissioner Shea.

COMMISSIONER SHEA: Quick question, more of an informational question, as I try to learn more about our affordable housing issues. If I were to look at that -- Mike, or it might be a question for Jacob. If I look at the picture up there, there's a tremendous number of residential units around the property that we're talking about and in it. The question is, are there any other housing in that area considered affordable under our definitions of affordable housing? There's an awful lot of different types of apartments, condos, single-families.

MR. BOSI: I don't believe there's any that are set aside per contract as affordable. There may be some units that are within the Golden Gate City area that would be for sale within a price tag that fit some of the income qualifications, but we haven't performed any analysis of a market study related to the for-sale products within the local area.

COMMISSIONER SHEA: So we only consider the affordable housing on projects that

are contracted to be affordable, even though there might be other housing in the area that fits the category?

MR. BOSI: When Housing does their assessment, they perform a market analysis in terms of overall market rate in terms of what the fair market value is for housing within the area, and that helps determine the number of need for new housing and identification of how many units we need to fit our various income stratas. But for this particular -- for this project, we didn't go out and perform another market study. That's part of their annual -- that's part of their annual activities that they do.

COMMISSIONER SCHMITT: Welcome to the debate that's been going on for 20 years since I've been here in regards to affordable housing --

COMMISSIONER HOMIAK: Yep. The answer to your question is yes.

COMMISSIONER SCHMITT: -- market rate versus those that are under some sort of program with the county, whether it's rent assistance or down payment assistance, all the other kind of things that -- programs that the county has. I'll talk to you about it off-line just so you're aware.

COMMISSIONER SHEA: Sure.

CHAIRMAN FRYER: Let's see if we can get back to the public speakers.

Mr. Youngblood.

COMMISSIONER SHEA: Did Jacob want to talk about that, or -- he looked like he wanted to talk. He answered my question, though.

MR. LaROW: Okay.

COMMISSIONER SHEA: I'm fine with Mike's question -- answer.

COMMISSIONER SCHMITT: We still have that speaker. Does he have any more? He was on the line. Was he done?

CHAIRMAN FRYER: I think he's done.

MR. YOUNGBLOOD: Hang on one second. Mr. Littleton, are you still with us?

MR. LITTLETON: I still have one more question.

CHAIRMAN FRYER: Go ahead.

MR. LITTLETON: The gentleman that was just speaking about -- the councilman that was speaking about the analysis, the fair-market-value analysis, I'm sorry, what was your name?

COMMISSIONER SHEA: Was it Joe Schmitt or Paul Shea?

MR. LITTLETON: Yes, the gentleman to the -- I believe -- if I'm looking at the screen right, it would be the far right.

COMMISSIONER SCHMITT: Me? Him?

MR. LITTLETON: In the gray jacket. The gray jacket over there.

COMMISSIONER SHEA: Paul Shea.

CHAIRMAN FRYER: Guilty as charged.

MR. LITTLETON: Yes. Thank you, Mr. Shea. Thank you, Councilman Shea.

Yeah, no, that was something that I had a concern about as well, you know. The areas back here are all single-family. They're -- I mean, as we both know -- you mentioned supply and demand, and the fair market value of the houses back here over the past two years has just absolutely exploded. You know, so there's concern among the neighborhood, among the, you know, area -- of the people that live in my area, neighbors, you know, people that we know down the street about affordable housing coming into this area. And I think more so, you know, we're concerned about the buffer that's going to be created between our neighborhood and the affordable housing units.

You know, I see a greenway in the proposed planning. Is there going to be a barrier that's built as well?

CHAIRMAN FRYER: We will -- any further questions you have, sir, we'll address them when staff comes back. We've got other speakers that want to talk.

MR. LITTLETON: Sure, no. I understand. Five minutes, totally fine. Thank you for your time.

CHAIRMAN FRYER: Thank you so much for your comments.

Mr. Youngblood, who else do we have?

MR. YOUNGBLOOD: Mr. Chairman, I have one more speaker who is present with us. Cece Zenti.

CHAIRMAN FRYER: Ms. Zenti, you have the floor.

MS. ZENTI: Thank you. Good morning.

CHAIRMAN FRYER: Say your name for us.

MS. ZENTI: Oh, certainly, Cece Zenti, and I live at 4226 27th Court Southwest. I've owned my condo in the Pars for 20 years. I've been a permanent resident for five. I serve on the Golden Gate community -- or Civic Association board. I also am Vice Chair of the Golden Gate Economic Development Advisory Zone board.

I have one question and then a comment. And, Mr. Arnold, what I need is this draft back up. I have a question that dovetails what the previous gentlemen has just asked. And the houses -- okay. There. If you look in that gray area, it looks like a little -- not quite a cul-de-sac but like a cul-de-sac, and if you look right at that curve there, those are homes, okay. Those are homeowners, actual homes, single-family.

Now, there are -- there's a portion of land that was between two homes right at that point that the county bought for a walkway, is my understanding.

CHAIRMAN FRYER: Excuse me for a moment, ma'am. Would someone point to -- so that we can see on the visualizer where the lady's talking about.

MR. ARNOLD: She's talking about this area.

MS. ZENTI: Right, exactly.

CHAIRMAN FRYER: Oh, okay. Sorry to interrupt. Go ahead.

MS. ZENTI: So there is a vacant portion between homes, and the county owns -- it was going to be used for a walkway. Now, at one of our civic association meetings, the homeowners were concerned about the traffic they are going to -- or possibly get through that. And the previous gentleman talked about the green barrier, and Commissioner Saunders at the time said we would not make that a walkway. So I'm just trying to confirm that those homeowners, as part of the civic association board, are going to be protected.

Other than that, the workforce housing, I think, is wonderful --

CHAIRMAN FRYER: Thank you.

MS. ZENTI: -- and I'm all for it, and I live at the Pars.

And I'd just like to say one thing about lighting. I was in the line of lighting of the previous driving range, and it hit all of Par 4 condos. So anything else would be an improvement, trust me.

CHAIRMAN FRYER: Thank you. And before Mr. Arnold answers, I want to ask Mr. Youngblood if we have any more speakers.

MR. YOUNGBLOOD: Mr. Chairman, I don't have any other registered speakers for these items.

CHAIRMAN FRYER: All right. Is there anyone in the room who wishes to be heard on this matter?

(No response.)

CHAIRMAN FRYER: If not, we'll close the public comment portion, and, Mr. Arnold, you can pick up, please, if you would.

MR. ARNOLD: Thank you.

In response to her comment about the pedestrian interconnection, we've demonstrated that location on the PUD master plan with this little diagonal arrow in the corner of the project down by the residential, and the county owns the property. And I don't believe any decision's been made. They looked at that as a potential utility improvement project. We looked at it as a possible interconnection for pedestrians to get to school, for instance, as a way, instead of having to go all the way up to Golden Gate Parkway or all the way south down Collier Boulevard, to potentially



have a pedestrian connection. That decision is something the county commissioner is going to make, what they ultimately want to do with their property. But we've made provisions for there to be an interconnection on the conceptual plan.

CHAIRMAN FRYER: Thank you. And thank you, Mrs. Zenti.

I'm looking at the clock. It's 18 minutes after 10:00. We would have our midmorning break at 10:30. My question to the Planning Commission is, are we going to have extensive discussion at this point, or do we believe that we're pretty close to being ready to vote?

COMMISSIONER SHEA: Vote.

COMMISSIONER SCHMITT: Just have some comments.

CHAIRMAN FRYER: Okay. All right. Then we'll target for a 10:30 midmorning break.

And, Commissioner Schmitt.

COMMISSIONER SCHMITT: We closed the public hearing?

CHAIRMAN FRYER: I already did.

COMMISSIONER SCHMITT: Okay. My comments are: This board, as well as the staff, spent, I have to believe, at least four or five meetings amending the LDC, and I want to commend a former colleague of ours, Mark Strain, who worked hard on this golf course conversion process as well as the staff.

This is the first golf course to come in. We knew this was coming. And I think this applicant followed perfectly to the letter in regards to the guidance that was provided with regards to meeting with the public, coming up with the options, and at least -- like any public presentation, getting at least a majority to accept the changes.

I think this is just a great example of the use of -- both from the staff perspective, the amendments that were created and then the LDC guidance that was formulated and codified by the Board of County Commissioners.

I would move to recommend approval for both the Comp Plan amendment and the PUD -- PUD proposal. Recommend approval subject to the staff's recommendations and a few of the changes we noted in the staff report.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SHEA: Second.

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN FRYER: Any further discussion? If not, we're voting both on the PUD and the GMP. All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Thank you very much.

COMMISSIONER SCHMITT: Rich, you had a comment? Do you want steal victory from the jaws of defeat here or --

MR. YOVANOVICH: I wanted to make sure your motion included our discussion about modifying when the trigger would be on the C-3 uses because staff's recommendation was a little bit vague. We talked about --

COMMISSIONER SCHMITT: Yes. I say yes because it appeared that staff recognized that as a change that they approved.

MR. YOVANOVICH: I just wanted to make sure.

COMMISSIONER SCHMITT: Yes, thank you.

CHAIRMAN FRYER: Thank you.

MR. ARNOLD: Mr. Chairman, I would just say thank you. It's been a process. I think we've all learned a lot. And I think that one thing -- my takeaway is that as written, the golf course conversion, it's not an easy process, but I don't think it was really written with the intent that we have a partial conversion like you had on the county's project. So maybe in the future there can be tweaks to acknowledge that. Otherwise, it's a good process.

COMMISSIONER SCHMITT: Yeah. We have a difficult one coming soon, and -- because I've already seen reports in the news about it, and hopefully staff has lessons learned and somehow when that comes before us, we'll at least incorporate some of the lessons learned. Thanks.

CHAIRMAN FRYER: Thank you. Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner.

COMMISSIONER KLUCIK: I would just say that, you know, in the interest of fairness to Mr. Yovanovich and his client, since he brought that, that needs to be memorialized in some way in writing so that it's -- you know, we didn't expressly talk about it before we voted, but then we kind of added it afterwards, and --

COMMISSIONER SCHMITT: Well, I'll amend my motion to accept that proposal as discussed. And it appeared from staff there was no objection, so I amend my proposal to accept that.

CHAIRMAN FRYER: We'll revote then. Is there a second?

COMMISSIONER HOMIAK: I'll do the same.

CHAIRMAN FRYER: All those in -- further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you.

All right. It's 10:22. Let's be back here, please, at 10:35. We stand in recess until then.

Thank you.

(A brief recess was had from 10:22 a.m. to 10:35 a.m.)

MR. BOSI: Chair, you have a live mic.

CHAIRMAN FRYER: Ladies and gentlemen, let's return to session, please.

And when we redid the agenda, I sort of lost my train of thought, and I apologize for that. But stepping back a little bit, we need to first look at Planning Commission absences. And right now we've got one planning commissioner who's absent, Commissioner Shea. But what I'm going to want to know is whether those who are at the dais know that that they will be here and able to participate on April 7, which is our next meeting. Anybody know whether he or she will not be able to participate?

Commissioner Shea, will you be able to?

COMMISSIONER SHEA: Yes, sir.

CHAIRMAN FRYER: Okay. Good. Perfect. Thank you.

To that same point, really, we're going to be getting pretty busy into the summer. So everybody, whatever you can do going back to a regular semi-monthly schedule, we need to be

doing that so that we can move things forward.

And approval of minutes. We do not have any before us to take action on. BCC reports, recaps, Mr. Bellows.

MR. BELLOWES: Yes. On March 8th, the Board of County Commissioners heard the LDCA amendments that created the limited density pool for the Bayshore Zoning Overlay. That was approved on their summary agenda.

CHAIRMAN FRYER: Thank you very much. Anything else?

(No response.)

CHAIRMAN FRYER: That's it. Okay. Under Chairman's report, the only thing that I want to mention here arises from the way we sort of took things out of order this morning in order primarily to accommodate, well, both the staff and Board of County Commissioners but also the public. Generally speaking, we will not go out of line in order to hear from members of the public when we're not varying from our posted agenda. But since we did vary from our posted agenda, it seemed fair that we allow members of the public who had relied upon a different order of sequence to be heard. So that -- we're not setting any kind of a precedent by doing that. And that's all I had under Chairman's report.

Consent agenda, we don't have any.

So now I believe we're ready to get back to our agenda.

\*\*\*And the next matter that is to come before us, I believe, is the Sabal Palm rezone. And that is PL20210002322. It's the Sabal Palm rezone. It's a straight rezone. And for that presentation, the Chair will recognize Ms. Passidomo.

COMMISSIONER SHEA: We're not doing the first one, 9A1?

CHAIRMAN FRYER: What's staff's preference? Do we have any members of the public on this?

(No response.)

CHAIRMAN FRYER: We don't? All right. Well --

COMMISSIONER SCHMITT: Let's do Sabal Palm then.

CHAIRMAN FRYER: Yeah. Let's do Sabal Palm. Staff's going to be here anyway, and we can do that.

Ms. Passidomo, you have the floor.

MS. PASSIDOMO: Good morning, members of the Planning Commission. Francesca Passidomo, for the record, here on behalf of the petitioner, the Shapiros. Mr. Shapiro's here with me in the audience. Also here with me is Wayne Arnold. He's on the project team. From the staff report, we're in --

CHAIRMAN FRYER: I have neglected to do my ex parte and also swear in witnesses. So I'm just -- please don't judge my ability to conduct a meeting based upon my performance today. I'm just slightly out of tune.

Let's start with ex parte with Commissioner Shea.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: All right. Staff materials for me. That's it.

COMMISSIONER HOMIAK: Nothing for me.

COMMISSIONER SCHMITT: Staff only.

COMMISSIONER KLUCIK: Staff only.

CHAIRMAN FRYER: And everyone who wishes to be heard on this matter, please rise to be sworn in by the court reporter.

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

CHAIRMAN FRYER: Commissioner Vernon, do you have a report, ex parte?

COMMISSIONER VERNON: Staff only.

CHAIRMAN FRYER: Okay. Thank you.

Ms. Passidomo, sorry to interrupt. Go right ahead.

MS. PASSIDOMO: Thank you. This is a rezone petition to rezone agriculturally zoned

property to RSF3 consistent with the Growth Management Plan density. In order to obtain the density of three units for the one acre -- 1.35 acres, we will be obtaining a transfer of development right credit at the time of subdivision plat. There's a condition that staff has recommended and we're in agreement with. We worked with the County Attorney's Office and staff on that specific condition.

I have a presentation that I can walk through to go through the location criteria and items that you may want specifically addressed but, in summary, we're in agreement with staff's findings in the staff report. So it's -- it's your preference if you'd like for me to go through the entire presentation.

CHAIRMAN FRYER: Would anyone on the Planning Commission care to hear the entire presentation?

Commissioner Schmitt.

COMMISSIONER SCHMITT: I just have an amendment. I did speak to the applicant about this. Senior moment, I failed to --

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: -- recognize that.

CHAIRMAN FRYER: I did, too, and I'm also going to blame it on a senior moment plus the fact that I just haven't been functioning on all two cylinders.

COMMISSIONER SCHMITT: We get to do that, you know, every once in a while.

CHAIRMAN FRYER: I think you're right. Yeah, so this is the day.

I don't think we need to hear the whole presentation, Ms. Passidomo.

County Attorney, am I still screwing up here?

MR. KLATZKOW: I think you're doing a great job.

CHAIRMAN FRYER: Thank you. I needed that.

MR. KLATZKOW: But I'm a suck-up.

CHAIRMAN FRYER: Thank you. Thank you. All right. Ms. Passidomo, thank you. Staff report, please.

Oh, Commissioner Schmitt, did you want something?

COMMISSIONER SCHMITT: No, that was it. I just wanted to amend the record.

CHAIRMAN FRYER: Thank you.

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

As contained within Page 9 of 9 of the staff report, staff is recommending approval with one individual condition of the obtaining the TDR prior to development. And it's simply, like I said, for three units on 1.35 acres consistent with the density within the surrounding area, and staff is recommending approval.

CHAIRMAN FRYER: Thank you very much.

Any members of the public? I take it there are none, Mr. Youngblood?

MR. YOUNGBLOOD: (Shakes head.)

CHAIRMAN FRYER: All right. Any questions or comments for anybody from the Planning Commission?

(No response.)

CHAIRMAN FRYER: If not, we'll close the public hearing component, and we will have discussion and/or proceed to a vote.

COMMISSIONER HOMIAK: I make a motion to approve.

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you.

MS. PASSIDOMO: Thank you very much.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Do you want to get the vote -- was there a vote on the phone? I didn't hear.

CHAIRMAN FRYER: Commissioner Vernon, we didn't hear your vote.

COMMISSIONER VERNON: Yeah, I didn't. I forgot to unmute, but I vote in favor of it.

CHAIRMAN FRYER: Okay. It passed 6 to nothing, then. Thank you.

Thank you, Commissioner Schmitt.

CHAIRMAN FRYER: All right.

\*\*\*Let's see. The third matter is PL2021000893. It's the Siena Lakes CCRC CPUD amendment. And just so that we all start off knowing what we're talking about, CCRC stands for continuing care retirement community. And I didn't see a reference to the long version of that acronym in the ordinance itself. When I did an electronic word search, I found it three times in the agenda packet. But check on me; I might have overlooked it. But we want to be sure if we use the acronym CCRA that somewhere in the ordinance itself that we spell out what we're talking about.

You may proceed, ma'am.

MS. McMICHAEL: Good morning, Commissioners.

CHAIRMAN FRYER: Now, hold it. I did it again. I'm going home. Thank you. All those wishing to be heard 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: And disclosures. See, I did the wrong order again. Disclosures starting with Commissioner Shea.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Same.

COMMISSIONER HOMIAK: Nothing for me.

COMMISSIONER SCHMITT: Nothing for me as well.

COMMISSIONER KLUCIK: Just county material and discussion.

CHAIRMAN FRYER: Thank you very much. Now you may proceed.

MS. McMICHAEL: Good morning, again. My name is Paula McMichael. I'm director of planning with Hole Montes here on behalf of the applicant, Erickson Living, regarding the Siena Lakes Continuing Care Retirement Community Commercial Planned Unit Development.

I do have here with me a representative from the applicant, Bryan Palmer; Rich Yovanovich; Bob Mulhere; myself; and Craig Smith, who is the ecologist for the project.

So you may all be familiar with the location. This is on the east side of Airport Road on the north side of Orange Blossom Drive. It's the Siena Lakes community. It's under construction. It's been approved and is under construction. It totals about 35 acres on the north side of Orange Blossom.

The property is separated by Siena Lakes Drive, so you'll hear me discuss the property on the west side of Siena Lakes Drive, which is a little over five acres, and the property on the east of Siena Lakes Drive, which is about 29 acres.

So the property was originally rezoned to a continuing care retirement community back in 2009. It approved about 760,000 square feet of building at a floor area ratio of 0.6. In 2019, the property was amended to include that area on the west side of Siena Lakes Drive, so that was added

in 2019. And that increased the approval for the building square footage to about 878,000 square feet and a combined floor area ratio of 0.58.

Before I get into the footnote, I just wanted to do a brief description of what a floor area ratio is for those of you who may not be familiar with that concept. So the floor area ratio is the building floor area divided by the total lot area. So it's a calculation of building floor area divided by the lot area.

CHAIRMAN FRYER: An FAR of 1 is the building covers the entire lot.

MS. McMICHAEL: Correct, correct.

And then the little graphic was just to show you -- you give me too many numbers, and they don't make any imprint on my brain, so I included some pictures here. So an FAR of 1, you could either cover the whole lot. If it's two stories, it would cover half the lot. If it's four stories, it would cover 25 percent of the lot. So the floor area ratio is just the building to the lot area. There are other considerations for height, setback, lot coverage. That would also influence how that gets developed.

So, again, in 2019, it was approved at a combined floor area ratio for the entire 35 acres of 0.58 with a footnote limitation that --

COMMISSIONER KLUCIK: That's what we see on Page 3 of the report, of the packet?

MS. McMICHAEL: There is a calculation there on Page 3, yes.

COMMISSIONER KLUCIK: Okay. I just want to make sure that I'm looking at the same information.

MS. McMICHAEL: So the footnote limitation for the area that's on the east side of Siena Lakes Drive had a previously approved floor area ratio of .6, and that was maintained, and the area that was brought in in 2019 on the west side of Siena Lakes Drive had a floor area ratio of 0.45. When you did that calculation, it was a combined floor area ratio of 0.58.

So the request before you is to remove this footnote limitation and to allow the floor area ratio to be calculated over the entire 35 acres.

The CCRC was approved for 431 independent living units, 47 assisted living units, 30 skilled nursing and memory beds. We're not changing any of that, so it's the same number of units that was previously approved. We're not changing the approved building heights, the setbacks, landscape buffers; none of that is changing. It is just to change the way the floor area ratio is calculated.

So this should mimic what you have in your package on Page 3. So this is just the calculations of what that change looks like. So on the west side of Siena Lakes Drive, previously it would have allowed about 114,000 square feet of building, and with the change it would allow about 33,000 more square feet on the area west of Siena Lakes Drive, and then on the area east of Siena Lakes Drive we're reducing the amount of building square footage by about 25,000 square feet.

So, overall, the increase from what's approved to what we're proposing is about 7,900 square feet additional building square footage but, again, we're not changing any of the units, the unit count at all.

And this is what the changes look like to the PUD documents. So, again --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: So what you just said, I think, is what I was wondering. So there's 7,800 additional improved --

MS. McMICHAEL: It would allow about 7,900 additional building square footage.

COMMISSIONER KLUCIK: And what is the reason -- you know, what are you doing with that? Why do you need that?

MS. McMICHAEL: So what they would like to do --

COMMISSIONER KLUCIK: Because, obviously, there was a plan and everyone was like, ooh, wow, this is what we're going to do, and then all of a sudden someone stopped and said,

wow, we either need to, or we'd really like to, or it would be great if we could. Let's go back. It's a big deal, so it must have been really important.

MS. McMICHAEL: Right. So the building on the west side of Siena Lakes Drive gets a little bit bigger, and those are the independent living units, and that's what they --

COMMISSIONER KLUCIK: Was there something to drive the need to make it bigger? Because, obviously, this was all planned ahead of time by professionals who knew what the goal was. What was the trigger to suddenly say, wow, we're halfway through building this; we need to go back and ask for 8,000 square feet more.

MS. McMICHAEL: Again, it was driven by the market demand for the independent living units which are a little bit bigger than the assisted living memory care. So that is the reason for the additional building square footage. That is their independent --

COMMISSIONER KLUCIK: So is it to make the same units bigger -- you know, no more additional units, just make them bigger, or --

MS. McMICHAEL: Correct.

COMMISSIONER KLUCIK: -- to build additional units?

MS. McMICHAEL: No additional units. It would just be larger units.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Thank you.

MR. BOSI: And, Chair, I just wanted to let you know, I put a display on, and it shows you where the actual building area is going to be added to, on the visualizer.

CHAIRMAN FRYER: Yes.

MS. McMICHAEL: And I do have that also in my presentation.

CHAIRMAN FRYER: Thank you. Anything further, ma'am?

MS. McMICHAEL: Just -- I was getting to exactly what Mike Bosi just brought up, so this is the approved master plan. So you can see the building on the west side of Siena Lakes. Originally it ended right about here. With the revision, it becomes more of a horseshoe. It comes around to Siena Lakes Drive. So that is the increase in the building.

CHAIRMAN FRYER: Okay. And I take it your client is okay with the condition with respect to the updated listed species survey?

MS. McMICHAEL: Yes.

CHAIRMAN FRYER: Okay. And we will have to take action as the EAC also on this in addition, which we will be prepared to do.

And we've got Commissioner Shea.

COMMISSIONER SHEA: I think I need to go back to the floor area ratio. I think I understood it, but now I'm not sure that I do when you go through the -- to me it seems like the intent of it is you want to know the footprint of the building on the -- relative to the lot, right? Isn't that the idea?

CHAIRMAN FRYER: It's the aggregate floors.

COMMISSIONER SHEA: So if you have 10 floors, it's 10 times the footprint?

MR. BOSI: A floor area ratio is not to control the building -- the lot coverage. A floor area ratio is to control the amount of square footage that would be associated within any individual business and any one parcel of land. And it's tied to the acreage. So you get a relationship ratio of how much square footage is going to be provided for within a structure related to the square footage that's associated with the underlying parcel. It's not about lot coverage.

COMMISSIONER SHEA: Okay.

MS. McMICHAEL: So it limits the intensity of the use, but it would not limit the building setback or height. Those are other development standards that are included in the ordinance.

COMMISSIONER SHEA: Well, the only reason I asked that is it wouldn't make any sense to use the total acreage if I was right but, obviously, I'm wrong in what I think the intent is.

CHAIRMAN FRYER: I mean, it does -- it does relate to lot coverage because if you have

a single floor at a FAR of 1, you're going to cover the entire lot, but then if you have two floors, you're covering 50 percent, and you're getting an FAR of 1. And all -- and continuing up the line. So, I mean, it doesn't exclusively relate to lot coverage, but lot coverage is a factor, but so is the number of floors.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah, when we get time, we need to cover this issue on the environmental. I think we'll have to have Craig talk or give us an idea of what --

MS. McMICHAEL: Yes.

COMMISSIONER SCHMITT: -- he viewed on site in regards to the listed species, and what was brought up by two of the speakers in regards to the study recommended by staff that the applicant provide an updated listed species survey and written authorization from FWC, which was Florida Wildlife Commission, to impact wading birds' roosting areas prior to the issuance of the PPL SDP. So that was the stipulation by staff.

I want to make sure that, number one, you're in agreement with this and the issue that was raised by the public in regards to the -- I believe they cited blue heron -- blue heron.

MS. McMICHAEL: Yes. We are in agreement with the condition. We offered a clarification, because the FWC does not regulate bird roosting areas. They regulate bird nesting areas, so that's just a clarification, and then if they are present. But Craig Smith with DexBender is here if you have questions about the --

COMMISSIONER SCHMITT: Well, I would like to hear what he observed, and is there any requirement for a take permit or any other type of impact that was noted with the increase of construction on this site.

MR. SMITH: Good morning. My name is Craig Smith with DexBender, for the record. We're the environmental consultant.

We did do a listed species survey back in May of 2018 for the original development. We did not note any nesting by any listed species on the site, including wading birds. We did see little blue herons foraging on the sides of the lakes, and I think we saw a few green herons perching in the shrubs, but nothing else.

I have reached out to FWC, and they did confirm that for state-listed wading birds, the only activity that would require a take is regarding nesting of those species. The only caveat would be if you repeatedly intentionally flushed birds from a roosting area solely for that purpose, that could be considered a take and harassment.

COMMISSIONER SCHMITT: Right.

MR. SMITH: But if the flushing is a one-time event associated with a lawful activity, then that does not require any sort of permit from the Game Commission.

COMMISSIONER SCHMITT: Well, the issues that were raised by the public speakers in regards to the impact that it may have on these birds roosting, from the state's concern, there was really no concern and, from your perspective, what will the impact be?

MR. SMITH: Those birds will simply find someplace else to roost.

COMMISSIONER SCHMITT: Yeah.

MR. SMITH: They're not nesting there.

The only other thing we did note during our survey is there was an abundance of brown iguanas on the site, and those would be predated [sic] on nests if there were any in those willows, which is typically why an actual nesting colony will be surrounded by water, whereas the birds are roosting in trees that are right on the banks.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes, thank you.

So we're talking about where that little lake is in the corner? That's where all this building is that's being modified? So right now there -- on the picture, the color picture that shows the construction, actually, from above, that is -- it would be where that lake is? That's where the



building that's being modified is, being enlarged?

MR. SMITH: Yes.

COMMISSIONER KLUCIK: Okay. Has that already been filled in?

MS. McMICHAEL: It has not been filled in yet. But, again, that -- the building location and the lake location were approved in 2019.

COMMISSIONER KLUCIK: Got it.

CHAIRMAN FRYER: Thank you. Any further from the applicant?

MR. SMITH: For the record, I was out there this morning and did another quick look, and there's no evidence of any nesting in those willows.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: Anything further, applicant?

MS. McMICHAEL: No.

CHAIRMAN FRYER: Thank you. We'll now turn to staff.

MR. BELLOWS: For the record, Ray Bellows with Planning and Zoning Division.

I have reviewed this project with our contract planner, Laura DeJohn, and we found this project consistent with the Growth Management Plan, and there are -- will not have any traffic impacts. And we have reviewed this with our environmental staff, and we are agreeing to the revision as outlined by Paula McMichael on the staff recommendation, and we are recommending approval.

CHAIRMAN FRYER: Thank you very much.

MR. BELLOWS: And this is an EAC item, so same goes for the EAC vote.

CHAIRMAN FRYER: Yes, thank you.

Do we have any members of the public who wish to be heard on this?

MR. YOUNGBLOOD: (Shakes head.)

CHAIRMAN FRYER: We do not, okay. We will close the public comment portion of the meeting.

COMMISSIONER SCHMITT: Just to recognize that we already heard from the public on this.

CHAIRMAN FRYER: Yeah, we did, that's true. We heard before the matter was called. So there were two members of the public, and, Commissioner Schmitt, thank you for addressing those concerns.

So now it's appropriate for us to deliberate and/or vote.

COMMISSIONER SCHMITT: Well, I make --

CHAIRMAN FRYER: Care to make a motion?

COMMISSIONER SCHMITT: I'll make a motion. I make a motion that we approve PL20210000893 based on the -- with the staff recommendation as cited.

CHAIRMAN FRYER: Okay. And that's a joint --

COMMISSIONER SCHMITT: As amended, yeah.

CHAIRMAN FRYER: Yeah. This is a joint motion.

COMMISSIONER SCHMITT: It's a joint motion both as the EAC we'll have to vote and then as the Planning Commission.

CHAIRMAN FRYER: Thank you very much. Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Okay. Any further discussion on this? And this is subject to the condition that staff had identified. Any further discussion?

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir. Go ahead, Commissioner.

COMMISSIONER KLUCIK: Okay. So we have the two sections that had this FAR rating, and what we're doing is you've determined that you're not actually going to use, I said, or consume all of your FAR rating on the right-hand portion, the eastern portion, so you're giving up some of that so that you can use it on the left side, and then you're also asking for

30-some-thousand more square feet. Is that essentially correct?

MS. McMICHAEL: That is essentially that except it's about 7,900 additional square feet.

COMMISSIONER KLUCIK: Well, no, I'm talking about the --

MS. McMICHAEL: On the west --

COMMISSIONER KLUCIK: The large -- yeah, the master -- I guess that's the lot size?

Or no. What is that larger number, the 875,000?

MS. McMICHAEL: That is the total square footage over the entire 35 acres.

COMMISSIONER KLUCIK: Right. So you're -- and somehow you reduced the total square footage. Where's that chart? Yeah, so you reduced 764- to 738-, you made that lot smaller.

MS. McMICHAEL: That is the building square footage.

COMMISSIONER KLUCIK: That's the building square footage.

MS. McMICHAEL: The building gets a little bit smaller on the east side of Siena Lakes Drive and --

COMMISSIONER KLUCIK: Right. So it was approved for 764-, but you're really only using 738- so, therefore, you're applying -- you're saying, well, you know, we're going to go ahead, I guess -- because the totals down below, you're only increasing the west of Siena building by -- not by the total amount that you're asking for, because you're using some of the square footage from the eastern portion -- I don't know -- to get your overall .58?

MR. BOSI: Yes.

COMMISSIONER KLUCIK: Okay.

MR. BOSI: Yes, that's what's being proposed. They are putting more building square footage on the west side, subtracting some from the east side, and asking for about close to 8,000 square feet for the overall PUD increase.

COMMISSIONER KLUCIK: Right. So the net at the bottom is 8,000 square feet. The horseshoe-shaped building is getting considerably larger than what the eastern -- or the western building is getting considerably larger, but you didn't use all of your allotment on the eastern portion, and so your overall ratio ends up only requiring the 8,000 additional square feet. Okay.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: I have a motion on the floor, and I see Ms. DeJohn joined us. So we should have her come up here just to defend her position. Oh, I'm sorry. You're good.

CHAIRMAN FRYER: Anything further before we vote on this?

(No response.)

CHAIRMAN FRYER: All right. It's been moved and seconded. It's a joint motion.

All those in favor --

COMMISSIONER SCHMITT: Well, we have to vote twice, once for EAC and then --

CHAIRMAN FRYER: Actually, we don't.

COMMISSIONER HOMIAK: We can put them together.

COMMISSIONER SCHMITT: Oh, we can put them together? Okay.

COMMISSIONER HOMIAK: Well, you did it already.

COMMISSIONER SCHMITT: I did.

CHAIRMAN FRYER: Here's -- and going forward, that's, I think, the more efficient way. The County Attorney signed off on it. But any planning commissioner can always move to divide the question if for some reason you want to vote one way on one and one on the other.

COMMISSIONER SCHMITT: Okay. As long as it's acceptable, we'll keep them joined.

CHAIRMAN FRYER: Okay. Without objection, then we'll vote. All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant.

\*\*\*And we'll continue to move forward here. And the next matter is the EAR. Again, this is Evaluation and Appraisal Review, that's what EAR stands for, based upon CCME, which stands for conservation and coastal management element of our GMP.

This is PL20210001271. It is legislative in nature, of course, and, therefore, no need for ex parte or for me to mess up on that point or for swearing in of witnesses. And we're here for action on the question of adoption at this time.

So without further ado, ma'am, you have the floor.

MS. HANSEN: Rachel Hansen, senior planner with Comprehensive Planning.

And today I am presenting something that -- oh, sorry. Are we good? Okay.

Today I am presenting something that you've already seen but is coming back. So this is the Conservation and Coastal Management Element sea level rise.

So just a brief background because, again, you have already heard this. The House Bill 1094 amended Florida Statute 163.37 -- or .3178 of the Community Planning Act, which essentially requires Collier County to amend our CCME to develop strategies that address the impact of sea level rise and flood risk/storm surge in coastal areas. We were required to add language required [sic] to best practices to develop in flood zones, and you all have a proposed Exhibit A for the CCME amendment.

At the August 19th, 2021, Planning Commission meeting, you all recommended unanimously for the Board of County Commissioners to transmit the proposed CCME amendment to the DEO. In November, staff received recommended revisions from the DEO who determined that the original proposed amendment did not sufficiently establish meaningful and predictable guidelines for addressing sea level rise.

DEO granted an extension for the adoption and, as a result, the county has to adopt the new proposed changes to the CCME by December 14th of 2022.

And just to briefly address the changes from the last time you saw this to the updated amendment, the changes are based on research of peer counties whose CCME amendments were approved by the DEO, and the changes are an attempt to address their comments regarding the meaningful and predictable guidelines.

So just to go over them briefly, Objective 14.1 sets a five-year cycle to address issues related to sea level rise, Policy 14.1.1 acknowledges data and analysis from sources including, but not limited, to NOAA and ACUNE, and then Policy 14.1.6 adds a commitment to coordinate with local municipalities regarding adaptation and mitigation measures. And then throughout the amendment there was more specific language to connect the existing objectives and policies to the objective of addressing sea level rise.

CHAIRMAN FRYER: I'm going to interrupt for just a moment, please, to emphasize how important it is for the Planning Commission to have a redliner of what we moved at transmittal and then what's coming back to us at adoption. I had to go through these, and I took my chances, and I think I identified all the changes. What you have is fine, but there should have been a second redliner showing exactly how this differs from what we approved unanimously last time, okay, so in the future -- thank you very much.

MS. HANSEN: Absolutely.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER KLUCIK: Can we see the language of 14.1 where -- is there an insert?

COMMISSIONER SCHMITT: It's in there.

COMMISSIONER KLUCIK: No, on the screen while we're talking about it.

COMMISSIONER SCHMITT: I thought on the -- everything that was underlined has been added; is that correct?

CHAIRMAN FRYER: Well, no, not since transmittal.

COMMISSIONER SCHMITT: Oh, I thought -- I took this as -- typically, strikethrough/underline, everything underlined was added since transmittal. That's not the case?

CHAIRMAN FRYER: That is not the case.

COMMISSIONER SCHMITT: Oh, well.

COMMISSIONER KLUCIK: It's hard for us to understand what's the difference between what we approved and now what's being changed.

CHAIRMAN FRYER: Yeah. I personally am absolutely satisfied with these changes, but it took me a couple of hours to go through and be sure that I caught all the differences between what we did at transmittal and what we're being asked to do now.

COMMISSIONER SCHMITT: Well, I have several questions I want to walk through --

MS. HANSEN: Sure.

COMMISSIONER SCHMITT: -- on the proposal.

MS. HANSEN: That's really all I had. So if -- by all means.

COMMISSIONER SCHMITT: I think it's best --

CHAIRMAN FRYER: We'll let Commissioner Schmitt go ahead with his questions then, please.

COMMISSIONER SCHMITT: I'm going through the ordinance, then. I'm looking at Objective 14.1 as written. And there's the word here that says to eliminate inappropriate and unsafe development. What is the definition and who makes the determination of the word "inappropriate"?

MS. HANSEN: So I'm actually going to defer to either Mike or James on that because that language was added to the original that you saw previously, and so I did not make that change.

MR. SABO: Good morning. James Sabo, Comp Planning manager.

Commissioner Schmitt, that is clearly subjective language which -- we put that in there based on what the state DEO recommends that we do to change our CCME. I don't have a direct answer on who makes those decisions.

COMMISSIONER SCHMITT: Well, that's wonderful of the state, but we as the county can certainly try and clarify that. I mean, inappropriate to whom and measured by what? You're right. This is --

MR. SABO: I agree, I agree, and, you know, there's a lot of "consider" and "encourage" and a lot of subjective terms and, you know, unfortunately, we have to dance with the one who brought us, I guess.

COMMISSIONER SCHMITT: I guess I'll --

COMMISSIONER KLUCIK: Mr. Chairman? Joe, just -- can I interrupt? It's -- I would like to see the 14.1 that we actually originally approved so that I can compare it, because I can't -- I can't make any decisions, and I don't know how any of us could without, you know, comparing what we already adopted and seeing exactly what the changes are. So do we have that?

MR. KLATZKOW: Do you guys need this passed today?

MR. BOSI: No. Hearing the concern of the Planning Commission, we will go back and provide for the additional level of specificity that's being added to this ordinance to the ordinance that was already approved and recommended approval from the Planning Commission so you could understand where the added specificity and the language lies.

COMMISSIONER KLUCIK: And do you understand the confusion? When we see the underlining, we're assuming that that means that's all new, and it isn't, you know. So when we're looking at a document, it's rather confusing. And I cut Joe off, so I apologize, Mr. Chairman and Joe.

COMMISSIONER SCHMITT: But I still would like to go through my questions, even if

this is going to come back, so you'll have an idea of what I'm looking at.

CHAIRMAN FRYER: That's fair enough. And after you do so, I think I've identified the differences, and I'll go through those. And if the Planning Commission still wants to continue this, we will. Okay.

COMMISSIONER SCHMITT: Under Item 1 there, and it gives a statement, but how does that -- this different -- how is this different from applying requirements of the BFE and freeboard requirements, our base flood elevation and freeboard requirements? I don't understand. Redevelopment, principal strategies, engineering solutions, we do that through our plan reviews. That's a statement of fact, but incorporated in that is our building and plan review as required by the Florida Building Codes, IBC, international building codes, and through FEMA base flood elevation, and we have freeboard requirements. I just don't understand. It's -- again, it's a statement, but there's -- should not the county clarify this in more detail if they're going to put this in the CCME?

MR. SABO: Commissioner Schmitt, I don't disagree with you, and I understand your concern and your question. Again, the -- we contacted the state DEO directly. They had findings in our original submittal, the original transmittal. They wanted more clear or a little bit stronger language related to meaningful and predictable. We reviewed -- Ms. Hansen reviewed other communities that have approved CCME amendments at the state level, and we mirrored those based on what the DEO's requirements are. Now, that being said, we do have floodplain managers at the county who will, of course, apply all the state statutes and standards related to floodplain management.

COMMISSIONER SCHMITT: Yeah. And you state that in No. 6 on there. We don't encourage it. We actually enforce it. So why not eliminate the word "encourage"? Because we enforce it. We do.

MR. BOSI: And we are -- and we're simply recognizing that we don't control other local governments. We're encouraging other local governments to participate. That's simply that statement. And, one, I would say that maybe they're -- as part of our resiliency planning when we identify low-lying area, there may be some engineering solutions. There may be an approach that we could utilize to address that that's outside of base flood elevation and FEMA requirements to help mitigate the localized flooding issues. That may be the case.

So it is rather open-ended. And I agree with you, Joe, but I think there are some circumstances where the BFE and the components of the building code might not be the only way that localized flooding can be addressed in individual areas. There may be other engineering solutions. There may be other things that we've identified that we would promote to address those issues.

COMMISSIONER SCHMITT: All right. I'm going to go back to, under No. 2, engineering solutions that result in removal of coastal real estate property from flood zone designations established by FEMA.

MR. SABO: Okay. Mr. Schmitt, I completely understand. And when we brought this to you, we also brought the private property rights. And Mr. Klatzkow said, you know, on one hand we're propping up property rights and, on the other hand, we're going to take away your property rights with respect to coastal areas.

CHAIRMAN FRYER: The County Attorney may have said that, but I have said it on multiple occasions. It's a mixed message from Tallahassee.

COMMISSIONER SCHMITT: Yeah. Again, that's -- I only say, we go back to the state and say, thank you very much, but this is not enforceable, and, you know, it gets down to the reality of there's -- we avoid, we mitigate, or we compensate, and we avoid this -- and we relocate. We force people to move out of what we deem the flood zone, and be prepared to compensate people for that.

Again, this is a statement of generality that means absolutely nothing. To use a word that's being utilized a lot in the news, this is nothing but word salad. That's what it is.

14.1.1, we cite this ACUNE study. Is that a proprietary program? Is that --

CHAIRMAN FRYER: That is new. That is new.

COMMISSIONER SCHMITT: I understand, but is that proprietary? Should we -- we're citing a specific model that was independently created, my understanding, by the university. I have no idea about whether compensation was involved or contractual requirements. But is it dangerous to cite the ACUNE study in lieu of just saying best practices or some other example?

MR. SABO: Understood. Commissioner, what we were specifically careful about and Ms. Hansen was careful about was available climate change and local sea rise data including, but not limited to, the NOAA and ACUNE model. So we are saying to the state DEO we're going to include these models as best available data, but we are not limiting ourselves to this specific model or this specific set of data.

COMMISSIONER SCHMITT: Okay. But the danger there is we cited it. And I don't know if it's proprietary. I don't know if it's what you call a --

COMMISSIONER KLUCIK: Well, I don't know if it will --

CHAIRMAN FRYER: You're concerned that it's spec'ing something in?

COMMISSIONER SCHMITT: Right.

COMMISSIONER KLUCIK: And it's also -- we don't know if that's going to continue to be the best available data, and we've already labeled it as such, and I just -- we have no idea. Maybe another institution will come along.

MR. KLATZKOW: Take it out. Just -- I agree with you. Take it out.

COMMISSIONER SCHMITT: I mean, there's other studies out there. But the wording, you said "or similar," but I'm concerned that we're spec'ing something that now is going to be perceived as mandatory.

MR. SAWYER: Understood; valid.

COMMISSIONER KLUCIK: Well, it also locks that in as having -- yeah, having more -- some sort of official status, which as I said, it's not -- you know, it's not government controlled. And I'm not saying that government information is always the best, but I don't know how we would, by ordinance, lock in a source that may or may not continue to be high-quality information.

COMMISSIONER SCHMITT: Under 14.1.4 the words "shall consider" and -- which is nice, but what if I shall not consider? What if I decide not to consider?

MR. BOSI: You would be going against the ordinance that's adopted within the Growth Management Plan; therefore, you'd be in noncompliance.

COMMISSIONER SCHMITT: Okay. I considered it. I'm just -- the vagueness of it.

MR. BOSI: And you have to understand, you know, the state legislature is a political body, and sometimes there are mandates that are passed down to the locals that maybe don't have a lot of specific applications but are generated from other motivations.

COMMISSIONER SCHMITT: Oh, yeah. I understand. Totally understand.

MR. BOSI: And I think that we deal with those on a regular basis.

COMMISSIONER SCHMITT: I spent many years in the federal government. I fully understand lobbying and other aspects of it, yes.

MR. BOSI: Yes.

COMMISSIONER SCHMITT: 14.1.6, the county shall coordinate. This has to do with what Dr. Hushon brought up, I believe, and with local municipalities regarding sea level rise adoption and mitigation measures. And is there any specificity to that, or we're going to -- we're going to -- we shall coordinate? Call them on the phone and say, are you guys worried about sea level rise? Yeah. What are you doing about it? Nothing. Okay. Next. I don't know. Again, there's no meat in this.

MR. BOSI: No, there's not, and I think it's a recognition. Ms. Hushon wanted us to include the southwest compact. We think that is a potential that this county may enter into, and this is informed by Policy 4.1.6, but we would not suggest to put that level of specificity within this

policy. But the state was looking for a statement that we would coordinate with the local -- adjoining counties and municipalities.

COMMISSIONER SCHMITT: Okay. Within the county, we have three other municipalities: Everglades City, City of Naples, and Marco Island. All of them find this in concurrence with this, and are they wedded to the idea of sea level rise? And I understand there's storm surge. And, unfortunately, I wasn't here when they did the ACUNE -- when they gave the presentation. And the issue here is are we just addressing this to -- or is there some validity to what's being discussed here?

MR. SAWYER: All right. Commissioner Schmitt, I understand the question, and this is our responsibility. The county shall. And with respect to what other jurisdictions or what other municipalities do, we don't have control over that. But our commitment in 14.1.6 is that we are going to coordinate with other municipalities related to sea level.

COMMISSIONER KLUCIK: And is "coordinate" defined? Does that just mean we communicate with them and try to work out solutions that make sense from the perspective of all four parties here, the county and the three municipalities, or is it that required to have a joint -- you know, adopt a joint proposal? I mean, it could mean anything. And I'm concerned that we know that it doesn't mean something more specific; that it is vague.

CHAIRMAN FRYER: Mr. Bosi?

MR. BOSI: It is intentionally vague because we don't want to tie the hands of the Board of County Commissioners in terms of how they want to go about and if they do or do not want to enter into the compact or any future agreement.

I would remind the Planning Commission that within the Growth Management Plan there is an intergovernmental coordination element where we specify the inter-coordination and the sharing of/exchange of information with jurisdictions and counties that are close by. This is just a -- this is a generalized statement that says we're going to coordinate with the adjoining municipalities and counties to find the best way to address an issue that we know that has -- that has an influence upon how we arrange our land development.

CHAIRMAN FRYER: Thank you. Commissioner Klucik, I still have you lit up. Thank you.

Commissioner Shea.

COMMISSIONER SHEA: To just follow on those lines, we're reacting to a regulation passed in Tallahassee?

MR. SAWYER: That's correct.

COMMISSIONER SHEA: Again, I feel like we're just trying to do the minimum to comply with the regulations. And I'm not seeing anything proactive. I have the same concern Joe has. There's absolutely nothing specific that's going to lead to anything. So in this process that we're going through, when do we get specifics? At some point in time we couldn't manage planning in the county with those types of words.

MR. BOSI: After -- after the Board hears and adopts these proposed -- these proposed amendments to the CCME, we'll have to start the study. We'll have to identify the low-lying areas, we'll have to identify strategies that will try to promote addressing the issues of localized flooding, how redevelopment can go about, how we can deal with -- with potential takings and compensation associated with that. That will all appear before the Board of County Commissioners.

This is the start of the process of resiliency planning. The plan's going to be developed from staff, will be vetted with the Planning Commission. The Planning Commission will make a recommendation upon the specificity and the actions that are being called for within resiliency plan, and the Board will ultimately make that decision.

So this is -- this is the beginning of the process, and we're trying to highlight the areas where we have to focus and we have to call attention to in terms of how we go about to perform this resiliency study. And we may need to bring in some outside consultants to help us as well just

because the knowledge base within staff might not be adequate to address all of the different issues.

COMMISSIONER SHEA: So is there a plan with dates on when different things are supposed to happen, or is this going to -- I feel like it just goes on and on. We just throw the ball back and forth and, you know, the issue is continuing to happen. Is there a schedule of when we get to the point that we actually are using the outcome of whatever this is in terms of our planning?

MR. BOSI: There's not a schedule with specific dates. I would say that this is the beginning process of the -- of the resiliency planning effort of Collier County. We have to amend the Growth Management Plan to be in line with what the state wants to see, and then we have to go out and carry that community planning study over the course, and we haven't determined what -- the length of time that we will need, the resources that we're going to have to identify. We'll have to bring that project management plan to the Board of County Commissioners for some direction related to that.

So we don't have -- we don't have date specifics, but this does start the clock ticking that we have to get this done within a specific time frame. And I believe it says we've got a five-year window that we have to be able to accomplish this before the next study is going to be due.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: My issue here is if the county was serious, there would be no development and no redevelopment, anything forward of the CCCL, Coastal Construction Control Line, and that's it, period, end of story.

But we talk about it. I missed the presentation on the flooding. I did discuss with Judy in regards to the efficacy of the data that was used. But, regardless, we know there's low-lying areas. A lot of that was pre, probably, '50s and '60s, developments that certainly did not incorporate water management practices, best practices as incorporated by the South Florida Water Management District requirements or going through the ERP process.

So we have a lot of issues that are areas in this county not because of sea level rise but, frankly, because of inadequate storm drainage and stormwater management. And -- but this is a lot of -- again, this is a lot of words, and if they were serious about it, there would be very specific requirements.

And it happens -- again, you guys know my background, a former Army Corps of Engineer commander. I know the issue well, and we spend millions of dollars in the federal government, but we still allow developments in riverine and along the Mississippi River that gets flooded every year, I mean, and we pay to rebuild cities, and -- so this is just -- just another -- and I guess I'm -- Paul, as we engineers, we are frustrated by -- this is a lot of words. But, again, then we're dealing with property rights, redevelopment rights. We would have never approved any of this stuff in the Coastal High Hazard Area, or the coastal -- especially forward of the CCCL, but here we are, and we're mimicking -- as was stated, we're pretty much mimicking the statute, and as vague as the statute is, we are vague as well.

MR. SABO: That's a fair statement.

MR. BOSI: But I would add that the specificity will be provided for -- or much more specificity will be provided for within the plan that's going to be brought to you --

MR. SABO: Correct.

MR. BOSI: -- and then you'll be able to make specific comments related to --

COMMISSIONER SCHMITT: And we'll have to -- I used to say a 747, but I'll use a A380 to bring in all the lawyers to defend property rights.

MR. BOSI: Yes.

COMMISSIONER SCHMITT: Okay. Be that as it may, I said my piece.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Probably just more of a comment. You know, the Coastal High Hazard Area, is that defined by FEMA?

COMMISSIONER SCHMITT: No, we define that.

COMMISSIONER SHEA: We as a county define that?



COMMISSIONER SCHMITT: Well, it's partially based on old surge models, SLOSH models, other models that were used. ACUNE is probably a generation above that. But it also kind of went along there's -- yeah, there's a CCCL, and then there's the Coastal High Hazard Area where we defined only three units an acre in development, but we --

MR. BOSI: And that's one of the early strategies this county had identified related to the coastal resiliency was limiting density within the Coastal High Hazard Area to one unit below the base unit of four units per acre, and the only way that that could be increased is the affordable housing bonus. That's the only density rating system mechanisms that allows you to go beyond that three units per acre.

COMMISSIONER SCHMITT: And for all intents and purposes if you really -- it's everything --

MR. BOSI: West.

COMMISSIONER SCHMITT: West of 41 almost. There's other high areas probably, but from a standpoint of west, and then southwest, if you're going out the Trail, that's -- everything west of that and Southwest of 41 is, like, the Coastal High Hard Area.

And then when the Corps did its resiliency study, they kind of -- those were areas as you get higher up into the -- if you want to call it higher -- six feet, seven feet above sea level where they begin to tie in some of their structures that they were looking at, tide gates and other things that they were proposing in that resiliency study. I don't even know. Where is that now? I guess they're looking at that again because the cost-benefit ratio has changed significantly.

I don't know where -- don't worry about it.

MR. SABO: Mr. Chairman, if I can just clarify one statement.

CHAIRMAN FRYER: Go ahead.

MR. SABO: Mr. Schmitt had mentioned that the statute was vague, so our amendment is vague. That's not specifically correct.

We mirrored approved amendments from Indian River County as well as Lee County, so that's where Mr. Bosi had said that the specificity is tighter and more meaningful and more predictable so that we meet the DEO standard.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: I've got a couple of commissioners who are lit up, but I want to ask a question first, if I may.

With respect to the One Naples project, if we had had this in front of us at that time, would that outcome have been different?

MR. BOSI: No. I believe the One Naples, I believe, was almost entirely out of the Coastal High Hazard Area.

CHAIRMAN FRYER: Well, it's west of 41.

MR. BOSI: But that was just a general statement, as Joe had mentioned. There's some areas that are higher. There's some areas that are lower.

COMMISSIONER SCHMITT: But it will be constructed to meet all of the requirements of --

MR. BOSI: Oh, yeah.

COMMISSIONER SCHMITT: -- storm surge. It will be -- and both requirements. The BFE, if you remember, that was two-story or one-story, two-story garage, frangible walls for -- so everything -- anything of value is above the BFE. And the BFE out there is, like, 13 feet if I remember now.

MR. SABO: That is correct. Part of the One Naples project is west of the CCCL and part of it is east.

CHAIRMAN FRYER: Okay. Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. So I want to look specifically at Policy 14.1.1, the first sentence. So I would eliminate the word "change" and the word "rise," and end it at the word "data" and then eliminate any reference to where the data comes from. "The county shall review

and monitor the best available climate and local sea level data," period, because then that gives the county the flexibility to -- you know, to figure out which data they're going to look at. They're not locked into any specific source. And "all climate data," why would we limit it to just climate change data? And why would we limit it to just sea level rise data? If the sea level is not rising, then we would want to know that data, too, so there's no need to narrow it down beyond --

MR. KLATZKOW: Is that a motion?

COMMISSIONER KLUCIK: Well, yes, that's a motion that we -- that that would be -- that we adopt it with that change.

CHAIRMAN FRYER: Well, let's complete our discussion and hold that thought. Perhaps you'll make the motion, and your motion will include your amendment to the language.

COMMISSIONER KLUCIK: Well, I've made the motion. Just -- I want to have that on the record.

CHAIRMAN FRYER: Well, is there a second?

COMMISSIONER SCHMITT: Well, I would second it as long as we highlight -- I don't care if we leave ACUNE in there, but I don't want to be wedded to ACUNE. So, I mean, how did you word that? It's not limited to data?

COMMISSIONER KLUCIK: No, no. "The county shall review and monitor the best availability climate and local sea level data," period.

CHAIRMAN FRYER: I'd like to hear from the county. Is there a second first?

COMMISSIONER SCHMITT: I would second it. You want to strike the rest of it?

COMMISSIONER KLUCIK: Yes.

CHAIRMAN FRYER: Let's hear from the county, please.

MR. BOSI: The county doesn't have any objection if that's the recommendation the Planning Commission would like to make to the Board of County Commissioners.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Do you want to finish that thought? I had a -- I was continuing with another thought. So are you --

CHAIRMAN FRYER: Oh, okay.

COMMISSIONER SHEA: Are you at a change in --

CHAIRMAN FRYER: I guess my question is, are we going to have other changes to this language, or is this the only change --

MR. KLATZKOW: I've got to tell you, if -- as you go through it, if you want changes, make the changes, and -- because we're going to forget at the end of this exactly what the people have talked about, what have you. I would just do this as a paragraph by paragraph at this point. There's not that many of them.

CHAIRMAN FRYER: Okay. That's what we'll do.

So it's been moved and seconded to approve 14.1.1 as proposed to be amended by Commissioner Klucik. Does anyone need that proposed amendment repeated?

COMMISSIONER HOMIAK: Is the sentence -- so ACUNE is coming out?

COMMISSIONER KLUCIK: Yes, including but not limited to -- what's being eliminated as well is anything after the word "sea level data."

MR. KLATZKOW: And you're also eliminating the second sentence?

COMMISSIONER KLUCIK: No, "The county shall consider," that's included.

MR. KLATZKOW: That stays.

COMMISSIONER KLUCIK: The first sentence is the only thing I'm modifying. I'm eliminating the second half, starting with "including," and I'm eliminating the word "change" in the beginning and the word "rise" in the beginning. "The county shall review and monitor the best available climate and local sea level data," period. "The county shall consider potential effects of climate change and local sea level rise and the need to reduce flood risks," blah, blah, blah.

CHAIRMAN FRYER: All right. Any further questions about this language? And I'll just say it's unfortunate that Dr. Hushon is not here, but that was her choice.

So we will take action on the proposed amendment to 14.1.1, and this is a motion to approve as proposed to be amended. It's been moved and seconded. Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER VERNON: (No verbal response.)

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously, 6-0.

Commissioner Vernon, did you vote "aye"?

COMMISSIONER VERNON: Yeah, I guess I'm a little confused. We're going to follow Jeff's suggestion and go through the rest of it, right? We're not --

CHAIRMAN FRYER: Yes. We're going to go section by section.

COMMISSIONER VERNON: Yeah, yeah. Then I vote in favor of Mr. Klucik's motion.

CHAIRMAN FRYER: Okay. So that's passed unanimously.

14.1.2, that, if I recall correctly, was carved out of the old 14.1.1, was it not, made a free-standing policy?

MS. HANSEN: That's correct.

CHAIRMAN FRYER: Yeah. Do we have any wordsmithing that we want to do to that?

(No response.)

CHAIRMAN FRYER: If not, I'd entertain a motion to approve 14.1.3 [sic] as written?

COMMISSIONER SHEA: .3 or .2?

CHAIRMAN FRYER: 14.1.2, I'm sorry. I misstated. Is there a motion?

COMMISSIONER SCHMITT: I make a motion to approve as stated.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

CHAIRMAN FRYER: All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

14.1.3. And, again, this was identical to what we acted upon in transmittal.

COMMISSIONER SHEA: Can you slide that up on the overhead so we can see the 14 --

CHAIRMAN FRYER: Yeah. And while you're doing it, I will say what I discovered, and staff can correct me if I'm wrong, but when I compared this to what we acted on in transmittal, 14.1.3, .4, and .5 were identical to what we had done at transmittal, and 14.1.6 was new. So it doesn't mean we can't reconsider it, but just so that everybody knows what we did last time we saw it.

COMMISSIONER SCHMITT: Which one was new then, 6?

CHAIRMAN FRYER: Six is new; 14.1.6 is new, but .3, .4, .5 are all identical. As near

as I could tell, they were identical to what we had at transmittal. Staff, correct me if I'm wrong, please.

MS. HANSEN: That's correct.

CHAIRMAN FRYER: Does anybody want to make a motion on 14.3, .4, .5, or do you want to divide the question?

COMMISSIONER SCHMITT: I'd make a motion to go with as written.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion on .3, .4, and .5?

(No response.)

CHAIRMAN FRYER: All those in favor, please say aye.

COMMISSIONER SHEA: 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 14.1.6 is new. Is there discussion on it? Do we need to hear anything further from staff about it?

COMMISSIONER SCHMITT: I have discussion. I mean, it's generality. I agree with Dr. Hushon in regards to her statement about the requirements but, again, I don't want to be that specific in the GMP. So I guess that will come back in regards to some kind of implementing language either through policy or LDC or whatever. But all this says is we'll coordinate.

MR. KLATZKOW: We can't force the local --

COMMISSIONER SCHMITT: Right.

MR. KLATZKOW: -- municipalities to do anything, so I don't know what else you can do.

COMMISSIONER SCHMITT: I agree. I mean, it's similar to our days of the old Regional Planning Council.

MR. KLATZKOW: And, quite frankly, they're the ones who are going to get hit by rising sea levels first, but...

CHAIRMAN FRYER: Okay. Is there a motion on 6?

COMMISSIONER SCHMITT: I'm fine with it as written, because it's general in nature and, I guess --

CHAIRMAN FRYER: Is that a motion?

COMMISSIONER SCHMITT: So I make a motion to approve.

CHAIRMAN FRYER: Is this a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of approving 14.1.6 as written, please say aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you. And that concludes our work on the EAR for adoption.

Mr. Bosi?

MR. BOSI: Just a comment. I just wanted to say that the responsibility for not having the strikethrough and underline of the proposed language and the further modification, that falls upon me. Rachel Hansen has only been with our department for four months. She's been wonderful. She's shown a great acumen and determination. I don't want the Planning Commission to think that that should reflect poorly upon Rachel. That's James and my responsibility. We should have been a little bit more forthcoming and understood that that would have benefited the Planning Commission. So I just wanted to provide that clarification, because Rachel's awesome.

CHAIRMAN FRYER: Well, thank you for being a standup guy, and we all appreciate that. And thank you, Rachel.

COMMISSIONER SCHMITT: James and Rachel, I wasn't beating up you, because I know what you got from the state, and it's typical of the state; it really is.

CHAIRMAN FRYER: Thank you very much, staff, and we're all satisfied with where we are.

COMMISSIONER SCHMITT: Good luck in coordinating with the other communities, by the way.

CHAIRMAN FRYER: Okay. That concludes our matters under rezones and GMP amendments. So we go to old business. Is there any of that?

(No response.)

CHAIRMAN FRYER: If not, new business? I think we do have one thing under new business, do we not? Nighttime meeting.

COMMISSIONER SCHMITT: What is this night meeting?

MR. BOSI: And that was a discussion that I have -- we're going to have to push that to the next meeting. We have to coordinate with our Land Development Code manager in terms of the dates that he wanted to identify and talk to the Planning Commission about. But we will put -- we will put that on the agenda for the next --

CHAIRMAN FRYER: Can we provide any input to staff? I'll open with some input. I think when we have a night meeting it ought to be on the same day as a day meeting.

MR. BOSI: Sure.

CHAIRMAN FRYER: Does anybody else have input for staff on that?

(No response.)

CHAIRMAN FRYER: Okay.

MR. BOSI: And would staff also have the discretion to say if there were, say, two items on the agenda that we wanted to have the night meeting to suggest, say, a 1:00 start time?

CHAIRMAN FRYER: Oh, absolutely.

COMMISSIONER HOMIAK: Oh, yes.

MR. BOSI: If we feel that we're not going to have a full day.

CHAIRMAN FRYER: By all means.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: I've taken seriously your admonition, though, that we're going to be pretty busy going forward, so I doubt that will happen. But of course, if it did come to pass.

Commissioner Schmitt.

COMMISSIONER SCHMITT: I'm trying to figure out how to say this. The report on Riviera Golf Course, I'll say it, I saw a report in the news; it looks like it was pretty contentious. Is that something forthcoming?

MR. BOSI: Oh, it's very contentious. I mean, you can imagine, it's a golf course that has

houses on either side of every golf hole. Trying to fit the golf course conversion process to that is somewhat cumbersome, and there's water management issues, and we will continue to work. It's still at the very first part of the golf course conversion portion where it's the engagement of the applicant with the community trying to find areas of compromise.

It's the next phase when it gets to the conversion, it gets to the rezone, where we're going to have to actually -- they're going to have to provide, you know, the specificity towards how water management and how transportation and the other issues of great concern that have been expressed by the residents within the Riviera community will be applied. It's going to be a very contentious hearing.

COMMISSIONER SCHMITT: So we're talking months before we see that?

MR. BOSI: Months before we see it. And there was a March 7th stakeholder outreach meeting that had to be postponed and rescheduled because the 400 seats that were available within the facility that was commissioned for the neighborhood information meeting did not have the capacity for the number of people who had showed up. And Mr. Bellows was at that -- was at that outreach meeting, and there was a tremendous amount of participation from the existing homeowners.

COMMISSIONER SCHMITT: What's next, Alico arena or something for the meeting?

MR. BOSI: There's -- actually the Sports Park is the second --

COMMISSIONER SCHMITT: Sports Park.

MR. BOSI: Yes, yes. It's just the reality of the number of people who want to participate within that process.

CHAIRMAN FRYER: How about the Isles of Capri? We're still getting emails on that. When do you think that will come to us?

MR. BOSI: That's still another one that's in progress where we are -- you're probably not -- the Planning Commission's not before -- it's still months away. It's not before -- probably summer, midsummer, mid to late summer is when that's going to -- it's going to be a busy fall. It's going to be a busy summer, it's going to be a busy fall, and these are petitions that we know are going to have a lot of controversy, a lot of participation, and we'll handle it as appropriate, but we know it's --

MR. KLATZKOW: Until the bubble bursts, and the bubble will burst, you're going to be getting more and more of these, and then everything blows up, and you'll hear crickets.

MR. BOSI: And just to reiterate that, the reason that is is everything left in the urbanized area has neighbors. And there's a -- there's a characteristic of human nature, we don't like change, and when someone proposes change close to your neighborhood, there is often a reaction of hesitancy, and that hesitancy expresses itself in a lot of different forms, and most of the times it's participation in arenas like this.

CHAIRMAN FRYER: Thank you. Any other new business?

(No response.)

CHAIRMAN FRYER: If not, public comment? Anyone wish to be heard on any matter that was not on the agenda, now would be the time.

(No response.)

CHAIRMAN FRYER: If not, thank you very much. Without objection, we are 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 11:44 a.m.

COLLIER COUNTY PLANNING COMMISSION



\_\_\_\_\_  
EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 4/21/22, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC., BY TERRI L. LEWIS,  
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