

April 7, 2022

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
April 7, 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
Karl Fry
Joe Schmitt
Paul Shea
Robert L. Klucik, Jr.

ABSENT:

Christopher T. Vernon
Tom Eastman, Collier County School Board Representative

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Mike Bosi, Planning and Zoning Director
Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney

P R O C E E D I N G S

CHAIRMAN FRYER: Good morning, ladies and gentlemen.

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Good morning to everybody. This is the April 7th, 2022, meeting of the Collier County Planning Commission.

Everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Secretary, may we have a roll call?

COMMISSIONER FRY: Thank you, Mr. Chairman.

Mr. Eastman?

(No response.)

COMMISSIONER FRY: Mr. Vernon?

(No response.)

CHAIRMAN FRYER: Mr. Shea?

COMMISSIONER SHEA: Here.

COMMISSIONER FRY: I'm here.

Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: Mr. Klucik?

COMMISSIONER KLUCIK: Present.

COMMISSIONER FRY: Mr. Chair, we have a quorum of six.

CHAIRMAN FRYER: Thank you very much.

And Mr. Eastman and Mr. Vernon have excused absences.

So we will now come to addenda to the agenda. And I'd like to open this up before turning it to Mr. Bellows. The first matter that we have scheduled under Section 9 --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes.

COMMISSIONER KLUCIK: Just briefly, I just want to make sure that what we saw earlier this week hasn't changed as far as the detailed agenda with all of the items.

CHAIRMAN FRYER: Well, there -- something came in a couple of days ago, and I'm going to want to talk about that at the appropriate time.

COMMISSIONER KLUCIK: Okay. I'm just trying to make sure that I'm working off of the document that's the most current version.

CHAIRMAN FRYER: Okay. Well, let me get through this, and then we can talk about that.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: The Golden Gate site design standards matter, which we've got scheduled first off this morning, I want to ask, if there are any members of the public who planned or wished to speak with respect to this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: And seeing no hands, it makes me want to raise the question of whether we would want to move that item down from Item 1 so that members of the public who wish to speak on other matters could be heard without having to sit through the first matter. What is the wish of the Planning Commission?

COMMISSIONER HOMIAK: Fine.

COMMISSIONER SCHMITT: I'm fine with the move unless we have anybody online

that wants to speak in that behalf as well. I don't know.

CHAIRMAN FRYER: Mr. Youngblood, we don't, do we?

MR. YOUNGBLOOD: I don't have any registered speakers for this first item.

CHAIRMAN FRYER: Okay. All right. Then, without objection, we're going to move right -- oh, let me just check with staff. Your organization is prepared to present now or to present at the end of No. 9, or does this mess you up?

MR. BOSI: Chair, Mike Bosi. Whatever the discretion, whatever the pleasure of the Planning Commission, my staff will be able to adjust.

CHAIRMAN FRYER: Okay. Thank you very much.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. I want to go ahead and just raise that question again to staff is I downloaded this before our Monday meeting that I had with staff. Is that still the current version, or has it changed?

MR. BOSI: That is the current version.

COMMISSIONER KLUCIK: Great. Thank you.

Thank you, Mr. Chairman.

CHAIRMAN FRYER: You're welcome. Thank you.

Now, there was a matter, a 169-page document that came through two days ago and it -- having to do with Item 11B, and it appears to have some red lines in it, but I couldn't tell whether they were red lines that were in the March version or this April version. And so could we have clarification on that?

MR. BOSI: The only change that was provided was we did provide additional links for the Immokalee Redevelopment Plan that was provided that gave -- I guess, within your original packet there was not a full -- a full provision of the current Immokalee area redevelopment plan and then what's being proposed as a draft, and that was emailed -- that was emailed, I believe, on Monday.

CHAIRMAN FRYER: Yes.

COMMISSIONER HOMIAK: But it was online, though.

MR. BOSI: Yes, it was online. I'm not sure how it didn't appear in your packet.

CHAIRMAN FRYER: Okay. But one of the things that came across was a reference to the 169-page document that I guess Ms. Forester prepared. And I want to -- if there are any changes to that, I would like to have them called out, and if they are substantive, in keeping with the practice that we have of not accepting substantive changes so late in the time frame between meetings, I -- it might be appropriate to consider continuing it.

COMMISSIONER KLUCIK: Which item is this?

CHAIRMAN FRYER: This is 11B.

COMMISSIONER KLUCIK: All right. The 169-page document can -- I haven't seen that. So is that something that can be sent to my --

CHAIRMAN FRYER: There was -- there was --

COMMISSIONER HOMIAK: It's online.

CHAIRMAN FRYER: Yeah. There was 169 pages in the agenda packet, but then the email came through two days ago that said the new items are blumf, blumf, and blumf.

COMMISSIONER KLUCIK: I need that email sent to my other address, because I don't have -- haven't been able to access the county --

MR. KLATZKOW: You've got an advertising issue if you've made changes, all right, because the public is on notice --

MR. BOSI: There's no changes. There's no changes.

MR. KLATZKOW: There are no changes?

MR. BOSI: The clarification was that material that was transmitted to the Planning Commission within their official packet did not contain the full copies of the redevelopment plan.

So there's no changes to the document.

MR. KLATZKOW: Okay. We put out an advertisement. We tell the public everything's on record with the Clerk for them to look at.

MR. BOSI: Yes.

MR. KLATZKOW: Was there everything on record with the Clerk?

MR. BOSI: Everything is on record. Everything is available online on the agenda for today's meeting. Everything that's -- everything that's going to be discussed today is online available to the public.

MR. KLATZKOW: So what was the change?

MR. BOSI: The change was the packets that the Planning Commission received. The individual packet that the Planning Commission, not the public, that's sent out to the Planning Commission did not contain the existing and updated redevelopment plan.

MR. KLATZKOW: Okay. So in other words, the Planning Commission got -- didn't get the entire package.

MR. BOSI: They didn't get the entire package.

MR. KLATZKOW: Okay. So this is not an advertising issue. This is your issue whether or not you want to look at it or not.

CHAIRMAN FRYER: Understood. Thank you.

COMMISSIONER KLUCIK: And, Mr. Chairman, I'm just asking if someone can make sure I get that to my RLK address.

CHAIRMAN FRYER: And I'm sure that's being taken care of as we speak.

I think -- I think I'm hearing the answer to this question, and I think the authorship was Ms. Forester, and there was a 169-page document that I believe was either the plan or a presentation of hers, and maybe she could come forward, if she would. And so I looked at that, and I studied it. Then two or three days ago I got an email that I interpreted to be saying that I needed to click on a link that would take me to what appeared to be the same 169-page document. And I just want to be sure they're the same.

Ms. Forester?

MS. FORESTER: Good morning. For the record, Deborah Forester, CRA director.

I believe one of the -- we have not changed the plan itself except for the errata sheet items that really are not substantive changes. That was under our data analysis that included updates we received from the airport authority to be as current as possible with their projects.

So the plan before you today has not changed since you got it. What we are doing is we are striking through the plan that exists from 2000. That is all being deleted and being totally replaced with this new version.

CHAIRMAN FRYER: Okay. Personally, I don't have a problem with that, but I want to defer to the Planning Commission because we are pretty strict about this when it comes to developers. These are changes. To me, they don't sound substantive, but you want to hear from others.

COMMISSIONER HOMIAK: No, I --

COMMISSIONER SHEA: I'm okay with going ahead.

COMMISSIONER HOMIAK: I read it.

COMMISSIONER SCHMITT: I have no problem with it. We've been over this plan.

COMMISSIONER HOMIAK: Over and over and over.

COMMISSIONER SCHMITT: For, Deb, how long now?

COMMISSIONER HOMIAK: A lot of years.

COMMISSIONER SCHMITT: A year and a half ago when we first met in Immokalee.

MS. FORESTER: Yes. We've had a lot of public input regarding that plan.

CHAIRMAN FRYER: Okay. Well, then, I'm fine. Thank you very much for that clarification.

So what -- as a resolution of the discussion we just had, we're going to move 9A1 down to

9A, whatever the last number would be, 4 or 5. And we're, therefore, going to lead off with Palisades once we come to No. 9. So that's what we'll do, without objection.

Let's see. Mr. Bellows, any other addenda to the agenda?

MR. BELLOWS: I have no other changes.

CHAIRMAN FRYER: Thank you, sir.

Planning Commission absences. Our next meeting is on April 21. Anyone know if he or she cannot be in attendance?

COMMISSIONER SCHMITT: April 21, let me look. There might be something important. I'm here.

CHAIRMAN FRYER: Okay. Perfect. Anybody else?

(No response.)

CHAIRMAN FRYER: It sounds like we're going to be in store for a quorum. That's good.

COMMISSIONER FRY: Chairman Fryer, I have a potential conflict with a son's activity. I'm not sure yet.

CHAIRMAN FRYER: Okay. Please just keep us posted. Thank you.

All right. On Tuesday I spoke with staff about the Planning Commission having a holiday of sorts or a day off during the month of July, possibly August, if that would be your preference. I realize that we did not have some meetings in the late winter, early spring of this year, but we were ready, willing, and able to go forth.

And I'm suggesting, and staff believes that this is doable, with not significant rearrangement of the planned items, that we could take either the 7th of July or the 21st of July off. What is the feeling of the Planning Commission of whether we should take a day off and, if so, which one of those would be preferred?

COMMISSIONER SCHMITT: I would prefer the 21st because I will not be here, but that's just my preference.

COMMISSIONER KLUCIK: What are the options?

CHAIRMAN FRYER: Seventh and the 21st.

COMMISSIONER FRY: I'm generally gone the last half of July as well.

CHAIRMAN FRYER: Okay. Well, then that's two people who've got a problem with the 7th.

COMMISSIONER SHEA: What about the 4th of August? I know you want July, but...

CHAIRMAN FRYER: No, I didn't -- 4th of August is fine with me.

COMMISSIONER SHEA: Because I won't be here. I can't make the 4th.

CHAIRMAN FRYER: You can't make the 4th?

COMMISSIONER SHEA: So it would be a good one for me to have canceled.

CHAIRMAN FRYER: We've got two who can't make the 21st and one who can't --

COMMISSIONER SHEA: Make the 4th.

CHAIRMAN FRYER: -- make the 4th of August.

Well, without -- it sounds like the 21st would be the best day just numerically.

COMMISSIONER SCHMITT: What are the days -- the Board takes their holiday at the end of July and the first week of August, don't they? I can't remember --

MR. BELLOWS: For the record, Ray Bellows.

The Board has one meeting on July 12th and no meetings in August.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: So, then, without objection, staff, we will -- we'll cancel the meeting of July 21st. Thank you very much.

Approval of minutes, we have none before us today.

BCC report, recaps, Mr. Bellows.

MR. BELLOWS: Yeah. On March 22nd, the Board of County Commissioners approved the PUD amendment for the 7-Eleven, a commercial PUD. That was a minor change dealing with

the drive-through lanes. That was approved on the summary agenda. The Board also approved on their summary agenda LDC amendments for the Bayshore. That LDC amendment primarily dealt with adding prohibited uses.

CHAIRMAN FRYER: Thank you very much.

Chairman's report, none today.

Consent agenda, none today. In fact, we haven't really had any consent-agenda items for many, many months, it seems. I guess that's a good thing.

***Public hearings advertised, having switched our agenda around, the first matter is going to be PL20210000979. It's the Palisades RPUD-Z.

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

CHAIRMAN FRYER: Thank you.

Ex parte disclosures starting with Mr. Shea.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Staff materials and a conversation with Ms. Crespo.

CHAIRMAN FRYER: Staff materials, staff meeting, and conversations with Ms. Crespo.

COMMISSIONER HOMIAK: I spoke to Ms. Crespo.

COMMISSIONER SCHMITT: Same; staff material and spoke with Ms. Crespo.

COMMISSIONER KLUCIK: I spoke with staff and reviewed the packet.

CHAIRMAN FRYER: Thank you. Are we having a technical difficulty?

MR. YOUNGBLOOD: I'm trying to get rid of the arrow.

CHAIRMAN FRYER: All right. We'll begin with the applicant's presentation.

Ms. Crespo, you may proceed.

MS. CRESPO: Thank you. Good morning. Alexis Crespo with -- I was going to say Waldrop Engineering, but we've been re-branded to RVI Planning and Landscape Architecture.

I'm joined today by the project team as well as the applicant. Kevin Brown and James Nulf are here. They are with Yarberry Partners, LLC, which is the ownership entity as well as the applicant for this project, and they're better known as Seagate Development throughout the Southwest Florida area.

Also, Jackie Larocque is our director of engineering at Atwel and did all the civil plans for the project, and Jim Banks is here, who prepared the traffic study for the zoning.

Just a little bit on Seagate before we get into the details of the request. Seagate has done a number of high-end residential projects within Collier County as well as the greater Southwest Florida area. They've developed single-family home product in Talis Park as well as in Quail West. And the best analogue for the proposed rezoning today is their Windward Isles project, which is less than a mile from the Palisades rezoning location. It's located at Airport-Pulling and Orange Blossom. This was a small infill project with single-family detached, very similar to what they're looking to develop on Palisades, and it's completely sold out. And you can see from the images here they're looking to do a very high-quality single-family product.

The project location is outlined in yellow on your slide. It's 12 acres in size. It's located on the west side of Yarberry Lane, which is a two-lane public roadway. This is very much an infill project. We've got multifamily at densities of 12 units per acre to our south. To our west we have the Mill Run single-family community, and to our north we have Jehovah's Witness church, and you can see some remaining single-family lots on the east side of Yarberry there.

The majority of this property was purchased by Seagate from the fire district. Those of you who have been on the Board for a while may recall the fire district seeking to rezone this property for a fairly intensive not only fire station but training facility. That ultimately was not well received by the community, and the district sold about nine acres to Seagate, and they also were able to acquire some additional lands to create the 12-acre project you see there on the screen.

This next slide is an illustrative version of the proposed PUD master concept plan. You can see the entrance is from Yarberry Lane. We have a single point of ingress/egress. We would

intend to gate this. And just a fairly simple layout due to the size of the property, including private internal roadways, and then residential houses abutting those roadways.

We are seeking a deviation for the dead-end that would provide access to one unit, and we are also seeking a deviation to have the 6-foot-wide sidewalk on one side of the entry road, which staff is recommending approval of those requests, as well as a 50-foot-wide internal right-of-way, which is fairly consistent for small infill projects of this character.

I will note that we are in the urban residential subdistrict. We are allowed up to four units per acre. That would warrant up to 48 units on this property. We did reduce the density below what we could be seeking to 36 single-family units, and that was based upon the product type that Seagate intends to build but also to ensure compatibility and consistency with some of the lower density single-family to our west.

This is our PUD master plan you see within your packets. It's the more digitalized version. I will note that there's a very nominal amount of on-site native vegetation. It warrants only 0.3 acres of indigenous preservation for the site, and so we're handling that through a monetary donation to the county, as certainly there wouldn't be a great benefit to providing such little preserve on the property.

I do want to point out the buffers. And we are making an additional commitment that was not in your package. I'll go back to the illustrative version. We are doing a 15-foot-wide Type D right-of-way buffer along the Yaberry frontage as well as Type B buffers to our south as well as to our north buffering those multifamily and institution uses. Along all those property lines we are seeking an optional 6- to 8-foot-tall fence or wall. This would be for decorative purposes, aesthetics, screen and buffer noise from the streets, et cetera.

To our west we have Mill Run, which we did work with that community extensively through this process. We are proposing a 10-foot Type A buffer to supplement their existing buffer, and we're also committing to a 6- to 8-foot concrete wall along that shared property line. So we're not seeking the flexibility of having that be optional, nor are we seeking a fence there. It will be a wall, and we can certainly bring that forward when we get to the board level.

CHAIRMAN FRYER: Commissioner Shea. Oh, they haven't switched you around. Sorry. Commissioner Fry.

COMMISSIONER FRY: I believe it was me.

Question. Just -- could you go back one page to that -- so the -- around the perimeter, are you saying there would be a wall around that entire perimeter?

MS. CRESPO: We are requesting an optional fence or wall along the northeast and south. Along the western boundary with Mill Run we are proposing a 6- to 8-foot required wall.

COMMISSIONER FRY: Required wall. And would that wall be what the people in Mill Run see, or would it be on the other side of some buffering -- some landscape buffering that you provide?

MS. CRESPO: It would be -- there would be -- some of our landscaping would be on the exterior of the wall and, additionally, they have existing buffering along their property line.

COMMISSIONER FRY: Okay. So they're not staring at a blank wall from their properties?

MS. CRESPO: Correct. And they were pretty strongly in support of having that wall feature, so...

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Alexis, I'm going to ask what I asked you on the phone as well. Just for the record, my question to you was: This could have been done relatively easy by submitting a PPL, a plat and plan, except for the deviations and, I think, for the buffer. But -- so for all intents and purposes, if this doesn't pass, you still could go in and develop this property as requested through a simple plat and plan submittal under the existing zoning; is that correct?

MS. CRESPO: We would have to do one-acre lots, so --

COMMISSIONER SCHMITT: One-acre lots.

MS. CRESPO: -- that would be the key difference. So we are seeking a smaller lot size, which is very commensurate to what --

COMMISSIONER SCHMITT: Why -- I don't understand. You could still -- this is one -- this is three units per acre.

MS. CRESPO: Your Growth Management Plan allows the 48 units, but the zoning is RS-1, which is a minimum one-acre lot size. But you're correct that the Comprehensive Plan would support 48 lots.

COMMISSIONER SCHMITT: Are the lots there existing now one acre?

MS. CRESPO: They don't exist today. The property's not been platted.

Mike, did you want to --

MR. BOSI: Commissioner Schmitt, I think, just to reiterate Alexis' point, it's zoned RSF-1, so you could only have one unit per acre by the current zoning. So they could only get 12 units based upon the 12 acres that the current project is. The Future Land Use Map would allow for four units per acre. They are seeking a rezone to a PUD that's going to allow for three units per acre, one unit below what they're -- per acre that they're allowed for.

COMMISSIONER SCHMITT: And to restate, what could have -- easily be just a submittal to come in for a rezoning to RSF-3. But in this case you're going to PUD.

MR. BOSI: Correct.

MS. CRESPO: Correct.

COMMISSIONER SCHMITT: Just for some of the other specifics that you're asking for in the -- so it's a nonissue. But I just wanted to make it clear to my colleagues that this would be relatively easy just to come in and do a rezone -- and thanks for that correction -- to RSF-3 rather than PUD.

The other question I asked -- and just for the record. This is in a wellfield risk management special treatment overlay area, but staff will very judiciously review that as part of the review process to make sure there's no impacts.

MS. CRESPO: Yes, correct, as part of the PPL.

CHAIRMAN FRYER: I was going to make that same record, but thank you.

Commissioner Shea.

COMMISSIONER SHEA: I'm a little slower. I don't have the history and the understanding. Why does Growth Management say you can do this amount and zoning doesn't agree? Shouldn't zoning support the Growth Management Plan?

MR. BOSI: It does. It says you're allowed up to four units per acre. The current zoning allows for one unit per acre. It's not inconsistent. It's just less than what's allowed for. Most of the parcels within Collier County are developed at less than what the -- not most, but there's a number of parcels that the zoning is less intensive than what the Future Land Use Element would provide for. A great example of that is anytime that you have a parcel that's seeking a rezone from ag, ag within your urban area is really just a holding pattern until it is going to seek the type of density and intensity that the Future Land Use map would allow for. So it's not uncommon that you'll have leftover pieces of land that haven't been developed that will have a zoning designation that's less intense than what the Future Land Use map would allow for.

COMMISSIONER SHEA: So what does the county infrastructure plan for; the zoning plan or the Growth Management Plan if you were planning a water/sewer, anything?

MR. BOSI: It utilizes both. It utilizes --

COMMISSIONER SHEA: How do you do that?

MR. BOSI: It utilizes both. It utilizes -- the checkbook concurrency is related to the zoning of the property, and then the ultimate demands and intensities that are allowed for within the Future Land Use map are incorporated with into the calculations as to what potentially will be needed. And then as zoning moves forward, it starts to adjust a bit. So it utilizes both the intensity of the current zoning as well as the anticipation of what could be allowed for from the

Future Land Use map.

And when they go through the rezoning process, we do a -- we do a courtesy checkbook concurrency analysis to make sure there's enough infrastructure available. But when they actually submit a plat or an SDP, if it's a multifamily project, that's when the checkbook concurrency is actually applied and the capacity of the road system, the capacity of the utility system, the capacity of the park system, of all the components that we have contained, schools, within our checkbook concurrency are required to be satisfied.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Thank you very much.

Ms. Crespo.

MS. CRESPO: Thank you.

And you bring up a good point, Mr. Shea, that the proposed rezoning and the proposed PUD will be more consistent with the Growth Management Plan than the large lots in place today per the RSF-1 zoning.

To touch on neighborhood outreach, we met with the neighbors even before we filed the application. We understood they were very heavily engaged when the fire district owned the property, so we met with them, got input on buffers and things of that nature. We did a follow-up NIM as required by the county process and then had further meetings with the HOA members. So certainly took the time to explain how the project will function in relation to their own.

They had questions about stormwater management. Our team is here to answer any of those, but certainly we are going to secure the necessary district permits from South Florida as well as -- and get our county plans and plat approval, which will evaluate stormwater management. And we certainly have a large lake system on the property which will catch, hold the water, and outfall away from Mill Run. So we believe we've resolved those concerns. And I've noted we are committing to the installation of that wall along the western boundary per their request.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. One question regarding -- you had a neighbor complain or had an issue believing that they might be impacted by runoff from this project. Have you clarified that with the property owner, or are they here today?

MS. CRESPO: I don't see them here today. Oh, yes, he is.

COMMISSIONER SCHMITT: Okay. They're here. We'll hear what he has to say. But just for the gentleman that's going to speak, it's clear the county will strictly enforce there absolutely cannot be any runoff onto the neighboring property, and that will be reviewed, and as part of the stormwater management plan, that is submitted as part of the environmental resource permit process through the South Florida Water Management District, which is your responsibility, correct?

MS. CRESPO: Correct.

COMMISSIONER SCHMITT: And so it's clearly enforceable from the standpoint of the ERP, and the ERP should validate that the stormwater is required to be retained on site and then treated, released as appropriate.

MS. CRESPO: Yes.

COMMISSIONER SCHMITT: I'd be interested to hear what the gentleman has to say when he speaks. Did you sign up to speak?

MR. LOERZEL: Yes.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Good. Please continue.

MS. CRESPO: So I'm ready to conclude here. We are consistent with your Growth Management Plan as we've discussed here already that we are below the maximum allowable density. We've addressed compatibility with the surrounding church, single-family and multifamily. We have a mix of uses around us. We are doing single-family detached, which is entirely consistent and complementary to Mill Run to our west. And this will allow for good infill

development in an area of the county well served by public utilities, infrastructure, and services, and close to shopping and employment.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So a mandatory wall on the west side between you and Mill Run, an optional wall on the north, the south, and I think you said the east as well. So clarify how it is determined whether a wall goes in on those optional sides.

MS. CRESPO: That's largely done through our landscape architects through what we call the site enhancement plan process where the client picks the vernacular, and we look at different fencing types. Maybe it's wrought iron, maybe it's Olde Florida style, and we look at different ways of incorporating that into the landscape palette to make for a beautiful community and good views from the rear yards of our homes and also obscure and screen views from surrounding properties. Sometimes fencing and walls can be costly, so we certainly want to leave ourselves flexible as things get -- continually going up in price through the development process.

COMMISSIONER FRY: So knowing that they're more expensive, are you saying there are circumstances where you would decide to spend that extra money for the benefit of your owners rather than just to protect the outside? Because I can't see a developer wanting to spend the extra money, if they don't have to, to protect the view from people outside of the development, but I can see it if they were preserving and enhancing the interests of the people that are buying their property.

So, I guess, clarify that for me. I guess my question is, if it's optional, can we just assume that it never happens, or does it actually -- is it actually viable that a wall of some kind or a fence would go in to this property?

MS. CRESPO: I think it's -- I think -- I believe it's intended -- and we have submitted our plans and plat that we're going to do fencing along the north, south, and east, and then we're -- and you've hit it right on, these are going to be very nice homes with a high price point. And Seagate is looking to protect the value of those lots, their view. So we see this wall as mutually beneficial, so we're happy to work with the neighbors and offer that up. But also, yes, it's very much for sales within this community.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Anything further?

MS. CRESPO: No, sir. We are in agreement with staff, we appreciate all that staff does, and we would respectfully request your recommendation of approval.

CHAIRMAN FRYER: Thank you. No one is signaling at this time. Any planning commissioner wish to be heard?

(No response.)

CHAIRMAN FRYER: If not, then we'll hear from staff.

MS. GUNDLACH: Good morning, Commissioners. And, for the record, I'm Nancy Gundlach, principal planner with the Zoning Division.

And staff is recommending approval of the Palisades PUD.

CHAIRMAN FRYER: Thank you.

MS. GUNDLACH: And it would be our pleasure to answer any questions you might have.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Nancy, would staff -- because this is within the density allowed by the Growth Management Plan but it's above what's allowed by the current zoning, would staff automatically approve that increase up to the limit of the Growth Management Plan amendment? I guess I'm -- you know, we sit here and we only hear things that have passed all of your vetting, and they almost always come in with your recommendation for approval.

So I sit and I see everything comes in with, I guess, increasing densities, and we don't stop a lot of them. We don't -- we have to find justification or some kind of a problem with it. You

guys do a great job of vetting things, but how do you determine what a reasonable density is when the zoning and the GMP don't match?

MS. GUNDLACH: Well, in this case -- would you like to answer that, Mike? I was just --

MR. BOSI: What I was going to say, when we have an applicant like this, the first thing that we look at is the surrounding land uses, and then we look at what's being proposed, how does that measure up against those surrounding land uses. And in this case it's comparable in density to the density that's provided for within the south. It's comparable within the density that's provided to the west, an institutional use to the north of it, and lower density to the east.

And then we look at buffering. How does buffering help to soften the edges of the development, and how does it blend within the overall land-use pattern within the area? And then we look at the infrastructure that's available and the type of traffic that would be associated with it. This, with only 36 units, a very low trip count associated with it on a local road, we find it appropriate.

And then because it's residential use against residential use, we find that there's general compatibility within that measure, a general compatibility within the density, and then the type of buffering that's being provided to soften, like I said, and provide for some visual screening for the interior and the exterior of the properties are all the parts of the equation that are evaluated.

So when it gets to you, those have been worked out with the applicant based upon the things that we've heard from the surrounding property owners, and that's why, traditionally, what you're going to receive from the planning staff is if it's -- if it's consistent with the Growth Management Plan, we've worked out those other compatibility issues to ensure that it could be a fit within the overall general neighborhood.

COMMISSIONER FRY: So would it be safe to summarize this from staff's viewpoint that you really found no -- no issues to take pause at on this application? It was -- it's a relatively benign application in your opinion?

MR. BOSI: This is the type of development that we would expect to see within this infill property based upon the surrounding nature and the mature nature of this area.

CHAIRMAN FRYER: County Attorney?

MR. KLATZKOW: I don't disagree with a single thing Michael said. But I will tell you I've been sitting in this chair now for over 16 years, and when the policy of the Board of County Commissioners and the Planning Commission is not to grant density, staff has generally not recommended the density, and when the policy of the Board of County Commissioners has been to grant density and this board has recommended that, then staff, over time, has recommended increased density.

So this staff, like all staff, and myself included, by the way, okay, we conform -- we conform ourselves to what the Board direction is, Board of County Commissioners direction, because at the end of the day we work for the Board, and we are here to implement Board direction.

So, yes, you will not get staff at this point in time opposing many density requests since I can't remember the last time the Board of County Commissioners denied a petition based on density. Prior boards did, but that was a different time in the county, and the current board, the policy is pro-growth. It just is. But that board is basing a lot of its decisions on your recommendations, and you are the Planning Commission, okay. And you're here to give the Board your best planning advice.

That -- what I'm telling you is just the reality of the situation. All staff, including myself, we conform to the Board direction. And if you do not, you will not be with the county very long, which I think is the appropriate thing, because we're all here to serve the Board.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: It seems as though if we looked at the map, you know,

based on what the attorney just said, it just kind of raises the issue. So if you kind of think about it, if we looked at the same map and we looked at the surrounding parcels or surrounding land uses and all of those had maintained the RSF-1, and then you had this little island in the middle of land uses that were all RSF-1, then you might reach a different conclusion because it seems to be, well, wait, this is -- you know, one of these things is not like the others. You know, when we're little we learn a lot, you know, and those lessons carry forward. So it seems like that's -- and that's what you've stated.

That's how you do your analysis. Is this going to somehow change the character and the nature of this area, and if the surrounding uses are -- you know, some of which are even more dense, you know, then that's a way to analyze compatibility. And I think it would be harder to come before us and say -- you know, you'd have to have a reason, I think -- under the code you'd have to have a reason to justify why it's not compatible. Now, there could be, you know, dozens of reasons that you could suggest incompatibility, but based on that surrounding land use, it seems like that's something that we should factor in and that the staff has been factoring in.

CHAIRMAN FRYER: Thank you.

No one else is signaling at this point.

Staff, anything further?

MS. GUNDLACH: No, sir.

CHAIRMAN FRYER: Thank you very much.

Mr. Youngblood, who do we have?

MR. YOUNGBLOOD: Mr. Chairman, I have one registered speaker, Pete Loerzel. Did I pronounce that correctly?

MR. LOERZEL: That's correct.

MR. YOUNGBLOOD: This will be our only registered speaker for this item.

CHAIRMAN FRYER: Thank you.

All that I would ask, sir, before you start speaking is that you spell your name, your last name.

MR. LOERZEL: It's L-o-e-r-z-e-l.

CHAIRMAN FRYER: Thank you.

MR. LOERZEL: So first name is Pete. And I'm a resident at 7085 Mill Run Circle, which is a property that borders the western side of the proposed Palisades development. And I'm speaking on behalf of all the residents who live along that same common property line.

And we had three topics today, including site drainage, streetlights, and fencing. And, apparently, the fencing issue has been addressed by Ms. Crespo, so we'll skip that one for now.

But the predominant issue we had was the site drainage. So this involves a berm that is along the entire western border of the proposed development, and it's approximately 800 feet long and about 14 feet wide. And as far as we can tell, there's no existing plans or available plans that show any specific provision for the accommodation of runoff water from this berm onto the neighboring or the Mill Run Circle properties.

So the berm actually slopes down directly to the property line that is common to both communities.

So we've listed a couple of reasons why we -- why we think this is a problem. But as a preface to this, we did have a discussion with the developer's rep, Ms. Crespo, and two engineers who came to our community. And this topic was brought up, and there was no -- there was no solution offered for our concerns on this.

So starting with the specifics, assuming that this sloped berm is covered in some form of erosion mitigating material or grass, the relative steepness of the berm will shed water. It's a three and 12 slope, which is fairly steep. It happens to be as much as three times as steep as the neighboring Mill Run properties and, of course, when the water hits the bottom of that berm, it's going to move to the path of least resistance, which would be the Mill Run properties.

So we did a little calculation on the accumulation of water on this berm. And under a

one-inch rain event, the berm, which is approximately 11,200 square feet of space or a little bit more than a quarter of an acre, would accumulate about 6,900 gallons of water, which is about half the volume of a typical swimming pool.

So during the rainy season when the ground's saturated, that would create a substantial amount of standing water, likely attracting mosquitoes, damaging and ultimately killing landscaping.

So we've also noted that the submittals to the Planning Department include several documents which describe the drainage condition of that property as poor. Additionally, there's a layer of cap rock or limestone just a few feet below the surface of that property, which would capture water and increase saturation rates and, you know, create standing water for longer periods of time.

And we've actually experienced this over decades where that water in those large lots stands for weeks or months at a time. And, fortunately, it's been very shallow because it's spread out over very large areas. But back to the slope of the berm, since the berm is there, it's pushing all the water from the berm into the Mill Run properties. So the Mill Run residents now have to deal with the accumulation of water on their own properties as well as the runoff from the adjacent community.

So taking all these together, we believe that the direct discharge of runoff water into the -- into the Mill Run Circle properties is an unreasonable solution to their problem of drainage, and we would ask that the developer provide some kind of substantive solution to retain or divert -- retain and divert, preferably, all the runoff from the encroaching division.

CHAIRMAN FRYER: Thank you, sir.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Pete -- and I'll call you Pete because I didn't catch the pronunciation of your last name.

MR. LOERZEL: That's all right.

COMMISSIONER SCHMITT: So your request is basically for them to deal with the runoff?

MR. LOERZEL: Exactly.

COMMISSIONER SCHMITT: But as far as zoning and planning review, that is not part of the zoning and planning review process.

MR. LOERZEL: We have no issues with the zoning at this time.

COMMISSIONER SCHMITT: So it's going to be developed in some form or fashion with housing.

MR. LOERZEL: Yeah.

COMMISSIONER SCHMITT: Either through RSF-3 rezoning or this PUD.

MR. LOERZEL: Yeah. Our concern is specific to the site improvements.

COMMISSIONER SCHMITT: The engineer of record for this development, as I stated previously, has to submit what is called an environmental resource permit, and that permit application has to quantify and qualify all the runoff and the plan for storage, retention, detention, and release of stormwater. That plan does not go to the county; it goes to the South Florida Water Management District. It is a fully advertised public process.

MR. LOERZEL: Sure.

COMMISSIONER SCHMITT: So I'm not sure what you want of us other than we recognize that they have to go through that process.

MR. LOERZEL: Absolutely. And we're here -- we're here to get our concerns on record.

COMMISSIONER SCHMITT: Okay. I understand.

MR. LOERZEL: Yeah, yeah. There seems to be no other forum. At the time they're from -- according to the Planning Department, this is the only meeting associated with this, the only hearing associated with this development.

COMMISSIONER SCHMITT: That's not really correct.

CHAIRMAN FRYER: There will be a board hearing.

COMMISSIONER SCHMITT: We do have a public hearing process when they go through the environmental resource permit.

MR. LOERZEL: Yeah. So I was told specifically by Nancy Gundlach that this would be the only public hearing.

COMMISSIONER SCHMITT: It's the only -- well, it's the -- there will be a follow-on public hearing through the Board of County Commissioners --

MR. LOERZEL: Okay.

COMMISSIONER SCHMITT: -- for the approval of this whether it's -- if we vote unanimously to approve, it typically goes on the consent agenda, but it can be pulled from the consent agenda.

MR. LOERZEL: And this topic came up with the discussion with Nancy from the Planning Department, and she said if I want my concerns on -- or our concerns on record, we better show up and --

COMMISSIONER SCHMITT: And I recognize that.

Alexis, is your engineer here to discuss the process?

MS. LAROCQUE: I'm here.

COMMISSIONER SCHMITT: I think it would be appropriate just to put on the record, because the engineer, the licensed professional, has to submit and go through the process and go through the environmental resource -- ERP process, which deals with runoff. The unfortunate piece is, when you look at this from an engineering perspective, your community -- how old is it, 20, 25 years old?

MR. LOERZEL: Thirty-plus.

COMMISSIONER SCHMITT: Yeah, it's under, certainly, different development criteria.

MR. LOERZEL: So, I mean, that community was built adjacent to large estate lots effectively --

COMMISSIONER SCHMITT: Yes.

MR. LOERZEL: -- right, and there was no need or requirement to fill those lots completely, so they retained large areas of flat, low-lying ground which absorb --

COMMISSIONER SCHMITT: But, in reality, some of your water was actually going into that property.

MR. LOERZEL: As it stands now, I don't -- I don't believe that's the case. Every property there virtually has some kind of small berming which retains runoff from the properties and keeps water from the adjacent properties from coming into ours.

COMMISSIONER SCHMITT: Because you're going to be dealing with -- this is certainly different development criteria. The base flood elevation in this area --

MR. LOERZEL: I agree.

COMMISSIONER SCHMITT: -- is probably seven, eight feet now compared to probably what you're at. But I think for the record --

MR. LOERZEL: Nonetheless, we have a piece of land that has no drainage provision, so we're just making a note of it.

COMMISSIONER SCHMITT: I would like for the engineer to state on the record the process that she will go through as far as getting the -- certifying that the drainage and runoff and the process through the South Florida Water Management District. So if we could have the engineer -- but I thank you for your comments and appreciate you putting them on the record.

CHAIRMAN FRYER: And thank you, Commissioner Schmitt. Points well taken.

One slight correction I'd like to make, though, is even if we were to vote unanimously to approve this, if there's an official public objection, it will not go on consent.

COMMISSIONER SCHMITT: Correct, it will not go on consent.

CHAIRMAN FRYER: The gentlemen, Mr. Loerzel, even if he were the single objector, would be able to keep this off of consent, and there would be another hearing before the Board of

County Commissioners. And before we go back, I've got Commissioner Fry who would like to be heard.

COMMISSIONER FRY: Well, I just -- I find it to be a very interesting question for the reason that I feel the neighboring homeowners in most cases rejoice at the thought of a berm and a wall as a shield from the new development. And I never have had this -- we've never had this viewpoint expressed where the runoff from the berm itself became a water drainage issue. So I'm keenly interested in hearing the answer to that.

I did want to ask you, sir -- maybe just nod. Is your wife a schoolteacher? Do you have a wife that's a schoolteacher? Yes. If -- she's Angela --

MR. LOERZEL: Yes.

COMMISSIONER FRY: -- both of my kids had her at Pelican Marsh. She's a wonderful teacher.

COMMISSIONER SCHMITT: There you go.

(Applause.)

COMMISSIONER FRY: Yes. And I appreciate her -- what she does. In a big way. She's --

CHAIRMAN FRYER: Now you have him as a commissioner. We'll see how that works out. Thank you.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Go ahead, please.

MS. LAROCQUE: Good morning. For the record, Jackie Larocque, the Atwel Group. I am the engineer of record for this job.

I understand the concerns. We've met with the neighboring community. We've talked through it. Per state and local regulations, we have to meet certain criteria. We have to meet or perimeter berm minimums. We have to meet our road elevation minimums. There is certain permitting that we go through. We go through the county; they review everything. We go through South Florida Water Management; they review everything.

We do have to get to a berm elevation. Naples is historically low. We have to bring fill onto the site. In order to do that, to get to that elevation, you have to build a perimeter berm. There is a back slope area that, in South Florida, that's how every project is built. You have to get to your berm elevation, and then you fill the rest of your site. We are bringing import fill in for this job. It is an open space area. It will be vegetated. The amount of water on the back slope is a negligible amount of water compared to what we're containing on site, treating and discharging off of -- to Yarberry. So I hope that helps clarify.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: So it is -- as we understand, it's been stated a number of times, that your requirement for the development is that you have no runoff to the -- no net runoff to the neighboring community. Is that an accurate statement?

MS. LAROCQUE: That is an accurate statement. The runoff -- and so the way we do our calculations are we do it for the entire project area. There is a small amount of area that the water physically cannot get to the pond to get treated, and that is this back slope area. But when we do our calculations and we run our math, we include that area as overcompensation within our storage, within our lake. But there is that back slope area that is open space that when it does rain it will go into the ground and, you know -- and the existing soil conditions today are rock. It's Naples. Everything -- there's a rock layer, but we are bringing fill into the site. We're bringing that good soil in that the water will permeate into.

COMMISSIONER FRY: So when you say it's a negligible amount, I mean, how do you define -- I mean, this sounds like there's a reality on every project. If there is a berm, there's a little bit of water. It's going to run down that back slope to the neighboring community. Net, net, you're keeping all your property [sic] in the property. You have excess capacity in your lake to hold the water if it was running into the lake, but it isn't.

MS. LAROCQUE: Correct.

COMMISSIONER FRY: It's running to the neighbors. So I guess it's just a -- it's just a necessary result of the design that a little bit of water does run into the neighboring properties.

MS. LAROCQUE: Yep. And every project in Southwest Florida is constructed this way. Mill Run has a perimeter berm. Mill Run has the same situation that we do. Their perimeter berm requirements might not be as high as ours, but they have a perimeter berm. They have a back slope that, right now, slopes onto the Seagate property. And so it's the same condition on every construction project in Southwest Florida.

COMMISSIONER FRY: Is your back slope running into their back slope?

MS. LAROCQUE: I don't have a back slope right now. When we --

COMMISSIONER FRY: When you build it, would your back slope --

MS. LAROCQUE: It will create a V.

COMMISSIONER FRY: It will create a V.

MS. LAROCQUE: It will create a V.

COMMISSIONER FRY: So theoretically --

MR. LOERZEL: That's incorrect.

COMMISSIONER FRY: That's incorrect, okay.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER FRY: Go ahead.

COMMISSIONER KLUCIK: Right now is there any runoff from these homes that are to the -- presuming to the west if the aerial photo is oriented north. Those homes, are they currently, you know, draining into this site, the petitioner's -- your site?

MS. LAROCQUE: So right now Mill Run has --

COMMISSIONER KLUCIK: No, I'm just saying, you know, like they've been elevated a little bit, I'm sure, and I would assume --

MS. LAROCQUE: Yeah, yeah. Mill Run today --

COMMISSIONER KLUCIK: -- that there's some sort of --

MS. LAROCQUE: -- has a water management system established, and they have a perimeter berm, and their back slope does the exact same situation. It comes onto our property right now.

COMMISSIONER KLUCIK: Right. So I just think that's the -- like you already said, that's the nature of it, and I just -- I don't understand how the neighbor has to then fix the mutual issue. I mean, that would be my -- you know, my take on this is that, yes, there's -- you know, when you have everybody using their property in a similar way, you're obviously going to have -- everybody's property is elevated because we need to do that, and so there's naturally going to be drainage. And these existing homes are right now draining into this site. So it seems as though, you know, now that that site wants to use its own property, they are allowed to make it so that they address those issues.

So I don't -- I understand that it might create an issue for the adjacent, you know -- and it seems to be, you know, a small issue, but that's the nature of developing land.

CHAIRMAN FRYER: Mr. Bellows?

MR. BELLOWS: On Page 4 of 18 of your staff report, there's a cross-section showing the typical wall cross-section and the back slopes for both properties. You could see that there's a 3-to-1 slope proposed for this project and an existing back slope --

COMMISSIONER KLUCIK: I have to find the page. I'm not sure where you're talking about.

COMMISSIONER SHEA: Can you put it up on the --

COMMISSIONER SCHMITT: What page did you say? 418?

MR. BELLOWS: Four of 18.

COMMISSIONER KLUCIK: Okay. I was looking for 418. And say that again then,

since now I'm looking at it.

MR. BELLOWS: Yeah. You see the typical wall cross-sections, and it talks about the perimeter berm elevation of 15.25 and the 25-year minimum berm elevation of 14.00 NAVD. You see the proposed wall optional, and they're -- they're going to make it --

MS. LAROCQUE: Committed.

MR. BELLOWS: -- committed wall, thank you. And you could see the 3-to-1 slope. And then going towards the inside of the project, it's a 4-to-1 max slope. So the berms create slopes on both sides of the wall.

CHAIRMAN FRYER: Anything further, Commissioner?

COMMISSIONER KLUCIK: No, not from me.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Shea.

COMMISSIONER SHEA: So I don't have the drawing, but it sounds like you have two berms creating a swale. Where does that go?

MS. LAROCQUE: It's an open-space area, so it goes into the ground.

COMMISSIONER SHEA: You just said it's full of rock.

MS. LAROCQUE: Well, with the fill that's going in, and it -- so it's open space. And it permeates into the ground over time, and it will evaporate, go into the ground.

COMMISSIONER SHEA: But it will pond a lot after storms.

MS. LAROCQUE: After a heavy storm, there could be ponding.

MR. BELLOWS: Just to add further comment, if they developed current zoning, they would have a similar wall/berm combination anyways, so it makes no difference in regard to the rezoning application.

COMMISSIONER SHEA: Sure.

COMMISSIONER FRY: But I think the point you're making is that he's concerned that water from your project will end up in his backyard, not just captured by their downslope of their berm. And to me -- I don't want to make a mountain out of a molehill, but to me that's an important point if the requirement is that you don't infiltrate their property with water. So I guess my question really is for staff is, how is this assured that it -- that they don't have a detrimental effect from this design moving forward?

MR. KLATZKOW: Because they have to get a permit, and the permit gets reviewed by the regulatory agencies, and as long as they sign off, we're done. This is a zoning issue. The water's not a zoning issue.

COMMISSIONER SCHMITT: Correct.

MR. KLATZKOW: The water is a regulatory issue that will be taken care of during the process.

COMMISSIONER FRY: And that is -- and this exact issue is part of their consideration, I'm assuming?

MR. KLATZKOW: Yes.

MR. BOSI: And for both properties -- both projects, the Mill Run, they have a downward slope to this area. So right now they're displacing their water to their adjoining property. The wall's going to be constructed on top of the berm. It's going to pond to sort of a V, the swale, towards where that water is intended -- both -- the amount of water that was calculated that was cited was half of a swimming pool that he mentioned. That's spread over 800 -- 800 linear feet of this berm.

So the amount of water that's being displaced towards the Mill Run -- towards the Mill Run project is pretty minimal; whereas, their overall design of their system has it sloping down towards the bottom of where this swale is going to be.

To me, I think it's a de minimus issue. I do agree that they -- there is some water that is displaced towards the Mill Run project, but they're doing the same -- but their design of their stormwater system is doing the same thing towards this project.

MR. KLATZKOW: This is not a zoning issue at this point, is what I'm saying, okay. And we can talk about it, but I will tell you that we have older communities throughout the county that get flooded because newer counties [sic] had to build up to current standards. In fact, when we put a road in and we're building the road up to it, we need to build it up, that may lead to some flooding issues for adjoining properties.

But the fact that you have an older community that didn't build up to current standards does not prevent somebody building up to today's current standards from having to develop their property. It is not a zoning issue. It is a regulatory issue that's taken care of by I believe -- is it the states or feds, Mike, that issue these permits?

COMMISSIONER SCHMITT: That's basically what I stated, Jeff.

MR. KLATZKOW: I know, but --

COMMISSIONER SCHMITT: It's a permitting process.

MR. KLATZKOW: You know -- you used to run this show, so you know exactly what the process is, Joe, but your knowledge base is real --

COMMISSIONER SCHMITT: And also my experience in the federal government and --

MR. KLATZKOW: It's relatively rare. But what I'm saying, this is not a zoning issue.

COMMISSIONER SCHMITT: It's not a zoning issue. It's a regulatory issue, and it is strictly enforced.

MR. KLATZKOW: Yes.

CHAIRMAN FRYER: Thank you.

Anything further from staff on this issue?

MR. BOSI: No.

CHAIRMAN FRYER: And, Ms. Crespo, do you want to start a rebuttal now?

Well, let me just check with Mr. Youngblood. Any further speakers?

MR. YOUNGBLOOD: (Shakes head.)

CHAIRMAN FRYER: Anybody in the room wish to be heard on this matter which hasn't signed up as a speaker, now would be the time. Raise your hand, please. If not --
(No response.)

CHAIRMAN FRYER: Okay. Nothing further from staff. Ms. Crespo, did you want to rebut?

MS. CRESPO: Thank you. I just want to put on the record we're in agreement with staff. This is de minimus in terms of the amount of water we're speaking of. This is part of the calculations that go into the district. They're looking at what's going -- the vast majority going into the site as well as what's being on this back slope. So this is all very closely reviewed. It's been noted.

What I would like to note is Mr. Loerzel did not object to the rezoning. He actually stated on the record he did not oppose the rezoning. I hope that can be incorporated into the record so that we may be on consent. Because, again, this is a good infill project, compatible, consistent with the neighborhood, and we are consistent with your Comp Plan and Land Development Code.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I just would like -- you know, I would just like to understand what we've been talking about, even if it isn't necessarily what we're voting on. And maybe you can help me understand. So, obviously, we have the fence, and then we have -- it's built upon a berm, and then there's a slope. And we're talking about the outer boundary side slope that slopes down. And then on the other side, we have a -- so the boundary -- is the boundary between the two properties where the two down slopes meet for the two properties?

MS. CRESPO: Yes.

COMMISSIONER KLUCIK: Okay. So we have water that's coming from the adjacent property headed towards your property that you're representing. And so both sides are burdening what is going to become a swale. So, I mean, I just -- the whole thing, the idea that it's the new party's responsibility, I just -- you know, I just have a problem with that. I certainly understand it.

There might be more water than they're used to now. There probably will be. And, you know, that's a design issue from -- you know, again, I guess, the solution would be to not -- you know, to have -- to not follow the code so that the -- you know, there's not -- it's not built high, and I don't think that is a solution.

So I guess all I'm saying is even if it presents problems, that's -- again, that's the nature of your neighbors using their land. If your neighborhoods take land and decide to develop it, it will definitely have an impact, and you follow the code and, you know, you follow -- you know, again, there will be an assessment by the people that do water -- you know, water management, and if there ends up being, you know, more water on the neighboring property, then that might be something they have to address. But I'm sure we have a process. I'm sure this isn't the first time. I'm sure this is actually -- this happens all the time. We now have somebody bringing to our attention -- a resident bringing it to our attention that there is an impact. And I think, yeah, oh, okay, we all know that, and I don't think that it's our job to address it in this forum to try to resolve the fact that there might be an impact.

CHAIRMAN FRYER: Thank you very much. Then without objection, we'll close the public comment portion of this hearing and take up our deliberation and entertain a motion as appropriate.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes, I'd like to make a motion to approve PL20210000979, Palisades RPUD, for approval as subject to -- and I don't believe I heard any corrections on the record, but subject to the deviations as approved by staff.

CHAIRMAN FRYER: And the --

COMMISSIONER HOMIAK: There were a few changes to the buffer and the wall on their plan.

COMMISSIONER SCHMITT: Oh, thank you. Changes to the buffer and the wall that was put on the record.

CHAIRMAN FRYER: Yeah, a mandatory 6 to 8 foot.

COMMISSIONER SCHMITT: Correct.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: 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 very much, applicant. Thank you, public.

Let's see. We -- Mr. Yovanovich, are you here?

MR. YOVANOVICH: I am.

CHAIRMAN FRYER: Are you -- would you like to start now, or we could loop back and do the thing that we pushed to the last if you would rather start after the break. Approach so that we can have you on the mic.

COMMISSIONER FRY: I feel like this is the longest I've gone almost two years between seeing Mr. Yovanovich.

MR. YOVANOVICH: I hope you didn't get too used to it. We'd like to go ahead and

start --

CHAIRMAN FRYER: Okay. Fair enough.

MR. YOVANOVICH: -- and possibly finish.

CHAIRMAN FRYER: Okay. All right. Let me call this matter now.

***This is a companion, the third and fourth items -- actually, they're the second and third now that we've adjusted the agenda. PL20200000115, which is a large-scale Growth Management Plan amendment, the Collier Boulevard Lords Way mixed-use subdivision coming back to us on the question of adoption, and PL20200000114, the Collier Boulevard Lords Way MPUDA, which we are hearing for the first and only time.

All those wishing 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: Thank you. Ex parte disclosures from the Planning Commission starting with Commissioner Shea.

COMMISSIONER SHEA: Staff materials.

COMMISSIONER FRY: Ditto.

CHAIRMAN FRYER: Staff materials, staff meeting, and a conversation with the applicant's agent.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

COMMISSIONER SCHMITT: I also spoke to Mr. Yovanovich, not on the same call you did, but a separate call, just to be clear.

CHAIRMAN FRYER: Just to be clear. Thank you.

COMMISSIONER KLUCIK: Staff material and staff meeting.

CHAIRMAN FRYER: Thank you very much. All right. Okay.

MR. MULHERE: Good morning.

CHAIRMAN FRYER: Good morning.

MR. MULHERE: For the record, Bob Mulhere with Hole Montes here on behalf of the applicant.

With me this morning is David Torres, who is the applicant, as well as Gary Haines. Rich, he already spoke; he's our land-use attorney. Paula McMichael, who works with me at Hole Montes, I think you met a couple of weeks ago here. And Norm Trebilcock is our transportation consultant, and Matt DeFrancesco of Robau & Associates is the civil engineer on the project right there.

I think by now you've already heard this petition once at transmittal. You know, the subject location, which is shown -- depicted on the site right along Collier Boulevard.

So we are requesting a Growth Management Plan amendment. It's a large-scale amendment. That's why there are two sets of hearings, transmittal and adoption, which includes renaming the district to the Collier Boulevard Lords Way mixed-use subdistrict allowing for an additional 384 dwelling units not to exceed 9.7 units per acre. There is an existing church which, through this process, would be allowed to continue on an interim basis. Ultimately, the church would go away. And community-facility-related uses are being removed. I'll go over that in a little bit more detail in just a minute, and we're proposing to allow an assisted living facility as well as an option. So there's a companion.

CHAIRMAN FRYER: Commissioner Klucik has a question.

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: Just to make sure I understand. So we heard this already once?

MR. MULHERE: You did.

COMMISSIONER KLUCIK: Okay. And so now you're coming back and those 384 is --

MR. MULHERE: Same number.

COMMISSIONER KLUCIK: Is more -- it's the same number? Same number as the

original proposal?

MR. MULHERE: Yes. There are a few changes, and I will go over those.

COMMISSIONER KLUCIK: Okay.

MR. MULHERE: So the total project is 68.79 acres in size. It allows presently for a mix of community facilities as well as residential. Right now developed on the site there's a church with accessory facilities, a preserve, a boardwalk, communication tower, which will remain, obviously, and 296 multifamily dwelling units.

This is the county's Future Land Use Map. And in -- right here -- and I don't know, I call that purple, but my colors aren't so great. But, anyway, that is the location of the subdistrict, just on the east side of Collier Boulevard heading north.

So a little bit of history: In 1999, the project was rezoned to a PUD to allow for 120 campsite TTRVC park -- park units, a 400-room ALF, a 400-bed care unit facility -- and I'll go over those specific uses allowed under that -- and 57 multifamily units.

In 2007, there was a Growth Management Plan amendment approved which created the Collier Boulevard community facilities subdistrict to allow for 368,000 square feet of church and church-related uses, also other institutional uses and residential uses, including 10 church-related residential uses and the 296 market-rate units and essential service personnel housing which exists -- which is -- developed and exists on the site.

COMMISSIONER SHEA: How many of those units are there, the essential service ones?

MR. MULHERE: Well, they're required -- just give me a second, and I'll give you -- I'm going to go over it in a minute, but since you asked the question -- 147 units are reserved for essential service of which 35 are income restricted to folks earning 140 percent or below of the average median income and 25 are restricted for essential service personnel earning at 80 percent or below of the average median income.

CHAIRMAN FRYER: So that's a total of 60 of the 147?

MR. MULHERE: Correct. And that -- and that is an existing condition.

CHAIRMAN FRYER: Yeah. Please continue.

MR. MULHERE: Thank you.

In 2008, it was rezoned to -- this is the zoning rezoned to an MPUD to allow for a 2,200-seat church, 200-seat chapel, 300-student private school, 249-bed care unit, which included drug and alcohol rehab and counseling, residential drug and alcohol rehab and counseling, and a 300-unit daycare facility and, of course, the 296 multifamily units.

In 2015, the PUD was again amended to revise the multifamily standards to add a new essential service personnel housing agreement, which we just discussed, to add a developer commitment related to reservation of right-of-way along the southern portion of the PUD, and a disclosure for the swamp buggy races, and a relocation of the existing access point.

So this is the amended -- and I won't spend a lot of time. You've probably looked at it, but this is the amended subdistrict text. I will point out that about midway down, right here, you can see that we're eliminating those community facilities that were previously discussed and changing the density to -- from 306 to 690. This is a condition that talks about the existing church being able to continue for a maximum of five years as an interim use.

These are the -- this is the strikethrough and elimination of the 368,000 square feet of institutional and nonresidential uses and some of the other uses that were quasi church related or institutional.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: I'll wait till Bob's done because I want to make sure, on the record, that we note the change.

CHAIRMAN FRYER: Okay.

MR. MULHERE: Okay. So these are the conditions that existed in No. 3 is the -- they were, do this or this or this. No. 3 is what was executed.

So now we -- this is -- Commissioner Klucik, as well as all of the commissioners, this is

one of the differences or changes since you originally heard this, and it was a 4-1 vote to move forward with the transmittal, but there was a lot of discussion on the affordable housing commitment at the Planning Commission here and subsequently at the Board.

So the condition that we have agreed to provides an option that is either rental or ownership, but the condition remains the same for either option of 76 units, which is 20 percent of the new units, to be designated for households whose income are between 80 and 120 percent of the average median income for Collier County for a period of 30 years. And, again, there's an option: If you build rental, 76; if you build fee simple, 76. So that was different than, I think, what we started with in our original application, which was, I believe, 10 percent. But based on the staff recommendation and the discussion at the Planning Commission and subsequently at the Board, we have agreed to provide the 20 percent.

CHAIRMAN FRYER: If I may, just for clarification.

MR. MULHERE: Sure.

CHAIRMAN FRYER: Perhaps I'm repeating what you just said. But when this was before us the last time, looking at the 690 as the denominator, we had a numerator of 136, I think. The 25 plus 35 and --

MR. MULHERE: Sixty.

CHAIRMAN FRYER: -- yeah, 60, and so that -- that was around 10 percent. But now when you add the 76 in, you're getting very close to 20 percent of actual affordable housing.

MR. MULHERE: You are right. It's 19.76, I believe.

CHAIRMAN FRYER: That's what I calculated.

COMMISSIONER SHEA: That's pretty close.

CHAIRMAN FRYER: Very close, yeah. Okay.

MR. MULHERE: I did the math just a few minutes ago, because I knew it was going to come up. And I'm not good at math, so it took a --

COMMISSIONER SCHMITT: Well, Ned, since you brought that up, just for clarification, the staff report indicated this was the transmittal in their staff report --

MR. MULHERE: Thank you.

COMMISSIONER SCHMITT: -- when, in fact, it's the adoption --

MR. MULHERE: Well -- thank you. I wanted to --

COMMISSIONER SCHMITT: Because that needs to be clarified. It was on the -- on the staff report. So we've all heard this before, and you already pointed out the changes that the Board directed.

MR. MULHERE: Yeah. I think typically the transmittal staff report would have been in your packet for adoption, but at the back, and it was --

COMMISSIONER SCHMITT: The other way around.

MR. MULHERE: Yeah, the shorter one. And it didn't have an actual recommendation. But I spoke with Mike and, you know, he confirmed to me that, yes, staff is recommending approval with this condition, for the record. He probably would have put that on the record anyway, but --

COMMISSIONER SCHMITT: Yeah. The staff -- they put the transmittal first, and then you go down through our documents, and you actually -- it says "transmittal" again, which, in fact, is the April 7th for the Board today, and it's an -- it is the adoption hearing, which needs to be corrected.

MR. MULHERE: I was going to mention it, because I just wanted to make sure that nobody got confused by that on the Planning Commission.

COMMISSIONER SCHMITT: Oh, I didn't. I already informed staff they were supposed to put it on the record. I blame Mike.

MR. MULHERE: He would have.

MR. BOSI: Mike Bosi, Zoning director. We were waiting for staff's turn to speak.

CHAIRMAN FRYER: When I introduced it, Commissioner, I said it's here --

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: -- in place of adoption.

MR. MULHERE: Because I also spoke with Mike.

So this is just continuing to show -- I don't want to spend a lot of time, but just point out, you know, here the strikethrough of a number of those other uses that were previously permitted such as alcohol rehabilitation centers, drug rehabilitation, so on and so forth, so...

And so these are -- the communication tower already exists, so we're carrying that over, and this allows for single-family attached and multifamily dwellings as a permitted as well as an ALF as an option.

And the interim use we already discussed.

We do have a few deviations in there. The particular deviation that we'd like to discuss with you is Deviation No. 3, which requests to allow an off-premise directional sign in a nonresidential or agricultural zoning district to allow for one off-premise directional sign within the residential district to provide signage for developments located along the Lords Way. If you've been out to the site or you looked at the location map, the Lords Way has a number of uses, and all of those uses, you know, are accessed at various points along Lords Way, and Collier Boulevard is a 55-mile-an-hour six-lane roadway. And from a way-finding perspective, we think this is a very appropriate request.

Staff that deals with issuance of signs at Collier County has not supported this request, and we think it's still an appropriate request.

This is an example of an off-premise sign -- this happens to be along Immokalee Road -- that provides for the uses that are within Quail Creek, and this was approved.

This one is a little closer to the subject property just down the street a little bit for Hacienda Lakes, and also an off-premise sign deviation was approved for this. Going back to our request, we've limited the size to 64 square feet. It's -- on both sides. Sixty-four square feet on one side and the other, so 120 square feet of signage, but they're looking at both sides. It's really a 64-square-foot sign.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I know one of the other commissioners wanted to talk, but I wanted to interrupt for clarification.

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER KLUCIK: Can you just show on the map where this sign would be and then explain what's actually right there where the sign will be. You know, what is it adjacent to?

MR. MULHERE: Let me find the aerial. Sorry. In this -- generally in this -- excuse me. I'm trying to get me there. In this location right -- come on -- right in there. So the Lords Way is -- you can see the Lords Way running east and west, and then the subject -- let me see if this is working. The subject property is right here. The sign would be right there, but it's off premise because it's technically within the right-of-way on the other side of the canal.

COMMISSIONER KLUCIK: Right. It's off premise in that it's just slightly over the edge of --

MR. MULHERE: The property line.

COMMISSIONER KLUCIK: So when -- my take in the past when developers like to use other people's land to advertise what they're doing is you have land right there right next to it. You could move the sign, you know --

MR. MULHERE: Well --

COMMISSIONER KLUCIK: -- five feet over or whatever. How far is it away from the border? You tell me.

MR. MULHERE: Well, actually there's --

COMMISSIONER KLUCIK: It's a fairly simple thing. Is it 50 feet away from the edge? Is it -- do you want to use that land for something else?

MR. TORRES: I just want to clarify something.

CHAIRMAN FRYER: Your name, sir. Your name, sir.

MR. TORRES: David Torres, for the record.

CHAIRMAN FRYER: Thank you.

MR. TORRES: With the applicant. The request is not to place the sign off site our property. The property [sic] will be on ours -- on our property.

MR. MULHERE: Oh.

MR. TORRES: The county looks at --

COMMISSIONER KLUCIK: That's a -- that's -- boom, you've got -- you know, that makes me feel better already.

MR. TORRES: Yeah. The county's regulations for off-premises means that I am going to have a name on the sign that is not within the PUD. So, for example, the sign could say Hacienda Lakes, or it could say Sapphire Cove on it, and those are not part of this PUD. So you need the approval to put this off-premises sign in it, so these --

COMMISSIONER KLUCIK: Well, help me understand that better, because I'm not actually understanding what you're advertising and why it's not.

MR. MULHERE: I got it. So -- I apologize.

COMMISSIONER KLUCIK: And, Mr. Chairman, I hope I'm okay.

CHAIRMAN FRYER: You are.

MR. MULHERE: I apologize. When I read off premises, I assumed off site. The sign will actually be on this PUD property, but it will include, or may include under what we're asking for, a couple of other developments that are not within this PUD but along Lords Way. So you've got Sapphire Cove right here, and you've got the Florida Sports Park over here, and there will be future development along the Lords Way. And so this --

COMMISSIONER KLUCIK: And exactly where is the sign again? It's right at the corner there?

MR. MULHERE: But on the property, yes. And I apologize. I --

COMMISSIONER KLUCIK: So if it just advertised your own development, it would not require a deviation?

MR. MULHERE: Correct.

COMMISSIONER KLUCIK: But you're --

MS. ASHTON-CICKO: The issue here is that they're requesting a directory sign, which, my understanding, has not been requested before in residential property. Normally directional signs go on commercial property.

So staff will get into more discussion of what their position is, but this approval of this would reflect a policy change because this type of deviation has not been approved before.

COMMISSIONER KLUCIK: Okay. And, then, if you would explain, then, exactly what is external to this project that would be considered, you know, violative, you know, from what you understand from staff and from your understanding of the rules that apply.

MR. MULHERE: Sure, sure. So let's say that the sign contained, in addition to Milano Lakes, contained the word "Sapphire Cove." Sapphire Cove is not within the PUD; therefore, that is an off-premise sign for Sapphire Lakes.

COMMISSIONER KLUCIK: No, I understand that. I'm just asking you what things besides your -- you know, so you have things that you could say, and that staff, you know, would approve because it's part of the PUD. What additional things -- beyond what would otherwise be allowed, what additional items are going to be on the sign?

MR. MULHERE: That's --

COMMISSIONER KLUCIK: Sapphire and the sports park.

MR. MULHERE: Anything else?

MR. YOVANOVICH: Hacienda Lakes.

MR. MULHERE: Hacienda Lakes.

COMMISSIONER KLUCIK: Where is Hacienda Lakes?

MR. MULHERE: It's all around it.

COMMISSIONER KLUCIK: Okay. Okay. And so if those three items were not on the sign, then it would be allowed?

MR. MULHERE: Correct.

COMMISSIONER KLUCIK: Is that right, staff?

MR. BOSI: Correct.

COMMISSIONER KLUCIK: Okay. All right. And so what I'm hearing from the attorney, then, is that, you know, I guess people would be asking for this all the time, and right now the policy is that -- is it, like -- is it regulatory, or is it policy, or is it a regulation that follows that policy?

MS. ASHTON-CICKO: I'll let staff address the purpose of the policy.

MR. MULHERE: So if you look at the example that we have here, that's a good example of what it would look like.

MS. ASHTON-CICKO: But if you approve this deviation and it comes again, staff will most likely not object to it. They'll just accept the new change in policy.

CHAIRMAN FRYER: Mr. Bosi?

MR. BOSI: It's -- I mean, the regulation is that, for a residential subdivision that the only allowance for advertising of the subdivisions within that residential subdivision are subdivisions that are contained within the PUD with -- that authorizes the entire residential project.

This is something different. This is -- this is being -- or requesting to be able to advertise subdivisions that are not part of this PUD but are associated with the developer of the -- of the residential community who has properties that are in close proximity to this location.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Well, first of all, Heidi, I don't agree with your assessment that it would be automatically approved as policy, because it's not a policy change. It's particular to this PUD. So I don't understand your statement.

MS. ASHTON-CICKO: Well, my understanding from 10 years of reviewing staff reports, that once a deviation is approved, staff does not object to it in the future.

COMMISSIONER SCHMITT: Well, I disagree.

MS. ASHTON-CICKO: That's what I've seen, but you are correct, it is reviewed on a case-by-case basis. And the whole purpose of the ordinances for our sign code is so we don't look like Lee County, so that there is less clutter on the streets. But, you know, you're the decision makers.

COMMISSIONER SCHMITT: A major significant emotional event in this county for 25 years.

Bob, would you go back to this off-premise sign that you showed for -- what was the other one you showed up there?

MR. MULHERE: Right here.

COMMISSIONER SCHMITT: No, not -- the other one you had.

MR. MULHERE: That's the only two I had.

COMMISSIONER SCHMITT: No, you showed the Hacienda Lakes -- or not Hacienda, the one further down the street. Yeah, there.

MR. MULHERE: Hacienda. I just --

COMMISSIONER SCHMITT: Is that within the PUD of Hacienda Lakes?

MR. MULHERE: No.

COMMISSIONER SCHMITT: I didn't think so. It's not. Who approved that? Yeah, the point is -- Hacienda Lakes is probably, what, three-quarters or a mile down the road from this?

MR. MULHERE: Well, it's --

COMMISSIONER SCHMITT: Because this is on 951 and -- on 951, which is an off-premise sign to show the development of Hacienda Lakes; is that correct?

MR. MULHERE: Yeah, it's a project entrance sign, yes.

COMMISSIONER SCHMITT: Yeah, it's a project entrance sign.

MR. MULHERE: But I did want to point out -- Rich pointed it out to me -- we're not doing commercial advertising through this sign. We're simply making it easier for folks to find certain residential projects that basically are along --

COMMISSIONER SCHMITT: And that was my second point, because this -- though it's being perceived as a directional sign for commercial, it really is not. Hacienda Lakes is a residential development that was approved -- I honestly don't know when that was approved. I probably was not on the commission at that time nor part of staff.

But that is definitely an off-premise sign. It was developed and built on 951 to inform the public driving by on 951 that the development of Hacienda Lakes is back off of that road. It's -- Hacienda Lakes is, what, maybe half a mile down the road from where you're putting this.

The other point I want to make clear -- and if you would put the site map up again because I want to make sure my colleagues understand -- I know the area well on 951 -- the setback is the road, and you'll see the canal that runs along the eastern side of Collier Boulevard as well, that the canal was probably 20, 25 feet. So that -- this sign will sit off the road considerably. Probably 30 --

MR. MULHERE: It's a 100-foot canal.

MR. TORRES: The canal, right, is 100.

CHAIRMAN FRYER: We need to have people at the microphone.

COMMISSIONER SCHMITT: So the sign is going to be on the eastern side of the canal.

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: So it's pretty well set back from the road.

MR. MULHERE: Yes.

COMMISSIONER SCHMITT: Probably at least 40, 50 feet, if I think of the distance.

Okay. I just want to point out that this is not a major significant emotional event; that it appears to be -- and I'm not an advocate of it, because I went through this with the county on the sign ordinance and, when I was the administrator, it was a pretty significant event for the sign ordinance. But what you're asking for -- this is, again, my personal opinion -- is not egregious or in any way significantly violating what I would believe to be the off-premise sign or the sign ordinance, but -- so, anyways, that's my piece on this.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Bob, can you go back to the picture of the Quail Creek sign for just a moment.

MR. MULHERE: Sure. I wish I had a faster way to do it, but...

COMMISSIONER FRY: So this sign advertises four communities. Does this sign violate the sign ordinance?

MR. MULHERE: Yes.

COMMISSIONER FRY: But it was approved by this and the County Commission.

MR. MULHERE: Technically it doesn't violate it because it was approved, yes, an exception, deviation.

COMMISSIONER FRY: But by the book, it would fall under the same category as the sign you want?

MR. MULHERE: Yes.

COMMISSIONER FRY: So yours would say -- so tell me -- juxtapose for us what your sign might say. Lords Way or the name of --

MR. MULHERE: Yes.

COMMISSIONER FRY: Lords Way, and then it would list Florida Sports Park, Hacienda Lakes, all the different developments that were accessible on that road?

MR. MULHERE: Yes.

COMMISSIONER SHEA: Why do you want to advertise -- why don't you just advertise

for your own?

MR. MULHERE: Well, my client's associated with all of those.

COMMISSIONER SHEA: Oh.

MR. YOVANOVICH: And it just makes good sense. I mean, if you look at -- for the record, Rich Yovanovich.

Quail Creek, if you've been up that road, Quail Creek is like forever down that road before you get there. Then you've got Longshore. Polazzo was a Toll Brothers' project that was not related to that, but it was later added to that sign because it's basically an informational sign for people that are looking for these communities, and there are communities that ultimately they start out with a single developer but, you know, get sold off and developed by others. It's an informational sign that makes it easier for the traveling public to get to these communities, because the Lords Way is a long road.

And I think it made sense. It's safer for these people to get to these communities. It's not going to have on there "now selling in" so and so community. It's truly an informational directory sign so people know what's on Lords Way.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I would say -- so, firstly, you know to our attorney's, you know, suggestion, I agree, you know, with Commissioner Schmitt that, you know, I'm glad that we review this and I think this sort of deviation should be reviewed for this kind of sign, and we should continue to do that; however, you know, then to address the specific point, it seems very clear to me that this actually serves a very helpful public -- you know, it serves the public good because it clears up confusion and technically we -- of course, we're concerned about sign pollution, and I don't see how -- adding these lines to a sign that they can put up anyways to make it clear what's there, I think that serves the common good and, actually, you know, I think it's -- you know, I think we would be hurting -- I don't want to say hurting. But I think we have a chance to do something that's helpful to the community, and I think if we didn't approve it, it would actually make it harder for people to navigate and find where they want to go, et cetera, et cetera.

So I actually am very much in favor, you know, at this point of the sign. And I want to point out that my starting point, obviously, was very negative, you know, based on some assumptions I had made and, as always, as Mr. Yovanovich knows, you know, if you explain it to me and you have a rational, you know, explanation, then I'm happy, you know, to entertain it. In this case it was -- you know, it immediately assuaged my concern. So I think this is a good thing.

MR. MULHERE: Unfortunately, that was my fault. I misled you because I did not fully understand the deviation -- the sign was actually going to be on our property.

COMMISSIONER KLUCIK: Well, people involved in development often mislead people, so that's okay.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Just for the record, I remember when this sign was approved, Quail Creek, and it was specifically for the reasons. Again, it's a long, what I would call, a rarely -- a fairly busy thoroughfare, Immokalee Road. The canal is right there, and it does advertise or notify the public, I would use a better word, of those other communities, none of which were related to Quail Creek, but they were all put on there just so that folks on Immokalee -- coming down Immokalee would know those other developments were there. And, again, I remember that there was a specific reason for this sign to be -- when it was approved.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: I live a quarter mile from that sign, and I have to admit I've never actually read it.

I will -- for myself, I look forward to hearing from other staff in terms of how a sign like that would make us more like Lee County. I mean, I'm going to withhold judgment till I understand the full background of why that kind of sign isn't allowed. So I just look forward to hearing that explanation to see if that changes the rationale at all.

CHAIRMAN FRYER: Okay. Before you continue, Mr. Mulhere, my question is -- and I could go back and read the language myself, but we're running on the fly here. Looking at this Quail Creek sign, is what you're proposing -- are the specifications in the proposal going to create almost exactly this kind of a sign?

MR. MULHERE: Pretty similar. I don't know what the square footage of that is, but we limited ourselves to 64 square feet measured -- you know, measured basically there.

CHAIRMAN FRYER: Yeah. Size is one thing, for sure, but right now I'm focusing on aesthetics. I find that sign that be aesthetically not displeasing.

MR. MULHERE: Well, I'm sure it will be aesthetically pleasing. I don't think it's been designed yet, but I can tell you that my client would want to do something very nice since he's the one that's marketing the developments.

MS. ASHTON-CICKO: And I think directory signs allow up to eight to be listed; is that correct, Mike?

MR. BOSI: I'd have to check the code.

MS. ASHTON-CICKO: Yeah. There's no -- you don't have a picture in here, so it's just going to be whatever the deviation allows as well as what our code allows.

MR. YOVANOVICH: If you would like us to attach something like this as "it will be similar to this type of sign," not exactly to but similar to this type of sign, we would be happy to do that. I don't think we're ready to tell you how many different neighborhoods would be listed on this. But if you want this to be a guide to how the sign will ultimately be reviewed and approved so you're comfortable with the aesthetics, we're okay with that.

CHAIRMAN FRYER: We'll hear what staff has to say. But I'm amenable to considering that.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. I would say that -- you know, I don't know what, you know -- maybe you don't have the information available, but I think it would be unreasonable to ask us to approve a deviation of this sort without having, you know -- understanding, you know, exactly what was going to be advertised, because if we just say, oh, sure you can do that, then, you know, it seems as though you could put whatever you want on the sign, and I certainly wouldn't approve that.

I -- you know, and I don't think it's a directional sign either. It's not a commercial -- in my view, it's not a commercial directional sign. It's a sign that you would be putting on your property that all of these, you know, communities have. I don't know what -- maybe it is considered a directional sign. It's a sign that marks, hey, this is the entrance to this community in case you were looking for it. Obviously, in case -- let me finish -- in case -- or in case you're looking to buy, you know, a house here and want to come look, you know, at new homes and the options, and adding these other communities, I do think, serves the public good, but I think you should be required, if you're going to ask us to allow that -- I don't think it's -- you know, I mean, maybe you have some reason why you can't tell us, but I don't understand why you wouldn't just tell us exactly what you're going to be advertising now so that we can approve -- we know what we're approving.

CHAIRMAN FRYER: Let me say -- let me, if I may. Thank you.

I think this is a great time -- I've gone four minutes over for our mid-morning break, and there's food for thought out there. There seems to be a developing consensus about aesthetics. This would give you an opportunity to, perhaps, get your heads together and consider what you would be able to do and come back in, let's say -- 10:45, 11 minutes.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: We're in recess till 10:45. Thank you.

(A brief recess was had from 10:33 a.m. to 10:45 a.m.)

CHAIRMAN FRYER: Ladies and gentlemen, let's reconvene, please. It's 10:45.

May I ask -- thank you very much. When last we were together, a proposal was put forth and there was an opportunity for the applicant to have a conversation and perhaps come back with

something that might help garner support on the dais.

Mr. Mulhere?

MR. MULHERE: And we spoke -- I'm sorry. Thank you, Mr. Chairman. And we spoke with staff as well. Staff would like us to strike through -- if you look at 3B, strike through the reference to 128 square feet and the parenthetical 64 square feet on each side. The way the county looks at it, they're going to measure the square footage on one side.

So we are happy with saying -- in responding to staff's request, to strike through the 128 square feet and the parenthetical phrase and just leaving a maximum sign face area of 64 square feet on each side.

CHAIRMAN FRYER: May I take that a step further, then, sensing, well, from comments made here, if you could also add some language that Mr. Yovanovich was offering regarding substantially similar from an aesthetics standpoint.

MR. MULHERE: I was going to get to that. That was just one --

COMMISSIONER KLUCIK: Can I just ask for clarification as to what this actually means.

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER KLUCIK: Okay. So 64 feet each side and meaning there's two sides to the road and --

MR. MULHERE: Yeah, so you can see both ways.

COMMISSIONER KLUCIK: Right, okay.

MR. MULHERE: Yep.

CHAIRMAN FRYER: Thank you.

Go ahead, Mr. Mulhere.

MR. MULHERE: And then on 3D, we will add language that says the sign shall be consistent with the attached, and we'll attach this exhibit, substantially consistent with that, similar.

CHAIRMAN FRYER: Okay.

MR. MULHERE: And we'll work with staff to get the exact language, but we'll add that as an exhibit so that will be in there, referenced.

CHAIRMAN FRYER: Okay. And just so that we don't have to wait around in suspense, would staff indicate that that would resolve the denial point?

MR. BOSI: Staff would -- staff would be able to support the request with the revisions and the clarification from the Planning Commission that the justification of the deviation, similar to the Quail Creek off-premise sign location, is a six-lane divided highway with high speeds of travel for the motorists in combination with a long access road that provides the -- provides the access to the project being proposed as well as additional residential subdivisions outside of the applicant. If those conditions are met, we can approve a future one, but we don't want to think this is precedent in all instances.

CHAIRMAN FRYER: Well, I think that's a point well taken, and you've stated it well. When the time comes for a motion, will you be able to state it again so that we can include it in our motion?

MR. MULHERE: Yes, sir.

CHAIRMAN FRYER: Thank you very much.

MR. MULHERE: Mr. Chairman, I do want to add one other phrase that -- to respond to Mr. Klucik's comment. At the end of 3D, we'll put a comma and add "not to exceed five communities."

Okay. And that was what Mr. Klucik wanted to see?

COMMISSIONER KLUCIK: Yes. And I will say that, you know -- I don't know if this wasn't up or I just didn't notice it, but you clearly did try to, you know, clarify what you were thinking of. But having it open ended -- yeah, I'm glad that you're limiting it, and I realize that you don't know what the names are going to be of, you know --

MR. MULHERE: Some we do.

COMMISSIONER KLUCIK: -- of something. It might change. So I appreciate that.

MR. MULHERE: Thank you.

CHAIRMAN FRYER: Thank you.

Anything else, Mr. Mulhere?

MR. MULHERE: No, we can move on.

CHAIRMAN FRYER: Okay. So the applicant has nothing further to present?

MR. MULHERE: Just a couple of --

CHAIRMAN FRYER: Okay.

MR. MULHERE: -- quick --

CHAIRMAN FRYER: Go ahead.

MR. MULHERE: Obviously, this is the master plan. I'm sure you've seen that. The sign location is right there (indicating). And this is a comparison of the currently approved PUD and the proposed PUD amendment in terms of trips, and you can see that the proposed change, although it increases the residential density, results in a net decrease of traffic.

And these -- this is the staff recommendation. I already went over that. And certainly they can. And just to remind you, you did forward this at transmittal as well as the Board of County Commissioners supporting it at transmittal.

That concludes our presentation.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Bob, I have a few questions for you. A quickie on the signs. Would Florida Sports Park be one of the -- you said five developments, but is Florida Sports Park --

MR. MULHERE: No.

COMMISSIONER FRY: It would not be mentioned. Is there a county sign for the Florida Sports Park, like a green sign that says Florida Sports Park left or -- is that the access for that?

MR. MULHERE: I don't believe there is. I haven't seen one. I was just up there.

COMMISSIONER FRY: You just have to know how to get to the Florida Sports Park here?

CHAIRMAN FRYER: Well, the county may put some signs in.

MR. BOSI: I do believe there is some -- a signage that indicates the general location of the -- of the Florida Sports Park.

COMMISSIONER FRY: Okay. All right. I don't mean to dwell on that. I was just curious.

Bob, you've left assisted living, skilled nursing, you left those things in. Why is that? Obviously, the intent here is a multifamily rental --

MR. MULHERE: It is --

COMMISSIONER FRY: -- community.

MR. MULHERE: -- but moving forward, just flexibility. There's still demand for assisted living as well. Obviously, if things go the way we think they'll go, it will be a multifamily project, but we want to have flexibility, you know.

COMMISSIONER FRY: But you would still -- even if you pursued those pathways, you would still abide by the traffic counts?

MR. MULHERE: Yes, it's controlled. Thank you.

COMMISSIONER FRY: Still within the traffic count limitations within your --

MR. MULHERE: There's a p.m. peak-hour traffic cap, yes.

COMMISSIONER FRY: Okay.

CHAIRMAN FRYER: If I can just interrupt for a moment --

COMMISSIONER FRY: Sure.

CHAIRMAN FRYER: -- on your point, Commissioner. Is that why -- the ALF piece, is

that why this is still an MPUDA rather than an RPUDA?

MR. MULHERE: Well, it also has the tower, which is a nonresidential use.

CHAIRMAN FRYER: Oh, oh, oh, okay. Thank you. Go ahead.

COMMISSIONER FRY: So there's a Tract A and a Tract A1, which is across the FP&L easement. Do we consider A and A1 synonymous in all references to Tract A, meaning that all these additional units will be built across Tracts A and A1?

MR. MULHERE: Yeah.

COMMISSIONER FRY: And at whatever percentages that you deem fit, correct?

MR. MULHERE: Yes.

COMMISSIONER FRY: Okay. I noticed in the list of recreational uses that pickleball courts are not listed. It's a very common use now. Is that covered by what you have listed, or is there a need to add that in as a recreational use?

MR. MULHERE: We'll add it.

COMMISSIONER FRY: Because it seems like that would not necessarily fall under any of the other definitions.

I guess a -- so overall, about 20 percent of the overall units will be affordable housing, so --

MR. MULHERE: Correct.

COMMISSIONER FRY: -- it doesn't have to be you, but I think I do want to see from staff, I'd like to see actual numbers, median incomes, what kind of income ranges these are actually going to apply to and how many. Is that something that you have?

MR. MULHERE: I do.

COMMISSIONER FRY: You do. If you could show that, I sure would appreciate it.

MR. MULHERE: I don't know if I have it in a format that I can show you right on here. I guess I could go back to it, but I can just list them for you, if that's acceptable.

COMMISSIONER FRY: Sure.

MR. MULHERE: So there are -- of the 296 existing, 147 are reserved first for essential services, of which 35 are restricted to essential service personnel earning 100 percent or below of the average median income, and 25 are restricted to essential service personnel earning 80 percent or below, so that's 60 units that are income restricted.

COMMISSIONER FRY: But only for essential service personnel that fall into those categories, correct?

CHAIRMAN FRYER: But that's only for a certain number of days.

COMMISSIONER FRY: Thirty days.

MR. YOVANOVICH: That's the existing.

MR. MULHERE: Yeah, that the existing.

COMMISSIONER FRY: That does not change in any way, shape, or form with this.

Okay. Now --

MR. MULHERE: Now, moving forward, the number is 76 either rental or fee simple. There's the option: 76 units, which is 20 percent of the proposed 384, and those are restricted to between 120 and 80 percent of the average median income.

COMMISSIONER FRY: All of them?

MR. MULHERE: Yes.

COMMISSIONER FRY: All 76?

MR. MULHERE: Yeah.

COMMISSIONER FRY: And what are we talking about in terms of the dollar amounts? And that can be deferred to staff if necessary. And the reason I bring this up is I feel affordable housing needs to serve more than just essential services personnel, and I --

MR. YOVANOVICH: It's not restricted to that.

MR. MULHERE: Yeah, we didn't restrict it to that.

COMMISSIONER FRY: Those are not restricted in any way. But I just wanted to see the dollar amounts, because I think -- I would just observe that not only -- businesses like my own,

we hire people that are skilled but they're not 2-, 300,000-a-year people. They're people that make 50- to \$80,000, 40- to \$80,000, and my experience is that people in that income range are not able to find housing in Naples effectively, and they live in Estero/Fort Myers/Cape Coral. They suffer, and the businesses that employ them, like my own, suffer incredible commute times because 75 is a parking lot in the morning coming south, and it's a parking lot after 3:00 in the afternoon going north. That's a state issue, I understand, of which I don't know a solution, but it would sure be nice if our affordable housing plan supported -- the people that serve our businesses that serve the people that live here would help them live in the Naples area.

MR. YOVANOVICH: And in response to that, it was intentional that we didn't limit to ESP, essential service personnel. And the income categories that we were guided to also address significant issues for teachers, other -- but I'm just saying, those are the normal laundry list, sheriff's deputies, nurses. They make in that 80 to 120 percent income category for salaries, especially if there's two in the home.

COMMISSIONER FRY: In a two-breadwinner home.

MR. YOVANOVICH: Right. And even just a starting teacher automatically is above 80 percent. So when we were -- remember, there was a lot of push for 80 percent and below income restriction, and we were actually not serving a significant portion of the workforce that we were trying to keep here. So that's why the 80 to 120 category was picked. And I think it's roughly 85,000 is the median income for a family of four. I am sure Jake will correct me if I'm a couple thousand dollars off.

CHAIRMAN FRYER: There's an excellent slide in the Affordable Housing 101 presentation --

MR. YOVANOVICH: Right.

CHAIRMAN FRYER: -- coming up that -- yes.

MR. YOVANOVICH: So am I close on the 85 percent --

CHAIRMAN FRYER: Yeah, you are.

MR. YOVANOVICH: -- 85,000, yeah.

COMMISSIONER FRY: But 85,000, 120 percent is \$102,000.

MR. YOVANOVICH: And if you do -- and 80 percent of that is, what, 60-something, 67,000.

COMMISSIONER FRY: Sixty-seven. So 67- to 102,000. So you don't have anything that -- in the new units, there's nothing below 80 percent, so nothing that really supports the under-67,000 segment, correct?

MR. YOVANOVICH: Not in this project, but there are other projects. You know, the project -- in the project itself, even though it's --

CHAIRMAN FRYER: Tract G.

MR. YOVANOVICH: Tract G does serve 80 percent or less.

COMMISSIONER FRY: Does serve -- 25 units are 80 percent or less. Okay.

MR. YOVANOVICH: Yes. So there's a nice blend within this one specific PUD.

COMMISSIONER FRY: Thank you.

MR. MULHERE: I did want to mention -- I forgot to mention and wanted to that we worked with our neighbors, the owners of Milano, the apartment complex. They had a few concerns. We removed a deviation related to a landscape buffer basically along here. That's not working. But between the two parcels, we removed that deviation, and they had a concern about a certain setback, and that's reflected in the development standards, so we believe we've satisfied those concerns.

CHAIRMAN FRYER: Thank you. We're also glad to hear that concerns of neighbors are being addressed, so thank you for that. Any other planning commissioners wish to be heard? No one is signaling at this point.

Mr. Mulhere, anything further, sir?

MR. MULHERE: No, sir.

CHAIRMAN FRYER: Okay. Thank you very much. Next, we'll hear from staff.

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

The one area that we were not in support has been addressed by the modifications and the further conditions that have been expressed by the Planning Commission. And we can -- as indicated, staff can support that individual additional deviation.

I just wanted to point out, when it came to you originally, there was a 10 percent reservation for the new units to be affordable. Through conversations with the Board of County Commissioners, they were -- they were informed that they needed to increase that amount. They came back with the 20 percent, and staff has -- is in agreement with the additional 10 percent with the income restriction.

Based upon that and all of the conditions that have been imposed within the PUD and the text that's contained within the individual staff report, staff is supporting the GMP amendment as well as the MPUD proposal.

CHAIRMAN FRYER: Thank you. Commissioner Fry.

COMMISSIONER FRY: So -- okay. Because you -- and the staff recommendation says you do not support the GMP amendment. You're saying that you've changed your position on that?

MR. BOSI: That staff recommendation that you're reading from was the transmittal staff report. The supplemental staff report has silenced that, but with the increase from 10 percent affordable units to 20 percent affordable units, staff can support the proposed GMP amendment.

COMMISSIONER FRY: Got it. Thank you.

CHAIRMAN FRYER: Anything else from staff?

MR. BOSI: Nothing from staff, but other than the clarification, when you're making your motion, I will provide further clarification as to why the Planning Commission was supporting the deviation.

MR. SABO: Mr. Chairman, I have one clarification. James Sabo, Comprehensive Planning manager for the county.

The ordinance you are considering is the adoption ordinance. It was advertised as adoption, and the ordinance claims adoption. The confusion in the language sometimes is it's a transmittal of the adoption, and we transmit the transmittal, so sometimes it's just word stumbling. That's it. Thank you.

CHAIRMAN FRYER: I think we've completely fixed that potential problem. Let's see. Anything else from staff?

MR. BOSI: I think that completes staff's review.

CHAIRMAN FRYER: All right. Mr. Youngblood, do we have any public speakers?

MR. YOUNGBLOOD: Mr. Chairman, I have three public speakers present with us. Our first one is going to be John Harrison, followed by Veronica Apoldo.

CHAIRMAN FRYER: Mr. Harrison?

MR. HARRISON: Good morning, members of the Planning Commission, and thank you for giving me this opportunity to speak.

Let me also first thank you for your service to the community. I'm having a much greater appreciation of what it is that you do for us.

My name is John Harrison. I'm vice president of the board of directors of Naples Lakes Country Club.

The front entrance of our club is directly across the street from Lords Way where it is proposed, as you know, to increase the number of units from 306 to 690. The members of Naples Lakes have concerns, although I want to stress here not objections to what is being proposed.

First let me tell you about Naples Lakes. Our community extends from Collier Boulevard to Rattlesnake Hammock and is nestled behind Naples Lake Village Center, which includes Publix. Our community is comprised of 731 households. We're proud to have one of the very few Arnold Palmer signature golf courses. We have a beautiful clubhouse, and we are in the final stages of

construction of an outdoor dining facility and activity center next to our golf course -- tennis courts.

When asked the common question, "how are you?" typical greeting in the morning, the typical, if not almost universal, response at Naples Lakes is "living the dream," and mostly every Naples Lakes resident truly believes that we are living the dream not only at Naples Lakes but also in Collier County.

We are undoubtedly living in one of the, if not the best parts of the country; however, our little secret is no longer a secret, and we are now seeing development everywhere at an unprecedented rate.

Naples Lakes was developed by Toll Brothers and has been in existence for 20 years. Over those years, there's been much development outside of our front and back entrances. Going out our back gate on Rattlesnake Hammock, we find Racetrac gas and service station, a Clean Machine car wash, an Extra Space storage facility, in addition to Sierra Grand apartments with hundreds of units.

Out our front gate on Collier Boulevard, we find Hacienda Lakes, EMS Station No. 25, Sapphire Cove, and Milano Lakes, and now additional developments.

Now under consideration is increasing the number of units by 384. In addition, we just received notice about another community to be developed in that same area. The question for the Commission, which is, what is too much, and when might we lose the dream that we had when we moved to our community?

I don't have the question -- answer to that question. We leave it up to you good people to decide for the community at what point we do overdevelopment.

When Naples Lakes was developed 20 years ago, Collier Boulevard had a two-lane highway. It is now six lanes with constant traffic with the sound of trucks and speeding cars along with the occasional sirens of ambulances, fire engines, and police vehicles. It's not uncommon to find ourselves waiting for several minutes to even leave Naples Lakes out the front entrance. If we are going to Marco Island, it's a straight away. If we want to go north on Collier Boulevard, we must quickly cross the three-lane highway, move to the turn, and then wait until we can turn going north on Collier Boulevard.

Now, in order to do this, we wait for the lull in traffic, but now what we're finding with the units coming in across the street, they're doing the same thing. They have -- there's no light. They have to cross three lanes of traffic, then they're turning on Collier Boulevard waiting for a lull in traffic which is the same lull in traffic that we're waiting for in order to get out of Naples Lakes. So now what we're doing is creating a circular motion without any streetlights out in front of our two communities.

Now, we believe that this is a problem which is a disaster waiting to happen. We think people crossing three lanes of traffic trying to get into another three lanes of traffic coming in the other direction is going to create an accident or, heaven forbid, a fatality in the future.

Now, I heard earlier that with the addition of more units coming onto Collier Boulevard, that there's going to be less traffic. I find it difficult to follow that. Nevertheless, we do believe that the additional units will be bringing in additional cars competing for the traffic as I described on Collier Boulevard. So we're not objecting to the project but, quite frankly, what we're doing is asking that the Planning Commission consider looking at the traffic very, very carefully, looking at how do those people moving into these new communities -- how are they going to get onto Collier Boulevard? How are they going to get to Marco Island? How are we going to get out of our community? How are we going to be able to go north on Collier Boulevard without creating dangers for the new residents across the street and for the residents at Naples Lakes?

So thank you very much.

CHAIRMAN FRYER: Thank you. Just a point of clarification, sir. We do consider the impacts of traffic as well as issues of overdevelopment. We spend a lot of time on those, and we are always attempting to be faithful to the interests of the residents in the nearby areas.

Just to clarify, when an applicant would say it's going to be a reduction in traffic, what

they're talking about is a reduction in entitled traffic. Right now they're at, like, 550 or 500 and some change peak p.m. trips per hour, and they're proposing to reduce that to around 330.

So based upon what they could do versus what they're proposing to do, there would be a favorable change. But that's -- I mean, it's -- it's not in relation to the current situation. It's related to currently entitled.

MR. HARRISON: No. I appreciate that.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: I would like just to add to what Chairman Fryer said, you know, we are -- we're volunteers, right? We live in neighborhoods like yourself. I think we're all sensitive to the traffic as well. Every time I get on 75, which I mentioned earlier, or Immokalee Road, which I live near, I'm like, how do we -- how do we control this trend? How do we keep this, the place where we live, the dream?

Up here our challenge is to balance kind of what's best for the county that is growing, whether we -- you know, whether we want more traffic or not, there are people that are flooding here, and where are you going to put them? So we're trying to put the density in areas where it's best to have it and preserve the areas where we want to preserve, you know, the natural areas.

But I think you're -- we have to balance that with property rights. So you have an applicant. They have the right to build these non- -- mostly nonresidential church and assisted living that would generate more traffic. But there's no question, you're going to get -- there's going to be more traffic on 951 from these new units than there is today. And so I think your -- your question is valid.

And, you know, Attorney Klatzkow mentioned earlier that we continue to approve additional density. It's a tough balancing act. And, you know, I don't -- I don't pretend to know the answer as a volunteer up here, not a planner.

I think the caveat here -- one of the caveats here is that I've been on this board now for almost four years, and at the beginning, or the first three years, affordable housing was an afterthought. It was an 11th hour try to negotiate during this session to add a few affordable housing units in. And that's a humongous need that we have, and now you've got developments -- the good news is you have developments that are coming in with a reasonable percentage of affordable housing built -- baked into the mix, which is a positive.

So I think -- you know, if they built what they have the right to build now, you'd get even more traffic than if they build what they're proposing, and that's always a tough thing for us to counter and vote no. I'd like to see no more cars on 951 or any of the streets that we deal with. I'm with you there. So I don't have the answer. I wish we had more creative solutions.

MR. HARRISON: Once again, I appreciate very much what the Board does. I know that you get paid as much as I do, and I'm sure that you're getting more aggravation than I do being on the Board. But I would get a lot of aggravation if I didn't come here and say a few words --

CHAIRMAN FRYER: Well --

MR. HARRISON: -- which is what I did.

CHAIRMAN FRYER: -- we're very glad that you did, sir. Thank you so much.

MR. HARRISON: Okay. Thank you.

CHAIRMAN FRYER: And as our -- let's announce our next speaker, and then I've got a quick question for staff as that speaker comes up.

MR. YOUNGBLOOD: Mr. Chairman, I had one speaker rescind or withdraw their time, so we only have one registered speaker remaining, Veronica Apoldo.

CHAIRMAN FRYER: All right. Thank you.

While she's coming up, could I have the proximate distance between this project and the activity center on Rattlesnake Hammock? Just approximate.

MR. TORRES: Quarter mile, I think.

CHAIRMAN FRYER: Does the applicant know?

MR. TORRES: It's about a quarter mile.

MR. MULHERE: Quarter mile.

CHAIRMAN FRYER: Quarter mile?

MR. MULHERE: About.

CHAIRMAN FRYER: Does that sound right to staff?

MR. BOSI: To the center of the activity center, about a little over of a quarter mile.

CHAIRMAN FRYER: Okay. Thank you very much.

Ma'am, please state your name, and then you have the floor.

MS. APOLDO: Hi. My name is Veronica Apoldo, and thank you for giving me your time today.

I basically just wanted to follow up with what the last gentleman was saying about the traffic. I take my kids to school in the morning at 7:00, and I make a right turn onto Collier Boulevard to have to take a left turn to go to Lely High School, and it takes me about 20 minutes in doing that. So I hope that you consider what the gentleman was saying in that the traffic is a problem now, and it's probably going to get worse later. And hopefully maybe the resolution there could be a traffic light. I'm not sure.

But why I basically came here today is I have heard so much about the affordable housing going up in the area. And my general question, and I think with some of my other -- the residents who live at Sapphire Cove is we seem to be in the center of a rental explosion. There seems to be five new rental properties that are going up around us. And I would just like to know, why is the focus within Hacienda Lakes and not other areas within Naples?

I just sat through a presentation where they were talking about putting up new housing in a development that is not going to have any affordable housing in it, and I'm just concerned as to why -- why it's being centrally located to Hacienda Lakes and why our development where the properties range from 600,000 to over a million dollars, why we are kind of sandwiched in between all these new rental communities that are coming up.

From what I understand, on Rattlesnake Hammock alone, there are two assisted living centers going up for senior residents, there is Hammock Park apartments, there's another apartment community going behind Hammock Park with yet another apartment community going behind that one, which is going to be adjacent to Rattlesnake Hammock and Carmen Drive. Then you have Sapphire Cove. Across the street from Sapphire Cove you have Milano Lakes. And now in front of Milano Lakes you will have additional rental communities of 690 units.

So I understand that there's a need for affordable housing. I totally support affordable housing, but my question is, why does it have to be all centrally located where we live?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I'm just trying to figure out, I mean, there's only -- you know, there's limited land that's still open for development. And these -- you know, these -- obviously these things have come up, and the owners have asked, you know, in the process, and so I don't know, like, should we -- because it's near homes that are more expensive, we should -- you know, I mean, do you think we should be saying no, you know, we don't --

MS. APOLDO: No. I'm trying to understand, because I also understand that there's this great big explosion of rental increases. So you're going to make affordable housing affordable for those who work here and then not so affordable for those who come here. But what happens 10 years from now when maybe people aren't coming here anymore? Maybe people don't want to rent. Maybe people want to buy, you know, and the option of condos and houses were put on the table but, yet, that's not happening, and everyone's going the rental option. And I'm just -- I'm just trying to understand that as, you know, a regular layperson who goes to work every day, why wouldn't we be giving people more option of owning as opposed to renting?

CHAIRMAN FRYER: We have the privilege of a presentation coming up as our last agenda item today from a Mr. LaRow who is new in the job that encompasses affordable housing in Collier County, and he's got a PowerPoint, a slide show to show us, and it really clearly illustrates where the demand is. And there's demand up and down the line, including in the low

and very low areas, which is where you would see predominantly affordable housing. And I would invite you -- if you have time, if you have the availability, to stay around and hear that presentation. If not, it's going to be on the TV archives, and it can answer that question. You're asking very good questions. And I think what he's going to tell us will go a long way toward answering. It may not be the answer you want to hear, but you will --

MS. APOLDO: I understand.

CHAIRMAN FRYER: It will clarify what the policy of the county is and what the needs of the county are and how we're attempting to address them.

MS. APOLDO: Right. But it's just concerning for us as new residents, and some of us haven't even moved into Sapphire Cove yet, that the landscaping has completely changed from what we were being told upon signing our contracts to what is actually -- what is actually occurring today. And, you know, the presentation just before us when we were talking about the -- I'm sorry, was it Palisades Park?

CHAIRMAN FRYER: Yes.

MS. APOLDO: Why aren't they building rental homes there? Why is that going to be housing? Why aren't they getting rental -- why aren't they getting a rental community?

MR. KLATZKOW: Because the applicant is asking for a certain product, and right now that product that they're asking for might be rental units. People are not building condominiums in Collier County, and I know that people are not building condominiums in Fort Lauderdale right now. It's just not the right market.

MS. APOLDO: Okay.

MR. KLATZKOW: Will those convert to condominium units? I've been around long enough to say, yes, eventually some of those are going to be converted to condominium units because that's what happens as the markets change. But he has an application. They're reviewing the application. And they can't tell him, well, instead of coming with apartments, we want condos. It's just -- that's just not the process.

MS. APOLDO: Right. I don't know where you live in Naples, sir, but are you around --

MR. KLATZKOW: I've been --

MS. APOLDO: -- apartments --

MR. KLATZKOW: I've been --

MS. APOLDO: -- around condominiums, or do you live in a gated community where you don't -- you're not subjected to any of it?

MR. KLATZKOW: I've been here 20 years when Collier Boulevard was two lanes and, from my standpoint, the new folks, you know, are the ones who are causing all of the traffic.

MS. APOLDO: I totally agree with you. That would be me included.

MR. KLATZKOW: And, oh, by the way, I used to live off of Immokalee and Collier Boulevard. I took the two-lane Collier Boulevard to the two-lane VBR, and I worked [sic] myself to work. It took me 20 minutes. And when they six-laned everything, it took me 45 minutes because traffic by then had gone up. So, you know, it's all relative to what you've got here.

MS. APOLDO: Yes. And I've also been a victim to the 75 commute, because my daughter does cheerleading up in Fort Myers, so we are subjected to that.

MR. KLATZKOW: And when I moved here, I-75, there was nobody on it so, you know, it's just --

MS. APOLDO: Well, I just -- I just wanted for the record to note that there are just some questions and concerns that, you know, we as, you know, community members would like to understand better.

CHAIRMAN FRYER: Thank you. There's some Planning Commissioners who have some questions or comments. And we'll call first on Commissioner Schmitt.

COMMISSIONER SCHMITT: Just to answer your question, from a planning perspective, we have no part or decision in the process of what product is built. The developer -- we can't tell a developer to build a fee-simple unit versus a condominium versus a

rental.

MS. APOLDO: Okay.

COMMISSIONER SCHMITT: Now, certainly, it's part of the application process when they're going to come in with a multifamily, and we do ask questions in regards to what the product will be, because we're looking at trying to apply some of the principles that the Board has directed the staff and we look at as well for affordable housing, for essential services personnel and otherwise.

But zoning does not tell a developer what kind of product to build. It's density and intensity, whether it's residential or commercial. It is not what type of product, meaning fee simple, which is single-family or a joint home, condominium, or rental. That is not part of the zoning application process. So, yes, a developer -- you're probably seeing developers come in for rental because the market is there.

As you certainly understand, land is very expensive in Collier County. In reality, along Collier Boulevard what we used to refer to years ago as the rural fringe is the last area to be developed. That's where the land is available. And it appears that the product that's -- I'd have to say they built it because there's a profit involved, certainly, but they build a product that the market is demanding, and right now it seems to be rentals. I believe right across the street here from the courthouse --

MR. YOVANOVICH: Courthouse Shadows.

COMMISSIONER SCHMITT: -- that was once the shopping center. I believe those are all rentals, are they not? I'm not sure. But that was -- the market seems to be there for rentals, and that's what the -- that's what the development community is providing.

MS. APOLDO: Okay.

COMMISSIONER SCHMITT: I don't know if that's an explanation, but that seems to be -- it's a supply-and-demand issue, and it's providing a product. And it is interesting, because younger people are -- though I think it's important from building wealth and other types of things for young folks to buy a home if they can afford it, it seems that it's less desirable now. Mobility and people would prefer to rent. It's an interesting dynamic.

MS. APOLDO: Well, I agree, but I also agree with the fact that more people are working from home now. So why wouldn't they want the opportunity to be able to buy their own house? And, like, the starter home I don't think exists in Collier County. And, you know, maybe this is a great opportunity now to make some of the land around us that opportunity, townhomes. Again, I'm not a developer. I'm just a citizen, but I just wanted to ask the questions.

CHAIRMAN FRYER: Thank you. And you've raised good ones. May I -- I was multitasking when you gave your name, and I didn't get it. What's your last name, please?

MS. APOLDO: Apoldo.

CHAIRMAN FRYER: Spell.

MS. APOLDO: A-p-o-l-d-o.

CHAIRMAN FRYER: A-p-o-l-d-o?

MS. APOLDO: Yes.

CHAIRMAN FRYER: Thank you so much. Thank you for your comments.

MS. APOLDO: Have a great day. Thank you, guys.

CHAIRMAN FRYER: Thank you. Anyone else, Mr. Youngblood?

(No response.)

CHAIRMAN FRYER: Any people in the room who have not registered to speak but would like to be heard on this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing none, we will close the public comment segment of this hearing and ask if there -- is there a rebuttal?

MR. YOVANOVICH: Just a couple brief comments, just informational for the last speaker. There is anticipated to be a traffic signal at Naples Lakes and Lords Way, and we are

obligated to pay our fair share. So when and if warrants are met, there may be a traffic signal there. And there have been some improvements. If you look on the visualizer -- and I'm going to kind of point -- oh, it's not on. If you go back to where I was, I'm sorry. Go back to where it was, I'm sorry. Where it says Sapphire Cove, to the east of that there's actually already a paved road now, so you can take Lords Way to a paved road that will get you to Rattlesnake, which is a signalized intersection so you don't have to go down Lords Way, take a right, and do a U-turn. If you wanted to get to a traffic signal now. So there are some traffic improvements that have been made, and there will be potentially a future traffic signal.

And just to put the last speaker's mind at ease regarding rental communities, you-all have many rental communities throughout Collier County. There's not been a focus just in Hacienda Lakes. I mean, you have Allura, you have the Courthouse Shadows across the street, you had the project on Goodlette. You have throughout -- you know, Lago where Briarwood was, there's been several apartment complexes that have come through. You had Randall Curve recently. You have the project Founders Square up on Immokalee and Collier Boulevard.

So it is -- it is a demand that is not limited to just new people coming here who are working people. There are people who are actually -- have decided they have a home. They no longer want to have a home, so they sell the home, and they would prefer to live in an upscale nice amenitized apartment complex with those facilities. So that is -- it is a very important housing niche in Collier County for not just young people coming here to work but for people who have decided they no longer need -- they don't want to own. They'd rather have someone else totally responsible for that.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Rich, I believe I read in the packet that initially the commitment was that these would be not rental units but be purchased units, correct?

MR. YOvanovich: And then the affordable housing 20 percent commitment came in.

COMMISSIONER FRY: And that's --

MR. YOvanovich: And that's -- you cannot build a for-sale product at the price points to sell it based upon construction costs, land costs. You just can't deliver a for-sale product in those income-restricted categories with a 30-year commitment.

COMMISSIONER FRY: So the introduction of affordable housing by itself demands the transition from purchased units to rental units?

MR. YOvanovich: It definitely led us -- yes. I mean, it cannot -- you can't do it. You can't do it, not at a 20 percent commitment of the number of units, so it's just pure economics.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Just for our friends at Naples Lakes -- and I'm not sure how long you've lived at Naples Lakes, but the development at Lords Way has gone through a pretty tumultuous history. It's been very, shall I say, agonizing, even over the years. Pastor Mallory had a vision, went in there, basically went bankrupt. The place was total disarray. In fact, I don't know if you recall when they had the steel sitting out in front of there that they were going to expand that existing church. It was going to be nothing more than the threshold leading to a much larger church. That all was abandoned, and it truly has been, I would say, an eyesore along 951.

We have a developer coming in here, and it really, with this proposal, is going to end up cleaning up the site. Yes, it does add more traffic. But what was actually proposed there many years ago would have been pretty significant as well. And the folks at Naples Lake -- I know Naples, because when I got here I looked at purchasing in there, so I know the area.

But it was -- Bob didn't get into the history of it, and I certainly know the history of this whole development. And, frankly, what's being proposed is -- from a standpoint of developing is going to -- I would expect this developer, knowing this developer's history, will certainly improve the area, which exists now is -- I believe is just unsightly, except for the one building that's sitting there. So that's kind of my opinion.

CHAIRMAN FRYER: Thank you.

Mr. Yovanovich?

MR. YOYANOVICH: That was it. We just hope you can -- you know, obviously, we've been through -- this is the second round on the Comp Plan amendment and, frankly, we went through in detail on the PUD as well during transmittal. But staff's recommending approval. It is a net reduction in traffic. It is completing a project that Commissioner Schmitt is correct has been unfinished for many, many years and eliminating uses that I don't think the community would like to see happen on that property should this somehow be denied.

And with that, we're available to answer any further questions you may have, and we would hope the Planning Commission could make a recommendation of approval on both, including Mr. Bosi's language that I know, should you make that motion, he can help supplement the terms of the motion.

CHAIRMAN FRYER: Thank you very much.

Vice Chair.

COMMISSIONER HOMIAK: Do you have any idea of when the light signalization would be warranted?

MR. YOYANOVICH: I don't know.

COMMISSIONER HOMIAK: At what point in the development?

MR. YOYANOVICH: Do we have an idea, ballpark, when we think the warrants will be -- Norm? No, we don't know exactly when. When it meets warrants, we pay our fair share.

COMMISSIONER HOMIAK: Okay.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: My question was the same one. I was going to ask Mike back there what the county's thoughts are on that, because it does strike me as those types of U-turns, as you got into those heavy trafficked areas, is highly dangerous. So it seemed, from everything everybody said and my driving it, that a light might be a good idea. I'm just wondering what our criteria is when we decide to do that.

CHAIRMAN FRYER: Anything further from -- oh, Mr. Sawyer?

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

There's 12 criteria that we go through in the evaluation for any signal. You don't need to meet all of them, certainly, but you need to meet most of them or at least from a safety standpoint, those safety elements in that criteria certainly are looked at more. We look at crash data. We look at a range of different criteria.

Certainly this has been considered for a signal for some time. We know that at some point there probably will be one there. We don't know when that is yet. It will be studied. That's why there's a commitment to pay fair share with this particular PUD.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Just -- Mike, for clarification so folks understand, once it's warranted and then you go through the actual permitting and construction, it's typically -- it could be up to two years away before a light is constructed. We're crossing six lanes here. This is probably going to be up in excess of a million dollars or more for any type of signal at that location.

MR. SAWYER: I would agree, yes.

COMMISSIONER SCHMITT: Yeah. So that's -- so folks understand what's behind this. I mean, it's -- first it's the warrant, then the design and review process, and then the construction and, of course, looking for the funding.

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: I'm well aware of it because of the signal going on 41 at Fiddler's Creek exit, the Sandpiper exit. It started over four years ago. The warrant was finally approved. It will probably be two more years before the light is constructed.

MR. SAWYER: And that's with the state, yes.

COMMISSIONER SCHMITT: Yeah, that's with the state.

CHAIRMAN FRYER: Thank you. No one else is signaling at this point, so I believe it would be appropriate for us to deliberate and entertain a motion.

COMMISSIONER SCHMITT: Just for the record, again, I'm well aware of the history of the Lords Way and very, very controversial when it was first proposed, some of the uses. I won't get into the uses, but it was very controversial because of even the drug rehabilitation and others that -- we won't discuss the need, but that was very, very controversial. The project did go bankrupt. It's been sitting dormant for years.

And I will state for the record that this is our adoption hearing. The Board did direct and, I see, made definite improvements. The applicant came back and obliged and obligated and committed to those commitments that the Board directed, so I'm inclined to support the proposal.

CHAIRMAN FRYER: Thank you. Would you put that in the form of a motion, and if so, could we ask Mr. Bosi to state it. And before he does that --

COMMISSIONER SCHMITT: I'll put that in a motion. Are we motioning on each or combined?

CHAIRMAN FRYER: Combined.

COMMISSIONER SCHMITT: I will put on the motion, then --

CHAIRMAN FRYER: May I try to -- I'm sorry.

COMMISSIONER SCHMITT: Go ahead.

CHAIRMAN FRYER: I'm going to give the general outline, then I'm going to ask Mr. Bosi to put some flesh on the bones, and then I'll turn to you, Commissioner, and ask for a motion.

I believe the points are, number one, the size-of-signs point that Mr. Klucik raised, the substantially similar aesthetically point that I raised, and then the unique circumstances that Mr. Bosi wanted to articulate. Are there any other general topics? Now I'm going to ask Mr. Bosi --

COMMISSIONER HOMIAK: Number of communities listed on it.

CHAIRMAN FRYER: Number of communities listed on it, correct. Can you -- can you give us the language of a motion for Commissioner Schmitt?

MR. BOSI: And I'm -- what I was trying to do is provide the clarification as to why the deviation was being supported by the Planning Commission, and that doesn't need to be within your motion. That needs -- I mean, that's stated within the minutes of the record.

Are you asking for a revised motion related to the deviation that's being supported by staff? I'm somewhat confused by what you're looking for.

COMMISSIONER SCHMITT: I'll put on the record I believe the justification for the deviation -- I know staff recommended denial based on the code, but the deviation in this case seems to be justified for three reasons: One is the distance. The location of the sign on what is considered a high-speed thoroughfare. It's a six-lane divided highway.

MR. BOSI: Yeah.

COMMISSIONER SCHMITT: And I believe 55 miles an hour, which most people probably travel 70. I'm not guilty of that, though.

The location of the sign, the distance set back from the shoulder of the road. And the reason for providing off-premise directional sign for the communities that are east of that location of the sign, I think, justifies it. And I don't consider it precedent setting. I consider it only justified because of the location and the communities that it's benefiting both -- I have to state on the record, then, Sapphire Lakes and -- what was the other community back there? Because eventually the sports park, we have to be clear, will be developed, and something will go back there.

So I see it as beneficial from a standpoint of public notice and public safety. And for that reason, I would support the deviation.

CHAIRMAN FRYER: Okay. So I think we've got the unique circumstances covered.

And the size of the signs, what was that, Commissioner?

COMMISSIONER SCHMITT: Sixty-four feet on --

COMMISSIONER HOMIAK: Square feet.

CHAIRMAN FRYER: Sixty-four square feet.

COMMISSIONER SCHMITT: On each side.

CHAIRMAN FRYER: Okay. And also there will be an exhibit showing the attractive -- the aesthetically attractive sign that we saw, and this will be substantially similar aesthetically. So I think those are --

MR. BOSI: And a limitation of only five subdivisions --

COMMISSIONER SCHMITT: And it will be subject to the height limitations as specified in the PUD.

MR. BOSI: In the PUD.

CHAIRMAN FRYER: Commissioner Schmitt, is that your motion then?

COMMISSIONER SCHMITT: Yes. And my motion is to approve both the -- to transmit -- or to adopt and forward to the state the adoption of the GMP amendment, and the companion item will go to the Board of County Commissioners for the Lords Way PL202000000114 [sic], Collier Boulevard Lords Way MPUD.

CHAIRMAN FRYER: And you can also throw in the PUD.

MR. YOVANOVICH: GMP.

COMMISSIONER HOMIAK: He just did.

COMMISSIONER SCHMITT: I did. That was just what I stated. The GMP amendment and then the -- and the Collier Boulevard Lords Way MPUD.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SCHMITT: Recommend for approval.

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion?

Did you want to say something, Mr. Yovanovich?

MR. YOVANOVICH: I just wanted to make sure we had the right things on the sign.

CHAIRMAN FRYER: As far as you're concerned, we do?

MR. YOVANOVICH: You're perfect.

CHAIRMAN FRYER: Okay. Thank you. Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant.

MR. YOVANOVICH: Thank you.

COMMISSIONER SCHMITT: We didn't hear from Norm. I mean, Norm's been there. He was really eager to talk.

MR. YOVANOVICH: He still gets paid.

COMMISSIONER SCHMITT: He still gets paid.

CHAIRMAN FRYER: All right. It's -- let's talk about our calendar, our agenda for today. It's 11:36. We've got two items under Section 11 of our agenda. Do we want to break for lunch, or do we want to plow through? And a subsidiary to that question is, how long is

Mr. LaRow's presentation?

MR. BOSI: I believe Mr. LaRow's presentation will probably take about 30 minutes with questions and answering and things -- questions, things like that.

I did want to remind the Planning Commission you did have your first item that's been now moved to the fourth item, which is the Golden Gate subdivision. We can probably get to that before you guys break.

CHAIRMAN FRYER: Thank you for reminding me. Let's do that now.

COMMISSIONER HOMIAK: There's people from Immokalee here, I think, waiting. I think those people have been here all morning.

CHAIRMAN FRYER: Waiting for Item 11?

COMMISSIONER HOMIAK: Immokalee.

CHAIRMAN FRYER: Well, I -- may I ask -- we haven't gone into recess yet. May I ask the members of the public, are you here to speak --

COMMISSIONER SCHMITT: Oh, Sue. Sue? Question.

CHAIRMAN FRYER: Yeah. Are you here to speak on the Immokalee matter or the Golden Gate?

MS. FAULKNER: They're here for this last item.

CHAIRMAN FRYER: On which? 11 --

COMMISSIONER HOMIAK: Oh, okay.

COMMISSIONER FRY: The Lords Way they were here for.

CHAIRMAN FRYER: Oh, okay. Thank you very much. So now we're going to hear -- and I will -- let me call it.

COMMISSIONER HOMIAK: There's still people.

COMMISSIONER SCHMITT: They were all here for the Lords Way, but they didn't speak?

CHAIRMAN FRYER: ***All right. So this is matter PL20210001560. It's a Land Development Code amendment to create site design standards and waive subdivision improvements for Golden Gate Estates, and this matter is purely legislative in nature with no quasi-judicial companions, so we don't need to swear in witnesses or have ex parte disclosures and, also, in case anyone is wondering why we're hearing this in the daytime and not at five minutes after 5:00, it's because it would not change the zoning map designation of more than 10 contiguous acres of land and is not an ordinance or resolution that will change the actual list of permitted conditional or prohibitive uses of land within a zoning category. So that's why we're here during a daytime meeting.

And with that, go ahead, sir.

MR. HENDERLONG: Good morning, Commissioners. Rich Henderlong, principal planner, Planning and Zoning Division, LDC section.

This amendment establishes the use of a minor re-plat for an access driveway drainage and utility easement with improvements for future lot owners when existing vacant Golden Gate Estates platted tracts are not located on an existing roadway and are subdivided into lots for connection to an existing roadway frontage.

Over the past 30 years, the county's approved various minor subdivisions with differing improvement requirements through the construction plan and final subdivision plat, the PPL process. There -- at that time there were no required -- these improvements required no infrastructure such as a connection to a water and sewer transmission line and a subdivision development plan which is typically required of all subdivisions that are three or more -- or greater.

You have several examples in your packet on Exhibit A on Pages 11 and 15. Staff identified that there are 44-plus vacant tracts which are 6.75 acres or greater that could be subdivided into three or more lots as a minor re-plat. Each of these lots must be a minimum of two-and-a-quarter acres in lot area in order to conform to the Estates zoning district requirements for minimum lot area.

These larger Golden Gate Estates platted lots are subdivided by the minor re-plat with this amendment, and it will require a dedicated 30-foot-wide easement, utility and drainage easement, a constructed 20-foot-wide dust-free green gravel -- free gravel driveway, and a cul-de-sac turnaround improvement for emergency vehicles. The construction design of the dust-free gravel driveway is shown in your LDC packet Appendix B on Page 10.

In order to circumvent the potential of aggregating too many of these vacant adjacent platted lots, the amendment also establishes an acreage restriction of no greater than 20 acres.

Lastly, at the time of recording the minor subdivision re-plat, the driveway easement itself with limited improvements shall be dedicated for perpetual use of the public, constructed for access, drainage and utility purposes, and be maintained by a newly established property owners association.

I just want to note that all the improvements associated with the amendment or an applicant are to be completed prior to the recording of the re-plat.

CHAIRMAN FRYER: Thank you, sir. Commissioner Schmitt.

COMMISSIONER SCHMITT: Rich, we've been dividing lots in the Estates 30 years, probably more than that. We'll blame it on Stan. How's that?

MR. HENDERLONG: John Houldsworth.

COMMISSIONER SCHMITT: John Houldsworth. John, are you listening?

My serious question: This is just simply to clean up the process and codify an LDC amendment now what was typically required as we did each review?

MR. HENDERLONG: In the past, they had to post the performance bond --

COMMISSIONER SCHMITT: Yes.

MR. HENDERLONG: -- do a construction maintenance easement, and then also go through this process of the full-blown plat -- re-plat approval process.

COMMISSIONER SCHMITT: Right.

MR. HENDERLONG: What this does is it saves an applicant from having to follow the full plat approval process and make it a more expedited process and guarantee to the county that the maintenance -- the access easements will go on to stay with the new property owners and the land and that the original lot owner who comes in for the re-plat, he will be obligated to construct that road, get it all done before he can even -- the county will accept that re-plat and also set up and establish a little neighborhood association -- a property association for the maintenance of that improvement -- those improvements.

COMMISSIONER SCHMITT: I mean, this is an absolute improvement, it really is.

MR. HENDERLONG: It is.

COMMISSIONER SCHMITT: What puzzles me is it's been this long. Is it just all of a sudden we just said, gee, this has been happening -- it wasn't that common, but we would have several of them a year. Is this becoming more prevalent, so now we're establishing firm rules?

MR. HENDERLONG: You're spot on. Because of the scarcity of land and the development potentials for these other vacant lots, that's what's going on. In the past -- I think there were 19 of these that were done over the 30-year process, roughly.

COMMISSIONER SCHMITT: Yeah, not many.

MR. HENDERLONG: Not many. And now they're becoming more frequent.

COMMISSIONER SCHMITT: Well -- and I see that the DSAC unanimously approved this. They made a slight change, which was accepted.

MR. HENDERLONG: Yes, and it's incorporated in the LDC amendment.

COMMISSIONER SCHMITT: And, of course, they're the ones that have to deal with it. They recommended approval.

MR. HENDERLONG: Yes.

COMMISSIONER SCHMITT: I see no objection. I'm prepared to recommend approval, but I turn to my fellow board members.

CHAIRMAN FRYER: Thank you. No one else is signaling at this point.

Anything further, Mr. Henderlong?

MR. HENDERLONG: No, sir.

CHAIRMAN FRYER: Okay. Do we have any members of the public?

MR. YOUNGBLOOD: (Shakes head.)

CHAIRMAN FRYER: We do not. Thank you, Mr. Youngblood.

We can now deliberate and entertain a motion.

COMMISSIONER SCHMITT: I'd recommend approval as proposed by staff.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN FRYER: Further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, Mr. Henderlong.

MR. HENDERLONG: Thank you.

COMMISSIONER SCHMITT: Rich, this is a great proposal. Thanks for cleaning this up. I mean, it's --

MR. HENDERLONG: Well, credit goes to John Houldsworth and the developer for this area.

COMMISSIONER SCHMITT: Well, I'll credit John, then, too.

MR. HENDERLONG: He's really happy this is happening.

CHAIRMAN FRYER: All right. Now, I -- just based upon the past comments and preferences that have been expressed by the Planning Commission, I'm guessing this is how you want to proceed, and tell me if I'm wrong. First of all, we should take a court reporter break and then come back from that and plow through these items and just take a late lunch on our own. Anybody disagree with that?

(No response.)

CHAIRMAN FRYER: Okay. Then that's what we'll do. All right. It's 11:44. Let's come back at 11:55 for a court reporter break. We're in recess until 11:55.

COMMISSIONER SCHMITT: How about 12 o'clock?

CHAIRMAN FRYER: That would be fine. We'll come back at 12 noon. Thank you. Stand in recess.

(A brief recess was had from 11:44 a.m. to 11:59 a.m.)

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

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

CHAIRMAN FRYER: Thank you very much, Mr. Bosi.

***All right. We're at Agenda Item No. 10, old business, and I don't believe we have any old business, so that would take us to Item 11, and I think we have -- that's new business, and I think we have two items, starting with 11A, which is PL20220001219. It's the statutorily required local planning agency review, and that's us, we're the local planning agency, of the proposed updated Collier County Community Redevelopment Plan, and specifically the Golden Gate's Estates plan for consistency with the Growth Management Plan. It's legislative in nature.

Is Ms. Forester going to be making the presentation? Please proceed, ma'am.

MS. FORESTER: Good morning. For the record, Deborah Forester, CRA director.

Just a quick overview of why we are here today. Again, we are under the Florida Statute Chapter 163, Part 3, the Community Redevelopment Act of 1969, which has been modified a number of times. That section of the statute provides an overview of what CRAs can and can't do and requirements of what has to be included in a redevelopment plan.

In Collier County, we established the Collier County Community Redevelopment Agency in 2000. We established two redevelopment areas, one in the Bayshore/Gateway Triangle and one for the Immokalee community. We have two local advisory boards that provide recommendations to the Board of County Commissioners.

In 2000, we also adopted the Collier County Community Redevelopment Plan, and there's a section specifically on Immokalee, and that is what we're going to be talking about today, plus Section 5 is the Bayshore/Gateway Triangle area and in both -- and the CCPC at that time found that plan to be consistent with the Growth Management Plan.

In 2019, we amended the plan for the first time, and that amendment focused on the Bayshore/Gateway Triangle area.

We made some other administrative changes and, again, the CCPC found that plan to be consistent with the Growth Management Plan.

How do we get funded? It's primarily through tax increment financing. This chart here shows the financial contribution the county's made to the redevelopment program over the last 20 years. You can tell the dip in the recession that happened and then the increase in funds over the last couple of years getting us back to just about the same point we were at the height of the market back in 2008.

Typical projects that are included in the redevelopment plan include both capital and noncapital, and our plan does provide both of those types of projects.

So what are we proposing today? There are some minor changes in Section 1 of the overall plan. The first one references the 2019 plan amendment. The second one extends the life of the Immokalee, only the Immokalee CRA, for an additional 30 years. Bayshore will be sunsetting right now in 2030. And then Section 4, we completely are eliminating the previous Section 4 and replacing it with what you have today. And then in our appendix, we are adding the resolution from 2019.

So our planning process, this was kicked off in December of 2020. We had very intense community involvement. Because of the representation in Immokalee, we have held meetings in both Spanish and Creole. We've had online surveys in both Spanish and Creole. Our staff, Christy Betancourt, who's here with me today, has gone out to the community, had several small focus groups. The review of the plan has been done at our community advisory board, our local redevelopment planning advisory board. They've reviewed it, provided us comments, and then finally in February they endorsed the final changes to the plan, and that brings us here today for your review.

So how the plan is laid out. The organization, we have a brief introduction. Our goals, objectives, and strategies are in 4.2. 4.3 includes the background and baseline data. We're trying to keep that as accurate as possible. We've made some cleanups on the dates provided in the memo to you by Mike Bosi -- or from me to you in your agenda packet, and then Section 4.4 is the redevelopment plan discussing about implementation, how we can prioritize, and our funding strategies.

And then 4.5 is general requirements, and these are basically things that are outlined in the statute and how we address them in the plan. And many of these are consistent with the same language that is in the Bayshore/Gateway Triangle plan. And then Section 4.6 are all the exhibits that are related -- referred to in the plan.

So our overall vision statement: A rural community that provides safe and affordable multi-generational living opportunities, interconnected pedestrian transportation connections, a pristine environment, and a thriving economy that celebrates a diverse culture. We have five

goals, several objectives under each of those goals, and then strategies to help us implement those goals.

CHAIRMAN FRYER: If I may quickly interrupt. I apologize.

MS. FORESTER: Sure.

CHAIRMAN FRYER: We're talking about a redevelopment plan.

MS. FORESTER: Yes.

CHAIRMAN FRYER: And, of course, we're trying to see if it's consistent with the Growth Management Plan, and the names are similar, and also in both we talk about goals and objectives and policies. And so I just want to, I guess, remind myself and perhaps the other members of the Planning Commission that the Growth Management Plan is certainly the senior document that we have to measure against. We're looking at consistency, and what we're looking at is what's called the redevelopment plan that's junior to the GMP.

MS. FORESTER: Correct. It's not part of your Growth Management Plan. It's a separate document that stays on its own -- stands on its own.

CHAIRMAN FRYER: Right. And this will then -- this will go to the Board of County Commissioners?

MS. FORESTER: Yes. It will go to both the Board sitting as the Community Redevelopment Agency first and then the Board of County Commissioners second after the CRA approves it.

CHAIRMAN FRYER: And their task is also to approve for consistency?

MS. FORESTER: No. Well -- no, your task is that, and then they're tasked moving forward with the redevelopment efforts underway.

CHAIRMAN FRYER: Subjective approval.

MS. FORESTER: Yes.

CHAIRMAN FRYER: Sorry to interrupt. Go ahead.

MS. FORESTER: If I'm giving you too much detail, if you let me know, I'll move on quicker.

All right. Our first goal is to preserve and enhance the rich mix of cultures and heritage in Immokalee and embrace new ones as they're identified. We've got three objectives in there. A number of our strategies, which I don't list on the slide, include a lot of collaboration with different organizations and how we can get the Immokalee brand developed and used throughout the community.

Economic development, you notice we have a number of goals here -- or a number of objectives here. We do have a lot of focus on economic development in that community working with the airport and identifying Immokalee as a strategic location from a regional perspective. Immokalee has a number of designations under different groups to help us with rural economic development efforts.

Housing. Again, our goal is to provide a mix of housing types and price points to allow for safe, high-quality units in Immokalee. We have two objectives. One is to support multigenerational housing opportunities and the second one, which is a big focus area, is neighborhood initiatives, and that is sort of a holistic approach on how to work on one neighborhood at a time.

In the plan, we've identified 10 neighborhoods, I believe it is, and one emerging neighborhood which is the Heritage PUD, which has never had any development on it. This would be -- and we've identified two we'd like to start with. That's the south Immokalee area and then the Eden Park area, and the reason for that is we've been focusing a lot of our infrastructure over the last couple years in the south Immokalee area, and we've been working on partnerships in the Eden Park area, and there's a number of infrastructure projects along Lake Trafford Road that are also underway.

Infrastructure. We have maintained high quality of life to all residents and visitors, and this infrastructure list varies from water quality down to mobility and transit in that area and to

improve and maintain coordination with our other private and independent service and utility providers such as the water and sewer district, Immokalee fire control, and Lee County co-op.

And then our final goal is implementation and administration, and this is how we can maximum our collaboration with other organizations as well as making sure that we fulfill all of our fiscal and legal and ethical standards as are required under the statute. And it also looks at how we can better coordinate with the Immokalee beautification MSTU (Multiple Services Taxing Unit), and assure that we have a targeted and balanced distribution of projects throughout the Immokalee redevelopment area. It is a large area.

Then we focus on an action plan. Because we are proposing this is going to go on for 30 years, we've broken it down into three phases: A short-term phase, which is a five-year approach typical of most capital project phasing; then a mid-term 10-year planning horizon; and then a long-term, which is 15 and beyond. We also recommend that the plan be reviewed every five years so that there can be adjustments made in the planning document and keep it focused on what the community needs are.

And at any point in time the Board of County Commissioners could evaluate the timeline on implementation of this plan. And, again, we're -- and the Board directed us in 2019 to look at this plan amendment to extend the life of the Immokalee CRA until 2052.

And then how do we prioritize our projects due to limited funding? Again, it's looking at how can we best maximize and collaborate with our partners, look at ways that we can better address health-and-safety issues, geographic distribution of projects, and then look at an annual work plan and a five-year planning horizon.

We've identified opportunities for redevelopment. These 11 areas, I believe, were identified in the staff report you received. These, again, are areas that the community felt as opportunities for us to look at redevelopment to improve the community and also improve the economic base in that community.

Again, if it's not included in the redevelopment plan as far as the project goes, then you're not allowed to use any of the TIF funds that are included, so we tried to be as inclusive as possible. Our funding strategy is to, of course, use our tax increment along with funds from the MSTU and the partnerships, look for additional grant funds, and then to build on that coordination, collaboration, and partnerships.

This is a 3 percent growth rate that is looking at the TIF projections over the next 30 years. On the bottom I've noted that our total TIF, if this went just straight line, increase was about \$62 million. Our estimated capital improvements are 71 million. So there is a gap and a need to look at other opportunities to help leverage and partner with those funds.

So our next steps, we're here today to look at the consistency with the Growth Management Plan. Following that, we will provide a notice to all the taxing authorities that is required by the Florida Statute, and then it would go to both the Collier County Community Redevelopment Agency for an adoption hearing and then the Board of County Commissioners for adoption hearing, and those typically are held at the same date.

And with that, I can answer any questions. I do want to recognize, again, our Immokalee CRA staff and our consultants, Johnson Engineering. Christine Fisher is here with us from Johnson. They've assisted us in preparing this plan.

CHAIRMAN FRYER: Thank you. We have two commissioners signaling. I'd like to, if I may, jump ahead with a quick question. I think it will be pretty quick.

With respect to public safety, you've got the Immokalee Fire Protection District, which has Engine House 30, 31, 32. And, of course, that's the district and that's a taxing entity, and that's separate. But they share with ambulances, right? Medic units. And it seems to me that one of those engine houses was or perhaps is now operating out of a trailer. Has that been --

MS. FORESTER: So we have one operating fire station there. I think we have added some additional --

COMMISSIONER KLUCIK: Mr. Chairman? In Ave Maria, that was in a trailer, and

that now has a full deluxe over-the-top Taj Mahal fire hall.

CHAIRMAN FRYER: Thank you. That's all I needed to know.

COMMISSIONER KLUCIK: It's wonderful.

CHAIRMAN FRYER: Okay. So that was a quick question. Thank you for that.

Commissioner Shea.

COMMISSIONER SHEA: Just a little educational question. Explain tax increment funding.

MS. FORESTER: Okay. So what happened in 2000, we looked at what the property values were in Immokalee, and that becomes our frozen tax base. So every year when the taxes come out and that property value tax goes up, the incremental difference, say it was a million dollars in 2000, in 2001 it was two million, so that million-dollar increment multiplied by the county unincorporated millage rate times 95 percent comes into our trust fund. So we only get the incremental increase, and that is -- the idea is that we are promoting redevelopment, new development, and so that community can use those funds to continue to implement their plan.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Well, I'm going to follow that line of reasoning. That's a good question, because it's always a confusion what the TIF is. But in your staff report it says no fiscal impact. That is really not true. There is a fiscal impact to the taxpayers in the county because we make up the difference, if you understand what I'm saying. So you take the TIF, and that TIF you keep above the base, but the rest of the taxpayers in the county, that is a loss to us in the county on the taxes that we would have received, so we're making that up as taxpayers.

MS. FORESTER: Well --

COMMISSIONER SCHMITT: If you understand my logic.

MS. FORESTER: I think what you're saying is because those funds would have gone into the General Fund --

COMMISSIONER SCHMITT: Correct.

MS. FORESTER: -- that could be used anywhere in the county --

COMMISSIONER SCHMITT: Correct.

MS. FORESTER: -- instead they're being focused into an area that's been identified for blight.

COMMISSIONER SCHMITT: Correct.

MS. FORESTER: And those same funds would go to programs that Immokalee has identified such as stormwater improvements, sidewalk improvements, and you have staff that is looking at partnering and helping to leverage those dollars. So it's a philosophical, I think, question about --

COMMISSIONER SCHMITT: Correct. I have no argument that just from the standpoint of understanding there is a fiscal impact, and the fiscal impact is the loss of TIF in the General Fund. And that -- and the Board makes that decision, and they are directing now that the money be utilized specifically in the Immokalee redevelopment area which, again, is a policy decision. I just want to make, for the record, that it stated no fiscal impact.

CHAIRMAN FRYER: I'm glad you said that, because I was going to say it as well, and I agree with you that I think it's going -- the money's going in the right place, but it's going to have to be made up for elsewhere.

COMMISSIONER SCHMITT: Correct.

CHAIRMAN FRYER: Thank you.

Mr. Bosi.

MR. BOSI: Mike Bosi, Zoning director.

As author of the staff report, just let me defend that statement. The adoption and the recognition of the redevelopment plan, as consistent with the GMP, has no fiscal impact. The creation of the CRA has a fiscal impact. It's the CRA --

COMMISSIONER SCHMITT: Thank you.

MR. BOSI: It's the CRA creation that has the fiscal impact. And you are right -- you're right, but -- and Deb's right, because -- and I think the Chair recognizes the usefulness and appropriateness of the allocation, but it does have a fiscal impact, and because there was a finding of blight and identification of a need of an intensification and an infusion of capital to help address that blight.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER SCHMITT: I have a follow-on. Of course, we're 20 years into this CRA, Immokalee -- I won't cover the others, but the CRA, and a lot of good and a lot of money.

Talk to me -- if you could expand a little bit on the airport, specifically the accelerator, there was money put into the accelerator program, the facility out there. Has it been, in your interpretation over 20 years -- I can't remember when that went in, 2004, '5, '6 time frame, there were different businesses they were allowing to rent in there and other things. This was a facility built at the airport to promote business on the airport property.

MS. FORESTER: It's the culinary accelerator.

COMMISSIONER SCHMITT: The culinary acceleration, and there was -- wasn't there another accelerator there as well?

MS. FORESTER: That was in the early days in 2000. I think it was incubator --

COMMISSIONER SCHMITT: An incubator.

MS. FORESTER: Yes.

COMMISSIONER SCHMITT: Thank you.

MS. FORESTER: That facility has been leased out by a private individual, and it is full, I believe, at this time. But the culinary accelerator, which really helped small businesses grow, we support that initiative, and we think that the culinary expansion in Immokalee makes sense. We have a rural agricultural community.

One of our biggest success stories has sort of outgrown her space at the accelerator and is now looking for an additional larger place because she's gotten very successful, and you've seen her products in a number of stores. She does private labels for Wynn's, for Alfie Oakes, so she's been very successful. And they've got a number of other culinary businesses there, so that, I think, has been a success story and something that the CRA looks at helping to promote and expand and is part of our economic development plans.

COMMISSIONER SCHMITT: Is the -- I can't recall. Is the airport authority within the CRA -- is the airport --

MS. FORESTER: Yes, the boundaries are --

COMMISSIONER SCHMITT: Is it -- the boundaries are within the CRA boundary?

MS. FORESTER: Yes.

COMMISSIONER SCHMITT: Is it -- is there -- are there competing dynamics between monies for the airport versus businesses and other types of things, or is that pretty much resolved? Because -- or is it -- I'm trying to think of the way I want to ask this. Does the airport kind of run --

MS. FORESTER: Yes, they're very independent.

COMMISSIONER SCHMITT: -- push its weight around, so to speak, over the CRA?

CHAIRMAN FRYER: I thought -- I thought the BCC was airport authority.

COMMISSIONER SCHMITT: They are.

MS. FORESTER: Yes. It's a separate authority, right, just --

COMMISSIONER SCHMITT: Separate authority.

MS. FORESTER: They're, like, the agency.

CHAIRMAN FRYER: But it's the same folks.

MS. FORESTER: Yeah, but we don't compete. I think we're really good partners. We've been working on getting some plans done for a Site Development Plan for one of their parcels with grant money that we've received from our rural economic development group,

Pharaoh, and so we work very closely with the airport on -- just our whole goal is to bring new businesses to that airport.

COMMISSIONER SCHMITT: The other -- they're going to -- here in 11 it talked -- and it says shovel-ready site. I mean, are there actually shovel-ready facilities out there?

MS. FORESTER: Well, that's one of the things we're working --

COMMISSIONER SCHMITT: You're working on.

MS. FORESTER: -- with is to try to get to that point. We've done a concept plan. We hope next year that we can get some funding to do, actually, a Site Development Plan and then get to the point where we'll have building plans approved for that site. So when someone comes to the door, as you know, a lot of businesses they need a building right away. And so the more we can help streamline that process so that they can be in a building, the better it is for economic development.

COMMISSIONER SCHMITT: I thought we did that many years ago, too, didn't we?

MS. FORESTER: You know, it takes time, and there's cycles, right. We go up and down.

COMMISSIONER SCHMITT: Yvonne knows that. Back in earlier days, I mean, there was a Site Development Plan for businesses and others to go in there.

I wish it the greatest success. Just -- I often really don't understand -- the Immokalee airport, certainly -- has certainly potential to offer intermodal transport away from the big commercial airports and for cargo and other types of things, and it just seemed nobody ever really jumped on that bandwagon. At one time there was a proposal for this huge development of an airport in Central Florida, but it seems to me Immokalee would answer that need.

MS. FORESTER: And they're working on getting grants. They're just completing their one runway expansion, and we know that they're finalizing plans with the National Guard to come out with the training center and also Mosquito Control, so there will be a lot more activity at the airport in the coming years.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Fry.

COMMISSIONER FRY: Quick side question. I had a couple questions. But you mentioned expanding of the runway. What would that allow? What kind of aircraft? What kind of expansion would that allow?

MS. FORESTER: That's not going to allow your heavy cargo planes because of, I think, the length of it, but it will help with safety, I believe, with smaller aircraft that are private jets that are coming into the area.

COMMISSIONER FRY: Okay. So in my -- I think probably in my first month on this commission, we took a trip to Immokalee, and it was to -- it was for the restudy of the Immokalee Area Master Plan. And, of course, I'm quite familiar with you with regards to the Bayshore and Gateway Triangle CRA.

And what I was amazed at with the Immokalee was the level of collaboration that had taken place that went into that plan. I literally felt like you drew every possible resource in and every voice, and you blended it all in. It sounds like you've attacked this a similar way, really aiming for high collaboration. So it's hard to draw a fault in what we've read. It looks like a very exciting plan.

We've seen the CRA in Bayshore. I mean, I feel like I've witnessed over the last few years a transformation of Bayshore, and I think, you know, partly and largely to the credit of the CRA.

What are the most exciting opportunities that you see for Immokalee, tangible opportunities with the CRA using the funds and just in the overall strategy and collaboration that you've established in this plan?

MS. FORESTER: I think improved pedestrian safety has been something that we've been striving for for the last 20 years.

COMMISSIONER FRY: Does that include bicycles? Because I understand --

MS. FORESTER: Yes.

COMMISSIONER FRY: -- a lot of transportation's via bicycle out there, too?

MS. FORESTER: Bicycle, walkers. Transit is very important out in that community. We were fortunate working with our Transportation Department to get the TIGER grant, and that TIGER grant is bringing in a substantial 20 miles of new pedestrian connections, so that is going to be taking place right now. They're in design build. And once that neighborhood is completed with their pedestrian things, we see an opportunity to go in there and help with housing in that area as well.

So I think housing is our next biggest challenge. We are -- we hope to collaborate more with our Housing Department here to help with replacement of existing trailers, bring in new product. And also there is a big demand now for market-rate housing. People there want to be able to live and work in that community. And you see -- it's very encouraging to see young students who had graduated from the high school, gone off to college, and now coming back and being teachers, setting up their own businesses.

The Chamber of Commerce has really grown. They're partnering with Ave Maria now, so there's a great synergy there, and I think as more development goes east, Immokalee has a great opportunity to take advantage of some of those other improvements and job opportunities.

COMMISSIONER FRY: So less demand and a transitioning from trailers to more market-rate housing? Is that --

MS. FORESTER: And quality housing, you know.

COMMISSIONER FRY: Quality housing.

MS. FORESTER: And just -- and even, you know, mobile homes that can be earlier build or more recent build so they come up to standards is what we're looking for. You know, there's a definite need for all income levels in the Immokalee area.

COMMISSIONER FRY: To Joe's point, I guess, how big an opportunity do you see the airport being in all this, in the growth and, I guess, just the evolution of Immokalee?

MS. FORESTER: They have a lot of land out there, and they've -- you know, there's some challenges there because the land is held under the airport authority. They can't sell it, or they'd have to repay some of their grant money. But they are leasing that land at a very reasonable price. And so I think once they get some more of these improvements done with the National Guard and with Mosquito Control, there will be more activity, and so I think more people will see the benefit of coming.

We also partner with Hendry County, which is our neighbor to the north, and they are doing an inland port there, which is one, I think, that Mr. Schmitt had mentioned, that they're trying to build that to take off the relief or the burden from Miami. So this will be an internal flight area for people unloading cargo from the Caribbean coming into that area and then help distribute it throughout the region. So that partnership with Hendry County, I think, is very important as well.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Thank you. No one is signaling, so I'm going to take this opportunity to summarize and perhaps tee up a motion. What's before us is a determination that the community redevelopment plan that has been proposed is consistent with the Growth Management Plan. I've read it, and I found no inconsistencies, and unless there's further discussion, I'd entertain a motion.

COMMISSIONER FRY: So moved.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER FRY: It was stated well.

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, Ms. Forester.

MS. FORESTER: Thank you very much.

CHAIRMAN FRYER: All right. Before we go to our last matter, I want to ask staff, Mr. Bosi and Mr. Bellows, we need to revisit our summer calendar in a way that I think is favorable to us. So let's talk about that, gentlemen.

MR. BELLOWS: Yeah. For the record, Ray Bellows. We checked the scheduled petitions for the summer, and we recommend that the June 16th meeting, which we don't have this room anymore, can be canceled, and whatever petitions that are being scheduled can easily accommodate the remaining schedule even with the July 21st meeting being canceled as well.

CHAIRMAN FRYER: Good. So we're going to have two holidays. We're going to have June 16 and July 21?

MR. BELLOWS: Correct.

CHAIRMAN FRYER: And we need to vote to approve that. I'd entertain a motion. Any questions?

COMMISSIONER HOMIAK: I'll make a motion.

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

CHAIRMAN FRYER: A second, please.

COMMISSIONER FRY: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. That will be our schedule. Thank you very much.

***Now, 11B, our final item of the day, at least our final scheduled item of the day, is a presentation from Jacob LaRow, the county's new manager for Housing, Grant Development, and Operation, and it's entitled Housing 101.

Mr. LaRow, you are recognized, sir.

COMMISSIONER KLUCIK: Do we have any resource, Mr. Chairman, that's available to us?

CHAIRMAN FRYER: I think we're going to get a PowerPoint, aren't we?

COMMISSIONER KLUCIK: Okay. But there's nothing --

CHAIRMAN FRYER: It's in the packet, too.

COMMISSIONER SCHMITT: It's in your packet.

COMMISSIONER KLUCIK: Oh, the PowerPoint? Yeah. It's just, like, four or five slides, okay.

CHAIRMAN FRYER: Go ahead, sir.

MR. BOSI: Chair, could I have two seconds? I just need to --

CHAIRMAN FRYER: Of course.

MR. BOSI: -- pull up the PowerPoint here.

CHAIRMAN FRYER: Certainly.

COMMISSIONER KLUCIK: I'm going to move that we deny that request. Motion withdrawn.

COMMISSIONER SCHMITT: It will take more than two seconds.

CHAIRMAN FRYER: While this is pending, will anyone up here from the dais have any other new business?

COMMISSIONER SCHMITT: I'm just curious, what does the next meeting look like?

CHAIRMAN FRYER: Busy.

COMMISSIONER SCHMITT: Upcoming petitions?

MR. BOSI: Yeah. For the record, Ray Bellows.

We do have, I believe five, items on the agenda.

COMMISSIONER SCHMITT: Five items?

COMMISSIONER KLUCIK: And just out of curiosity, when is our next kind of evening carry-over meeting scheduled?

CHAIRMAN FRYER: We haven't scheduled that yet, and I don't think staff is ready to come forward with a proposal on that; am I right?

MR. BELLOWS: Yeah. We're still a way from establishing other night meetings.

CHAIRMAN FRYER: Okay. All right.

Mr. LaRow.

MR. LaROW: Good afternoon, Commissioners. Jacob LaRow, manager with CHS.

I do have just a brief number of slides. I do have some -- a script here I'd like to read from, and then, I guess, at the end, if anybody has any further questions regarding some material that I've referenced, I'd be happy to provide that to the Commission as requested.

But I intended to want to try to keep this very high level, a 30,000-foot level, and then hopefully engage with the Commission with some questions and hopefully some good answers for you.

And then I just had a quick question. I know there was maybe a request that I provide some context regarding a compliance or long-term monitoring on a previous item. Would it be appropriate if I just address that generally during this?

CHAIRMAN FRYER: Yeah. I think -- I'm guessing that we're anticipating around 30 minutes for the total presentation. If you can cover that along with the other material, please go right ahead.

MR. LaROW: Okay. Yeah. I didn't dive into compliance necessarily with the Housing 101, so maybe I'll just start with that. So the project in question, I believe the Lords Way that they had an existing affordable housing density bonus agreement, CHS does have a grants compliance unit within our division of Public Services Department. We do all the grants compliance -- not me personally -- it's a different manager and her team -- for all the public services.

And so we have a -- we have a system set up where, depending on the project, we have annual monitoring. And the way we're proceeding with projects such as Allura or Lords Way, some of these others that were mentioned, is annually -- approximately September of every year, we will reach out to the owners or the developers of record and engage them with an update in terms of where they're at with their projects.

As I'm sure most of you are aware, approval of PUDs and -- and I apologize if I get out of line with my planning language. I'm not a planner by trade, so if I say the wrong thing, I want to apologize in advance. But that just allows you to do something.

So we have a couple of PUDs and things of that nature that have been approved in years past, and there hasn't been any development. So we just kind of have a hodgepodge of projects

where some get started almost immediately. They have their financing lined up, and some had the approval. You might have securities that secure the entitlements for those PUDs, and they don't move on them or they sell them, and so we just have a number of projects in various stages of completion.

And I'm working on an update for the Board. That was one of the topics I touched on briefly during my presentation at the February 22nd meeting, just some projects that were recently approved over the last couple of years.

So last fall we sent out the September mass letter. We've engaged these folks. We follow up. And in particular this project, Lords Way, the one that has 147 units, I'm currently engaged with the marketing or the property management firm that is doing the lease-up and that sort of property management for that property and bringing them online in terms of what the expectations are, what kind of documentation they'll need to maintain, and when CHS staff will be out there to monitor to ensure compliance.

So we do have a system set up in place to address that. And so, you know, should you have any questions at the end, any grant or detail you want me to touch on, I can certainly elaborate as needed.

CHAIRMAN FRYER: Thank you.

MR. LaROW: You bet.

So I just wanted to say, hey, I appreciate the opportunity to come before you kind of touch on Housing 101. As I mentioned earlier, I just wanted to keep it high level, but I do have some detail I'll speak to on each slide. And, obviously, just a casual observation. But the frequency and volume of talk about housing in our community today is probably one of the main reasons I'm here before you at the moment.

So I have a PowerPoint presentation. And, again, it's not meant to be exhaustive, but hopefully it's a good primer to at the end, when I end with the incentives or the regulatory relief that will be eventually coming before this board here in the next month, we'll have a good history of kind of what the county has taken -- what steps they've taken, when they've taken them, and kind of where we're at today.

All right. So from a housing perspective, really, any kind of issue you discuss, for that matter, whether it's environmental protection, traffic issues, you kind of have to know what your need is. What are you looking at today? What's the current status quo?

And it's really important to understand that because in order to provide direction or guidance and programs and that sort of thing, moving forward you need to know kind of what you have in stock.

And so before you I just have a couple of variables to consider. And really what this is a buildup to is the housing demand methodology that the Board of County Commissioners approved approximately four years ago.

So vitally important to analyze, what's your existing inventory? What is out there today? We had a comment or a public speaker earlier that was talking about all these rental -- affordable rental projects that are going up. What does that look like?

So just a couple quick numbers for you. According to the Florida Housing Finance Corporation, which is probably the largest financier either through direct lending or through bond financing in the state of Florida, there are approximately 48 properties representing almost 5,300 units -- assisted units in Collier County today, and the vast majority of those are being funded through corporation programs such as 9 percent tax credit, if you've heard something -- that terminology used before, the 4 percent private activity bonds, tax exempt bonds, and also the SAIL program.

So those totals, to my knowledge, yet don't include the units that will be brought online and in the inventory largely due to action taken by the county, and what I mean specifically to that are the Allura projects, those projects that are delivering affordable units but, to my knowledge, do not have any other government financing to help support the ongoing operation of those -- those

properties.

So also it's -- and it's important to know as staff what our limitations are in terms of what we're actually looking at here. So as we move forward and we get more of those housing developments online, I'm going to work with the state to try to see if we can figure out some way to incorporate our units that Collier County, through our policies and programs, are bringing to the citizens.

It's also important to know that -- it's hard to believe in this day and age, but there is what we call NOAH, and those are naturally occurring affordable housing units. So those would be units that are out in the market whether it's for-sale or rental units that, given the price point and given a certain AMI targeting, would be, quote-unquote, affordable to a household at a certain income level.

So as one might expect, as the demand has increased, the amount of NOAH, naturally occurring affordable housing, is shrinking, and because of the, I guess, susceptibility to market demand, NOAH units are less reliable to count on long term than the units that are developed through PUD commitments that have 30-, 50- or 99-year commitments.

So moving down to the Item 3, population growth. So, obviously, we don't live in a bubble. Well, I pretend to not live in a bubble.

COMMISSIONER SHEA: Different kind of bubble.

MR. LaROW: Static, I think, is the word I wanted to use. Things are dynamic. So not only just -- well, in population, just increased, not only just births, but migration. Florida has seen -- I think over the last five years is in the top five states in terms of net migration. Even, I think the -- I pulled some statistics from July '20 to July 2021, despite being more deaths in Florida for native Floridians than births, Florida yielded a net migration in immigration of 259,480 people.

So those folks have to live somewhere, right? Inevitably, many of those are relocating to Collier County. So because of the effect that population growth has on housing supply, we use that as a determinant to -- in our methodology to project how many housing units at what income levels we'll need to try to meet demand.

And I think it's also fair to state that just, you know, because someone's housed doesn't necessarily mean that's a healthy housing situation. Terms such as "housing stability" or things of that nature where you talk about, do people live and rent or own a home that allows them sufficient income to cover their other expenses outside of paying for rent or their mortgage?

And a common benchmark used in the housing industry is 30 percent of your rent or, excuse me, 30 percent of your gross income. If you do not exceed 30 percent of your gross income for your housing costs, which would include utilities, then you are stably housed from an economic standpoint. When you exceed 30 percent, then you're rent burdened. Anything greater than 50 percent, and you're severely rent burdened.

So it doesn't take much imagination to realize that as families or households spend more and more money on their rent, they have less disposable income to pay for other essential services and needs such as healthcare, education, food, and that really creates housing as a key aspect of social determinants of health; that if you do not have a healthy housing situation, it has external impacts on many other services that Collier County may provide.

COMMISSIONER SHEA: You asked --

MR. LaROW: Yes.

COMMISSIONER SHEA: Is that -- you said the 30 percent does include things like the sewer bill, the water bill, the taxes? I know there's a lot -- the utilities, that's all in the 30 percent, not just what you're paying for rent or mortgage?

MR. LaROW: Yeah. So let me answer that real simply in terms of how HUD looks at that. So if you want to do a development such as, you know, David Torres and you want to play in the HUD arena, when you look at what 30 percent is when you're establishing your rents, you either say your rent is inclusive of your utilities, and then if it's noninclusive of your utilities, then you do a utility allowance is what they say. There's a calculation for that. So, yeah, generally to

your point, it's anything that you would need to operate and live in a house: Gas, electrical, that type of thing.

COMMISSIONER SHEA: Well, the only reason I say that is oftentimes we just think about rental rate, and if the rental rate doesn't include the utilities, you could have another 30 percent.

MR. LaROW: That's true. I mean, that's why when we talk about those types of things, we try to keep it streamlined to a certain degree, because you can really go down a rabbit hole when -- I mean, that one's pretty straightforward, but there's other aspects in terms of very granular detail which is important, but sometimes it can distract from the larger picture that, you know, people are trying to paint.

COMMISSIONER FRY: During the Lords Way item, we talked about that -- some pretty discouraging news, I thought -- that affordable housing really is only applicable to the rental market in Collier County, that it really is not realistic to apply it to for-purchase housing. Is that -- is that part of your equation, the purchasable housing or just rental?

CHAIRMAN FRYER: At the low level, it's both.

MR. LaROW: Yeah. At the risk of -- I'm not a developer, but I do know that it's a similar equation when you talk about the development of rental housing that you need a subsidy at some level, when it's cross-subsidy using your market-rate units to offset the operating costs because you're losing out on the rent, the restricted rents, and so you have that cross-subsidy. Similar to development of for-sale housing, people do it. I won't deny that it's probably a little more difficult, but it's really -- it's -- in a similar fashion you would have a markup on your market-rate housing.

So, essentially, much like your market-rate rental is, to some degree, subsidizing your restricted rents on your affordable side, similarly, your market-rate for-sale housing would subsidize the below market. I mean, Habitat, case in point. I mean, there's people that do it. Not everybody can do it. It's a unique model. It is not easy, but it is possible.

COMMISSIONER FRY: You mentioned -- I thought it was around 5,000 affordable units in Collier County. You threw out a number early on. I didn't write it down. But would that be comprised of rental and owned property, or is that really only rental properties?

MR. LaROW: That would be -- those would be rental properties.

COMMISSIONER FRY: Rental properties.

MR. LaROW: Yeah. And I believe I printed it off, and this is -- that's from the data -- Shimberg data clearinghouse, and that information is rolled into our methodology that will be on the next slide. And that's -- I can certainly provide that if people want to peruse that.

But to your point the -- and another thing, too, is the compliance aspect of for-sale housing is a little more difficult. I mean, you take a 100-unit rental property, you've got one owner, common ownership, you're dealing with one person. Maintaining 30-year affordability on 100 different units, it's a bit more cumbersome, so -- but it is possible.

So the -- I guess -- let me see. Where was I here? So unit of measurement. Then, really, that's kind of the cap. At this point, what are we talking about? What do we need? What outcomes or objectives do we need when we're talking about how do we address housing affordability? And the -- and I realize this is very small, so let me see if I can zoom in here.

CHAIRMAN FRYER: It's a very informative slide, though.

MR. LaROW: Yes. There's a lot of information here. And really, the -- what I just discussed on the previous slide is really built into this model in terms of, really, roughly -- you look at what you have, you look at what your future demand is, and then you calculate -- and this is, as you can see up here, the methodology's goal of reducing housing cost burden 1 percent a year, plus a yearly population growth with existing supply, and these are the -- these are the units needed yearly by income over here on the right.

So for your information, this is last year's figure. We update this annually. And, really, the catalyst for that is when HUD releases the new rental and income limits which traditionally are

the 1st of April. They're probably a little bit behind just like everybody else. So a lot of that, then, will pull information from Growth Management. We get the -- that's where we get the new approved units. So we would pull information when those units are -- had been approved and will be coming online. We pull information from the Property Appraiser's, that's the NOAH that I referred to earlier. We just look at existing home values. We also pull information from Shimberg, as I mentioned earlier, and also the realtors.

So we pull government information. We pull private-sector information to try to get a better picture of really what we need. Previous methodology, I think, didn't include population growth, and maybe they didn't pull information from the realtors and things like that. So this is an improvement over --

CHAIRMAN FRYER: When you get your 2022 spreadsheet finished, would you just automatically please copy all of us rather than wait for a project?

MR. LaROW: Yeah. So that would -- we would take that to the Board, the Board of County Commissioners, and they would approve it.

CHAIRMAN FRYER: All right. And then as soon as it's been approved, be sure that it gets into our hands.

MR. LaROW: Sure. Yeah, not a problem.

CHAIRMAN FRYER: Thank you.

MR. LaROW: You bet.

CHAIRMAN FRYER: Will that come before us prior to it going to the BCC? No. Okay. So, yeah, please automatically send that to us as soon as it's effective.

MR. LaROW: Sure thing. And I think I had on here building on the construction of -- or the single-family affordable model. I don't believe I have it on here. But as you can see up here at the top, when we talk about very low income and extremely low income, we're talking about people earning -- a three-person household earning this or below. We don't even -- we don't even look at existing home inventory for them, because those households are not in the market for home ownership.

And we have existing programs, and one of them which Deborah had alluded to working with us to help in the CRA, is we have a state housing program; it's called the SHIP program. It's funded through the Sadowski Trust Fund where 65 percent of our funds have to be expended on homeownership activities, but we also had income targeting. Thirty percent of our expenditures have to serve those at low and very low incomes.

So you can imagine the logistics it takes to roll out programs in order to comply with the state requirements given the situation we're finding ourselves in. So hopefully when the new income limits roll out here shortly, we'll see some relief from that, and we'll be able to better expend those monies and serve people.

So before I move on to the next slide, I know I'm -- I know Mike gave me 30 minutes. I didn't time myself for 30 minutes. I can certainly talk for that long. But did anybody have -- I could pause here and ask anything specific; otherwise --

CHAIRMAN FRYER: I've got a signaling device here that shows no one right now is signaling, so please continue.

MR. LaROW: Fair enough.

Okay. So addressing the need. So we've kind of -- we've touched on, you know, what the need is, what it looks like. And I think it's important, especially some -- going back, again, to Board -- one of the many Board actions taken on the February 22nd meeting was for CHS to engage with other public entities that are experiencing affordable housing issues. It's not unique to county government staff. NCH, you'll hear them talk about retention. Also the school districts. So it's important -- and with staff is that we recognize that we can't do things alone, so we need partners.

And so as part of our effort to move on a lot of this discussion that's going on, we're engaging with those folks. There's been talk about a potential special meeting with the Board.

We're working that out and seeing what shape that takes, but we'll be inviting those folks to contribute and come to the table and see what they can do to assist all the work that you as a Planning Commission and the Board is doing to make affordable housing easier to develop.

Again, financing. I mean, that's easy. I mean, Mr. Yovanovich alluded to it quite starkly about the problems with doing for-sale affordable housing. It requires -- especially when you're doing the deep income targeting, inevitably it's going to require some kind of subsidy, as I alluded to earlier, whether it's a direct subsidy, a loan, a grant through CHS or through the state.

So it's important to know who provides that financing. Some folks don't realize we have a Housing Finance Authority here in Collier County that supports affordable housing. There was just an item I think last September where they helped provide taxes and bond financing for Brittany Bay, which is a tax credit property, to do some rehab. I think there's in excess of 400 units there. So there's additional partners that kind of happen outside of our -- CHS's scope.

Identify and address impediments. So just briefly on that, this kind of largely -- much of the discussion that you folks probably hear on a regular basis when you meet. And I don't want to paint this in a -- when we talk impediments as necessarily a negative light. It's just realizing that some of the unique features in developing affordable housing maybe adversely impact due to certain Land Development Codes or regulations that other market-rate housing may be able to overcome because they don't have the similar restrictions.

So one of the plans that we develop within CHS for our federal funding is called the analysis of impediments. So we develop that every five years. And one of the things they look at is, holistically, what are the roadblocks from making housing, developing housing, and things of that nature? And I'm proud to say that the last plan that went through last year and went to the Board in June identified that largely Collier County regulatory does not have any kind of impediments that existing codes do not unduly restrict or eliminate the ability to develop higher density housing.

And, in fact, in that report they pointed to the Community Housing Plan, if anybody's familiar with that, that plan that originated out of the Urban Land Institute of 2017, that it identified a number of steps that the county could take to address housing affordability and of which four of those are winding their way through the process right now.

So Collier County's taken tremendous steps to address and identify impediments and, through these regulatory relief efforts, will help offset those impediments that still may exist.

And then preservation. One of the topics that came up, it was a very hot topic in the City of Naples, was the Gordon River apartments. So that -- those apartments that had been NOAH for quite some time, their long-term commitments had expired. But nature, location, other -- other environmental or economic reasons, those units stayed affordable for some time but then, ultimately, that housing project was a victim of, I guess, kind of our own success, if you will, in some kind of sense in that that land became more profitable for a potential market-rate project, and then we had what we saw.

So preservation is important. What do we do when we have the properties? What can we do to make sure that those stay long-term affordable? And, again, the county has taken steps through the Bembridge property, also the Golden Gate Golf Course, where there will be a 99 long -- 99-year long-term ground lease to ensure those units that are developed on that land are affordable for, in a sense, perpetuity.

So we'll also establish the Community Land Trust. That's another method that can address affordability for for-sale programs. And the land trust model is essentially that you have a non-profit that acquires the land, holds the land, and then the homebuyer just purchases the improvement, and that's the only piece that transfers hands through purchase and sale through the natural homebuyer and sale process. So you remove the cost of the land from the acquisition cost, and that then makes that more affordable as a result.

How am I doing on time? Am I already at half an hour?

MR. BOSI: Close.

CHAIRMAN FRYER: Yeah. You're at a half, but take a few more minutes.

MR. LaROW: See, here I thought I was going to be done in 10 minutes. Apologies.

So real quick, developers, you know, for-profit, nonprofits, those are the folks -- so these are the people that I'm used to working with bringing projects to the table. So they're the David Torreses; they're the Gary Haines of the world. They collect a developer fee. People ask, well, why would you develop affordable housing, you know, with restricted rents? There is a -- there is a return on investment there.

You know, there's -- the state has non-profit set-asides, so there's a certain number of financing that has to go to nonprofits to develop housing. They enlist architectural engineers, general contractors, legal, et cetera.

Obviously, there's the government as well. So through land-use restrictions or un-restrictions, we make -- here at the local level we can make or break projects sometimes. Also, there's federal level. Some of those projects I mentioned earlier about the tax credits, those are all federal programs.

Financiers. You have banks. Tax credit syndicators and investors. So those are the folks with the tax credits that invest in these projects. They get a dollar-for-dollar tax break over 10 years, 15 years for these programs. So that enables the deep income targeting. So if you got -- you're developing a project and you do a 9 percent deal, an investor comes along and says, I'll give you 70 percent cash, and you don't have to -- you only have to finance 30 percent of your project. That's what allows these projects to be built and maintained long-term affordable.

And then, of course, here one of the -- one of the items I brought to the mock seventh grade commission meeting on Tuesday touched on transitional housing. They voted down unanimously affordable housing, but they approved transitional housing, which is a step down from permanent housing. I won't go into details here but, you know, when you're talking about housing -- and I don't think we've had much of that here recently -- where folks are, you know, struggling with substance abuse, mental health, and things of that. Some of the other partners you'll find in that are social service agencies such as Salvation Army, St. Matt's, folks like that to provide the services that are outside just the housing realm.

And I touched a little bit on the financing already. Public Housing Authority. They're in the mix. You hear that Section 8 quite frequently. We call that housing choice vouchers. Some of these other programs out here.

Somebody -- I believe it was Deborah talked about manufactured homes. We do have programs, the SHIP program I mentioned earlier, that in our strategies we can -- we look at demo and replace of manufactured homes because we realize manufactured homes is a component of the affordable housing stock. You don't see that in a lot of these reports because you don't see tax credits on manufactured homes and things of that nature. But by and large, those tend to be more affordable.

And this is a good spot for me, because we'll get into this type of stuff, and I worry about stepping over myself. So here, entitlements, zoning, conditional uses, variances, all stuff you've seen. Parking requirements is a large item for affordable housing. People talk about reduction in actual trip usage for projects that have affordable housing components.

Unit size. I think this was something that was brought up maybe last fall. We do see, depending on -- nationally some programs allow smaller unit size for elderly or senior housing and then -- where you wouldn't see that maybe on family housing or individual housing. They just look at the nature of who's going to be served, and they allow those kind of flexibilities as a result because, keep in mind, those will be affordable. Those will be set aside for the seniors, elderlies for 30, 50 years.

Wow, I had a few left, didn't I?

So this is an existing affordable housing density bonus. This is a program -- again, this is one that was existing on -- Lords Way, I believe, was an affordable housing density bonus agreement, Mike, or am I --

CHAIRMAN FRYER: Yes.

MR. LaROW: Yeah, okay. Yeah. So we've seen this. These are often used in conjunction with some of those that are federal financing because at the low-income targeting, often you'll see folks need to secure other financing in order to develop those units.

And then here are the four pending incentives, and this really -- I mean, oversimplification wouldn't do it justice because I know there's been a lot of work that's been involved in this. But, you know, when we talk about density, locating affordable housing units next to transit corridors or in areas -- activity centers, it really just makes sense. You're aligning your affordable housing strategy with the concept of use for transit. Also then, of course, density. Density -- increased density allows you to develop units at a lower per-unit cost, so -- but I won't beat a dead horse there.

So that's all I have. Apologies for the last -- run through those last slides.

CHAIRMAN FRYER: Thank you. Your presentation was very important. And we listened carefully. We had an opportunity to review the slides beforehand. It's an area that we believe is exceedingly important. As you know, we had unanimously recommended that one of our own, Commissioner Shea, be placed on AHAC, and he's on there, and we're delighted that that's the case, and we know that we are going to be even better connected to the process of affordable housing with his involvement and with you being on board.

We have three commissioners who are ready to ask questions or make comments starting with Commissioner Schmitt.

COMMISSIONER SCHMITT: Jacob, the -- as you well know, affordable housing's been an issue for years and years and years. And it's a -- I'm going to just explain. It's a dynamic of the cost of land, the cost to build, and the price point. Developers -- as we all know, developers don't build to lose money, because it costs a lot of money to go through the development process, and it does. Most people don't understand, between permitting, engineering design, mitigation, I mean, it's in excess of a million dollars or more just to even go through the process.

My point is that in order to get the price point down, the real answer to affordable housing is density. Density is a bad word in this county. You go to other -- look at other developments in other areas of the country, and to get affordable housing, we're talking 15, 20 units an acre. If somebody proposed that here, anything above six becomes a major significant event. But in order to get affordable housing is density, but density brings other issues with it.

My question to you and to the committee and to the -- and I guess you deal with the commissioners. The only -- I only -- the only way you can create an affordable housing product at a price point that meets the criteria that one can afford based on the income level is density. Is there any movement -- other than these density bonuses which are four to six -- I mean, six, eight units an acre -- I mean, I'm talking about 16, 20 units an acre. Small units, compact units. Anything on the horizon do you see in regards to that? Mike?

MR. BOSI: May 5th the Planning Commission's going to review the four of the final initiatives of the 2017 ULI Community Housing Plan. Within each one of those four -- well, three of the four allow for 25 units per acre when you're dedicating it to an affordable housing that's going to target certain income groups.

So, yes, in fact, the proposals -- three of the four proposals allow for density up to 25 units per acre because we recognize that density is the key. Joe, you put your finger right on it. It's -- the only way to address the supply-and-demand imbalance that we have is allowing for higher density.

COMMISSIONER SCHMITT: Absolutely.

CHAIRMAN FRYER: I think the only way, really, to take the "bad word" connotation out of it -- and I agree with you it's there if all you say is "density," but if you combine it with the concept of smart growth --

COMMISSIONER SCHMITT: Absolutely.

CHAIRMAN FRYER: And that's why I asked about the proximity to the activity center.

There are places where greater density will really work and places where it won't.

COMMISSIONER SCHMITT: I mean, there are places -- I'll even take Florida -- Orlando and other areas where high-density affordable units were put in, walkable communities, but they have to be in and around where services can be provided. But I could tell you, the years that I've been here -- I mean, it is complete opposition because it's -- well, nobody wants it anywhere near them. And I'm not saying the affordable housing. They just don't want the density. We hear it time and time again. Traffic and congestion and all the other things that that brings. But that -- that is how you resolve the issue if you -- if a -- to make it profitable, and that's the word that's got to be used. Profitable and viable for a developer to build, it has to be high density.

MR. BOSI: Yep.

COMMISSIONER SCHMITT: Enough said. Thank you.

CHAIRMAN FRYER: Thank you. Commissioner Fry.

COMMISSIONER FRY: So, Jacob, I just wanted to have a real-life scenario. So let's just say you have an apartment complex and rents are 1,500 to \$2,500 market rate, 20 percent is affordable housing or essential service personnel. Are you considering that part of this, essential services, or is it merely the income ranges that is considered technically part of affordable housing?

MR. LaROW: Yeah. To put it simply, I think folks have looked at -- and sometimes I answer questions that people don't ask, so -- I think essential service personnel, there is an -- and I'll provide this, too, as part of the Community Housing Plan -- they mapped essential service personnel median salaries and things of that nature, and they looked at where they fall with the income ranges. And so you'll see a lot of those folks, with the exception of -- unfortunately, there's one woman that received a raise from the school, which is normally, hey, great, but then she now made too much to qualify.

But, yeah, generally you'll see -- and I'll provide this, and I think it will answer your question. It's often seen as kind of a proxy that folks that are working in those essential service personnel starting wages often fall into those income targeting brackets.

COMMISSIONER SHEA: Is that, like, the 80 to 120 percent range? I know that's a loaded question, but --

MR. LaROW: Well, I think some of them, like your skilled trades, sometimes are probably even lower than that. I don't have the numbers in front of me. I know I can -- in a couple minutes I could pull it up. But, for example, the one schoolteacher, I think she was maybe a single -- single-person household. She got a raise, and she just -- she was just over 80 percent. So, you know, a double-edged sword.

COMMISSIONER FRY: These developments, you have a blend. You have some units that are reserved for less than 80, some are 80 to 120 -- let's just say you have that blend -- and they're building 500 units. Are they -- is it -- is it a -- can we -- do we know that all the units are actually going to be the same? A one-bedroom that's reserved for an affordable housing less than 80 is the same one-bedroom that's for an 80 to 120 that's reserved for them versus a market rate? It's just they're getting the rent subsidized or they're paying a lower rent for the same unit, or are they able to actually create lesser units that they charge less for to meet the affordable housing requirement?

MR. LaROW: Yeah -- no. Take, for example, the Lords Way, the 147 units that was the discussion today, in that affordable housing density bonus, it spells out similarity -- there's a term in one of the programs I work with, but it's basically like for like; that the units should float, and you wouldn't be able to tell an affordable unit from a non-affordable unit.

COMMISSIONER FRY: They simply pay less rent for the same unit?

MR. LaROW: Correct.

COMMISSIONER FRY: Okay. Does the less-than-80-percent median income pay less rent than the 80 to 120 percent if they're broken out within the development?

MR. LaROW: So I guess part of the complication could be is that between 80 and 120

is -- you generally see a breakdown every 10 percent. So you'd have a -- if you came in and you were at 80 percent AMI, there's a corresponding rent for that. But if you came in and you were at 100 percent rent, then there -- or 100 percent AMI, then there's a corresponding 100 percent AMI for that.

COMMISSIONER FRY: So it's a table?

MR. LaROW: Yes.

COMMISSIONER FRY: A table of your income versus what the market rate is and then you have a certain level of discount below that?

MR. LaROW: That's correct.

COMMISSIONER FRY: And the lower your income is, the more the discount?

MR. LaROW: Yeah. Well -- so you technically could be in an affordable housing unit and be rent burdened. This goes back to the methodology where HUD uses to calculate those incomes is they take -- they basically take a household of four at the median, and then they have a methodology, and then they populate the rents and incomes up and down.

CHAIRMAN FRYER: It depends upon the deal that's struck initially with the developer. And if we treat a developer who's willing to create 140 percent of AMI the same as one who's willing to go to bat for 80 or 60, you know, I think that we've got to incent the people reaching out to the lower groups and disincent the people who want all kinds of credit for aiming at 140 percent, because that's not where -- I mean, there is need there, but it's not anywhere near the need that's much lower levels.

MR. BOSI: And, Chair, just to let the Planning Commission know, the Affordable Housing Density Program that is codified in 2.06 of our LDC and the table that was provided within Jacob's presentation, that's how it's set up. If you attend to your lower-income groups, if you attend to higher percentages of units dedicated to those, your bonus is higher than what it would be if you were attending to the 120.

CHAIRMAN FRYER: And we need to be sure --

MR. BOSI: Percentage.

CHAIRMAN FRYER: -- that they're getting enough density to incent them.

MR. BOSI: Yes.

CHAIRMAN FRYER: But that --

MR. BOSI: That's the whole concept. As you said, the market-rate units will buy down -- will buy down these lower costs -- these lower-cost units, so you have to supply a higher density. That's why we give a wider bonus for when you attend to the lower levels, because they have a better offset.

CHAIRMAN FRYER: And an important concept.

Commissioner Shea, you're still ignited.

COMMISSIONER SHEA: Ignited?

COMMISSIONER SCHMITT: You're on fire, baby.

COMMISSIONER SHEA: I think it's a follow-up to Karl's question.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SHEA: I'm not sure I got the answer. So how does -- can you have an affordable housing tag, and then you're just saying for essential services personnel with no income limits on that? Because I see a lot of these that say, these are set aside for essential services personnel. That just means only people in that range of the AMI that they agree to will get first rights of rental or purchase if they're essential service? How does that interact with the dollar amounts?

MR. LaROW: So yes, you can -- the Board -- the Board of County Commissioners can -- and you've seen it. For example, Courthouse Shadows. One of the commissioners mentioned that. So that one has an ESP component, but there's no income or rent restriction to that.

COMMISSIONER SHEA: So they just have to be one of those categories of ESP that's

defined?

MR. LaROW: Exactly. Now, on Allura, that one has a combination of both. I think 55 units are set aside for ESP, and then of those, it's, like, 30 that also have an income restriction. So it's --

COMMISSIONER SHEA: You could have both or just one or the other?

MR. LaROW: You can have both. You can have one or the other. I think the idea with essential service personnel is that those trades, those job descriptions were identified as, again, essential to the running of the county and providing those key services.

CHAIRMAN FRYER: Unfortunately, it's so easy for developers to circumvent any requirements that -- all it is is a right of first refusal. And if you make the right of first refusal at market rates and you hold it off for 30 or 45 days, that's your only penalty that you held it off the market, and that is not going to help necessarily --

COMMISSIONER FRY: That's not affordable housing.

CHAIRMAN FRYER: No, it's not. It's really illusory.

MR. LaROW: Yeah. That -- I wouldn't disagree that the monitoring for a marketing piece in terms of compliance is something that is -- at least in the world of affordable housing, you can monitor incomes, rents till you're -- I mean, we have folks that do it in their sleep. It's the marketing that kind of -- when you get away from the traditional elements of what is affordable housing and the restrictions you put upon it, as you introduced potentially those avenues where it's a lot harder to keep track of.

CHAIRMAN FRYER: All right. No one is signaling at this time. Is it fair to say that we've had our questions answered, and are we ready to extend our thanks to Mr. LaRow and move on to the next item?

(No response.)

CHAIRMAN FRYER: It seems like we are.

Thank you very much, sir.

MR. LaROW: Appreciate your time.

(Applause.)

CHAIRMAN FRYER: Thank you.

All right. Public comment. I doubt that we're going to have very much of that because the house is empty.

So without objection, we'll move to adjournment. And without objection, we're adjourned.

April 7, 2022


There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 1:16 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

5/19/22

These minutes approved by the Board on _____, as presented  _____ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC., BY TERRI L. LEWIS,
RPR, FPR-C, COURT REPORTER AND NOTARY PUBLIC.