

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
June 2, 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
Paul Shea
Robert L. Klucik, Jr.
Christopher T. Vernon
Amy Lockhart, Collier County School Board Representative

ABSENT: Joe Schmitt

ALSO PRESENT:
Raymond V. Bellows, Zoning Manager
James Sabo, Comprehensive Planning Manager
Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

CHAIRMAN FRYER: Good morning, all. It's 9:00 a.m., and a warm welcome to the June 2, 2022, meeting of the Collier County Planning Commission.

Please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Mr. Secretary, please call the roll, sir, starting with Ms. Lockhart, whom you just met.

COMMISSIONER FRY: Thank you, Mr. Chairman.

Ms. Lockhart?

MS. LOCKHART: Here.

COMMISSIONER FRY: Welcome.

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. Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER FRY: Mr. Klucik?

COMMISSIONER KLUCIK: Present.

COMMISSIONER FRY: Joe is still on the Commission, correct?

CHAIRMAN FRYER: Yes.

COMMISSIONER FRY: Okay. I do not see him.

CHAIRMAN FRYER: He has an excused absence.

COMMISSIONER FRY: Thank you.

COMMISSIONER SHEA: He's been here the last couple.

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

CHAIRMAN FRYER: Thank you, Mr. Secretary.

Addendum to the agenda, Mr. Bellows.

MR. BELLOWS: Yes. For the record, Ray Bellows.

We do have an addenda to the agenda this morning. We would like to add an item to talk about upcoming night meetings for LDC amendment, and Mr. Johnson is here to discuss some possible dates with you.

CHAIRMAN FRYER: Okay. And as you know, Mr. Johnson, we like to -- we like to do these on the days when we're otherwise going to be here. So that, I think, is July 7, August 4, and August 18. But you have the floor, sir.

MR. JOHNSON: Sure, thank you. For the record, Eric Johnson, LDC planning manager. Thank you for indulging me.

We were looking at either August 4th, August 18th, or September 1st for a nighttime hearing, and we wanted to make sure that we could have a quorum for LDC amendments that require a nighttime hearing, or after 5:00 p.m. Of course, depending on the agenda itself, we could always start the CCPC meeting later in the day so that way you wouldn't have to be here for too, too long.

CHAIRMAN FRYER: Good. Being good stewards of our time. Appreciate that. Planning Commission, what is your preference on the night meeting possible dates?

COMMISSIONER SHEA: Eighteenth.

CHAIRMAN FRYER: Anybody else want to weigh in?

COMMISSIONER VERNON: I'm just checking.

CHAIRMAN FRYER: Give us a second to look at our calendars.

MR. JOHNSON: Gladly. And thank you very much for doing this.

COMMISSIONER FRY: August 18th will be best for me.

CHAIRMAN FRYER: Okay. That's two for August 18. That would work for me. Anybody have a problem with August 18?

COMMISSIONER VERNON: I can do August 18th. Possibility of a vacation, but it's not set yet, so the August 18th works.

CHAIRMAN FRYER: Okay. Commissioner Klucik and Vice Chair Homiak, do you want to weigh in on that or go with the crowd?

COMMISSIONER HOMIAK: Fine with me. Go with the crowd.

CHAIRMAN FRYER: Okay. Commissioner Klucik, is that going to work for you?

COMMISSIONER KLUCIK: Yeah, I'm fine.

CHAIRMAN FRYER: Okay. So it's August 18. And depending upon what we have on the agenda, it will either start at 9:00 or later. I mean the daytime portion will either start at 9:00 or later.

MR. JOHNSON: Correct. Thank you. Thank you, Mr. Chair. Thank you, members.

CHAIRMAN FRYER: Thank you, Mr. Johnson.

Planning Commission absences; our next meeting is on July 7, 2022. Anybody know if he or she will not be able to be in attendance for that meeting?

(No response.)

CHAIRMAN FRYER: If not, it looks like we can expect to have a quorum.

Approval of minutes; we have no minutes before us today for action.

BCC report/recaps, Mr. Bellows.

MR. BELLOWS: Yes. On May 25th, the Board of County Commissioners approved their summary agenda the PUD amendment to Hacienda Lakes and its companion item, the DRI development order. The other item on the agenda was the Lords Way PUD amendment and Growth Management Plan amendment. Those items were continued to the June 28th BCC meeting.

CHAIRMAN FRYER: Thank you, sir.

Chairman's report; I don't have one today.

Consent agenda; nothing before us on consent today, so it takes us right into public hearings.

We have only one matter to come before us we're hearing today in the form of two companion applications, PL20210001104, and that's the proposed AmeriSite small-scale Growth Management Plan amendment, and PL20210001103 is the proposed AmeriSite Mixed-Use Planned Unit Development Z, PUDZ. And when the time comes for a vote, this will also require action on our part as the EAC.

So 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: Ex parte disclosures from the Planning Commission starting with Ms. Lockhart.

MS. LOCKHART: I've reviewed staff materials only.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Staff materials only.

COMMISSIONER FRY: Ditto.

CHAIRMAN FRYER: Let's see. Materials of public record for me as well as a meeting with staff and communications with developer's agent.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

COMMISSIONER VERNON: Meeting with staff.

COMMISSIONER KLUCIK: Meeting with staff and staff material.

CHAIRMAN FRYER: Thank you very much.

Okay. We'll begin with the applicant's --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: I will say that Mr. Yovanovich, on an unrelated matter, did subsequently send me a document I had requested that he send.

CHAIRMAN FRYER: Okay. Thank you very much for that.

We'll begin with the applicant's presentation. Ma'am, you may proceed.

MS. McMICHAEL: Good morning. Paula McMichael with Hole Montes, for the record. As soon as I figure out how to start this presentation -- here we go.

So this is the AmeriSite project. We have the project team with us this morning: Peter Sulick is the property owner; Rich Yovanovich; myself; Bob Mulhere also with Hole Montes; Norm Trebilcock is our transportation consultant; Russ Weyer with Real Estate Econometrics did the market study. He is participating via Zoom, I hope; and we also Dave Fisher from Latigo, which is the contract purchaser of the property.

Again, the request before you this morning is for a small-scale Growth Management Plan amendment to the Mixed-Use Activity Center No. 7 to add the ability to do 303 multifamily dwelling units and also to rezone the property from C-4 commercial to a Mixed-Use Planned Unit Development to permit the 303 multifamily dwelling units and an indoor air-conditioned self-storage facility, which is currently permitted on the site through a conditional-use approval.

We had previously requested truck rental and leasing and gasoline service stations as additional commercial uses on the site. My understanding from speaking with the applicant this morning, we are removing both of those uses.

CHAIRMAN FRYER: Thank you for that clarification.

MS. McMICHAEL: And the other C-4 commercial uses, again, that are already permitted on the site through the C-4 zoning.

So the location of the site, it's approximately 19 acres, it's on the east side of Collier Boulevard. It's about a half mile north of the intersection of Collier Boulevard and Rattlesnake Hammock.

Collier Boulevard -- I forgot I had things that click in when I click on them. So just to review the adjacent properties. To the north we have the proposed Collier Boulevard Lords Way development, which is being requested at 10 units an acre.

This is Sapphire Cove. It's a single-family residential community at two-and-a-half units per acre. We have the proposed Carman Drive that came to you recently at 14 units an acre. Watercrest Phase 1 at 21 units an acre. The Good Turn Center is directly to the south. That is a Mixed-Use Planned Unit Development that allowed 100,000 square feet of commercial as well as residential at 21 units an acre. The Hammock Park at 13.8 units per acre.

The Naples Lakes Country Club is across Collier Boulevard, and then these two pieces are within Hacienda Lakes. So there's a commercial piece on the south side of Rattlesnake Hammock at the intersection and Cadenza at 26 units per acre.

So the future land use, this is in the Urban Residential Fringe Subdistrict as well as within the Mixed-Use Activity Center No. 7. The mixed-use activity center is intended to allow concentrated commercial and mixed-use development. The Urban Residential Fringe allows residential development at up to two-and-a-half units per acre. If this were just in a regular mixed-use activity center, not within the Urban Residential Fringe, it would allow residential development at 16 units an acre.

COMMISSIONER VERNON: Can you say that last thing -- I'm sorry. Say that last sentence you said again.

MS. McMICHAEL: Yeah. Mixed-use activity center, if they are in an urban area of the county, allow residential development as well as commercial development up to 16 units an acre. Because this is within the Urban Residential Fringe, it allows residential development at two-and-a-half units per acre. That's --

CHAIRMAN FRYER: Commissioner Fry.

Sorry, I thought you were finished.

COMMISSIONER FRY: You were rolling. Do you want to keep going or --

MS. McMICHAEL: I'll just continue and then --

COMMISSIONER KLUCIK: I do have a question.

COMMISSIONER FRY: Oh, no. I wanted to interject one question.

MS. McMICHAEL: Okay.

COMMISSIONER FRY: The map -- could you go back one slide. Okay. Actually, that's a good one. So the previous map showed the activity center as a square, which I think is the typical shape of it. But this is the actual activity center, correct, with --

MS. McMICHAEL: Correct.

COMMISSIONER FRY: -- the revised dimensions? So you are fully within the activity center --

MS. McMICHAEL: Yes.

COMMISSIONER FRY: -- this parcel?

MS. McMICHAEL: It is currently within the activity center right now, so the amendment is to allow the additional residential development. But it is already in the activity center.

COMMISSIONER FRY: Fully in the activity center?

MS. McMICHAEL: Yes.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Klucik, did you want to be heard again?

COMMISSIONER KLUCIK: Right. And you mentioned the density that was allowable in the activity center is what?

MS. McMICHAEL: Sixteen units per acre.

COMMISSIONER KLUCIK: Right, except for this property?

MS. McMICHAEL: Right.

COMMISSIONER KLUCIK: And why is that?

MS. McMICHAEL: Because it's within the Urban Residential Fringe.

COMMISSIONER KLUCIK: So if it's in the activity center but it's also in the rural fringe, it has a restriction?

MR. YOVANOVICH: Yeah. If you remember the last presentation, the Urban Residential Fringe was intended in 1989 to be a transition. Because it had -- Collier Boulevard was two lanes. It didn't have water and sewer facilities, and that area, that corridor is -- obviously has evolved. It's now a six-lane facility with water and sewer facilities.

So I don't know that it -- I don't think it really serves as a transition anymore. The purpose of that transition is gone when the Rural Fringe Mixed-Use District provisions came about because everything to the east, if I got my directions right, is basically sending lands.

So if you look up and down that corridor, it's a typical activity center, typical corridor. So if we were a typical activity center, we'd have 16 units per acre. There's one other activity center that doesn't allow 16 units per acre, and it's the one where Courthouse Shadows came through and redeveloped. So there were only two activity centers that I'm aware of -- actually, three. There's one up by the interchange of I-75 and Collier Boulevard.

COMMISSIONER KLUCIK: Okay. So the purple area is an activity center?

MR. YOVANOVICH: Correct.

COMMISSIONER KLUCIK: And throughout that purple area that we're looking at, what is the density?

MR. YOVANOVICH: It's a base density of 1.5, and you can go to 2.5 by buying TDRs.

COMMISSIONER KLUCIK: Right. So the entire activity center has this lower number?

MR. YOVANOVICH: Correct.

COMMISSIONER KLUCIK: And you're talking about other activity centers have the 16?

MR. YOVANOVICH: Sure. If you were to just go further sought on Collier Boulevard,

16 units per acre.

COMMISSIONER KLUCIK: Okay.

MS. McMICHAEL: So zoning on the property, again, currently is C-4 with a conditional-use approval for an indoor self-storage facility. The project back in 2014, the subject property back in 2014, was the subject of a Growth Management Plan amendment which brought it entirely within the mixed-use activity center. It rezoned it from C-3 and C-5 to C-4 and, again, approved the conditional use for the indoor self-storage facility.

The ordinance that rezoned it to C-4 also excluded some of the commercial uses that would typically be permitted in C-4, and we have brought forward all of those prohibited uses. We have excluded all of those prohibited uses in the MPUD that's before you.

This is the specific changes to the text for the mixed-use activity center. So, again, we're allowing the use of multifamily at 303 multifamily dwelling units. We also had added some clarification regarding the commercial development up to a maximum of 70,000 square feet, the self-storage at limited to 85,000 square feet, and the truck rental, again, that portion will be struck. We are removing that requested use. And this is the amended subdistrict map that just notes where the AmeriSite parcel is located within the subdistrict.

So the rezoning request before you, again, is to rezone the property from C-4 to a Mixed-Use Planned Unit Development to permit 303 multifamily dwelling units, the indoor air-conditioned self-storage, and other C-4 commercial uses.

These are the development standards from the PUD document, and I know that's a little bit hard to read. The one thing I will point out, the multifamily is permitted at a maximum height of 50 feet zoned height, which would be four stories. The property to the south, the Good Turn Center, is permitted at a maximum height of three stories. There are other multifamily residential in the area that are also permitted at four stories.

The clubhouse recreation building would be a maximum height of 35 feet and the commercial uses would be a maximum height of 50 feet rather than the 75 feet that's typical in the C-4 rezoning district.

There are a couple of footnotes on the Table 1. One is that indoor air-conditioned self-storage is only permitted within 100 feet of the western property line. Collier Boulevard -- if it's not visible from Collier Boulevard. So if it would be visible, it would have to be set back 100 feet. Retail uses are limited to a maximum zoned height of 35 feet. Group care facilities and hotels/motels are permitted a maximum zoned height of 75 feet. And, again, those are conditions that are in the existing C-4 zoning that we have brought forward in this PUD.

So this is the master plan associated with the PUD. And so this is the existing access out to Collier Boulevard. There's an existing bridge over the canal. There is a 100-foot-wide canal easement along the eastern -- excuse me -- western side of the property, so between Collier Boulevard and the subject property.

There is an FP&L easement that encumbers the eastern 170 feet of the property, so there would be no structures within that 170 feet.

COMMISSIONER KLUCIK: Is this showing all of the three parcels?

MS. McMICHAEL: Yes.

COMMISSIONER KLUCIK: All in one map?

MS. McMICHAEL: Yes.

There is an existing preserve in the center of the site that's a little less than a half an acre.

And the proposal for the Mixed-Use Planned Unit Development would allow commercial or residential or commercial and residential to be developed; however, Plan A for the site and the contract purchaser for the site is to construct the 303 multifamily residential units.

There is one deviation requested regarding the floor area ratio for assisted living facilities to be from 0.45 to 0.60.

So, again, Plan A for the site is the residential development. So these are conceptual site plans to show you what this would look like. So these -- I guess you can't see that.

So on the eastern portion, again, there's that canal that runs between the property and Collier Boulevard. The buildings would be set back a minimum of 100 feet from Collier Boulevard. So the longer rectangles, those are the residential buildings. The clubhouse is towards the front towards Collier Boulevard. And you can see the -- they're showing some dry detention within the FP&L easement on the eastern side.

COMMISSIONER FRY: Just a correction, or a clarification. You said 100 feet from Collier Boulevard. Do you mean 100 feet from the Henderson Creek easement? Because you said that was 100 feet wide.

MS. McMICHAEL: Correct.

COMMISSIONER FRY: So it's a further 100 feet to the structures?

MS. McMICHAEL: Yes, correct. It's 100 feet from the property line. Thank you.

COMMISSIONER KLUCIK: And the smaller structures?

MS. McMICHAEL: Those would be parking garages.

COMMISSIONER KLUCIK: One story just covered or actual garages?

MS. McMICHAEL: Oh, I'm being corrected. Those are carriage homes. So those are residential units as well, just a different type.

COMMISSIONER KLUCIK: And what is the -- do we have a different view of the -- to see the side view?

MS. McMICHAEL: We do have some elevations. So this is the clubhouse elevation which is, again, a height of -- maximum height of 35 feet.

These are the elevations for the four-story multifamily buildings. We're looking at it so that you can see the elevation we're looking at. It's straight on, but that is not the way that it's oriented towards Collier Boulevard.

So these are some 3D renderings to show you what that would look like from Collier Boulevard. So this is looking from the south. If you can see on the far left of that picture, that would be the bridge going out to Collier Boulevard. So we're looking from the south to the north into the site, and you can see the clubhouse.

I do like to point out, these were done by the architect. The architect wants you to see the building, so they have not included the landscape buffer. There is a required 20-foot landscape buffer between the property boundary. So you have the 100 foot from Collier Boulevard, that canal easement, and then you'd have a 20-foot landscape buffer.

And this is looking from the north towards the south into the site. And, again, what's missing there is that 20-foot-wide landscape buffer.

And with that, I'm -- we had some slides in here to talk about commercial uses, but we have removed those to new-requested commercial uses. This development scenario does represent a reduction in trips from what is currently permitted, and that is based on the mixed-use development. So the 303 multifamily units plus the commercial development, it still represents a reduction in trips from what's currently approved on the site.

And with that, I am going to turn it over to Mr. Yovanovich.

CHAIRMAN FRYER: Before you step down, Commissioner Fry has a question.

COMMISSIONER FRY: Two questions. So your slide showed truck rentals not stricken, but you're saying truck rentals has been stricken?

MS. McMICHAEL: Yes.

COMMISSIONER FRY: Okay. And then in terms of density, it's 303 units, but that is computed across -- or the density's computed across the entire 19 point [sic] acres, not just the area excluding the Henderson Creek easement and the FP&L easement, correct? The density's computed across the entire -- including those easements?

MS. McMICHAEL: Yes.

COMMISSIONER FRY: Okay. Thank you. Do you know the density of the -- what the remaining acreage is after those easements?

MS. McMICHAEL: The canal is not part of the subject property.

COMMISSIONER FRY: It is not?

MR. YOVANOVICH: No.

COMMISSIONER FRY: So it's not part of the 19, but the FP&L easement is?

MS. McMICHAEL: Yes.

COMMISSIONER FRY: Okay. So that 175-foot easement reduces the 19-some acres to a developable acreage of -- do we know?

UNIDENTIFIED SPEAKER: Fourteen acres.

COMMISSIONER FRY: Fourteen acres.

MS. McMICHAEL: About 14 acres. They will be able to use that FP&L easement, again, for detention. So it is incorporated into the project.

COMMISSIONER FRY: And our density -- the county's density calculations take into account the entire acreage of the parcel?

MS. McMICHAEL: Yes.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes, thank you.

Can you tell me just -- you know, it's probably something that is common to all of us but, certainly, you know, I can't speak for anyone else. But -- so I have what was in our packet originally when I had my meeting with staff, and that was on, you know, Tuesday. So what has changed, you know, from their original recommendation? So you submitted -- you submitted a project, an application, they made their -- you know, they weighed in on it, I had my meeting, and then what I was working off of isn't exactly what your proposal is. So I want to know what changed from when I -- you know, I was looking at it.

MR. YOVANOVICH: Your staff recommended we delete gas stations, and your staff recommended we delete the truck rental, and we've agreed to both of those staff recommendations. That's what's changed.

COMMISSIONER KLUCIK: And --

MR. YOVANOVICH: And I'm going to get into the affordable housing. They had a different recommendation on affordable housing. Now I found out they have another recommendation on affordable housing that I'll go through in my -- when I take over the presentation to show you what changed on that.

COMMISSIONER KLUCIK: Thank you.

MS. ASHTON-CICKO: Mr. Klucik, I think your question relates to the fact that they showed you a residential project, and this allows residential, commercial, industrial. So that's one option, but your -- the documents before you do not say it's "residential or." You know, it indicates that there's a whole bag of uses that could go there.

COMMISSIONER KLUCIK: Right. Yeah -- no, but that's very helpful, though, to know that you've eliminated those two things that the staff had objected to.

MR. YOVANOVICH: Yeah.

COMMISSIONER KLUCIK: It just makes it hard for us to be thinking about these things. And I realize you're trying to be cooperative and responsive to staff, but I also realize it's like any negotiation. You ask for a million dollars when you'd settle for, you know, 200,000, you know, and then we kind of get stuck trying to figure out what --

MR. YOVANOVICH: We actually settled for closer to 900,000.

COMMISSIONER KLUCIK: Yeah -- no, I know. And I don't --

MR. YOVANOVICH: We don't ask for a million and try to go all the way down to --

COMMISSIONER KLUCIK: You're a very good attorney. But, no, you understand it puts us in a hard position to understand what's really going on, because we have a lot of these things to evaluate, and as they change -- you know, we're volunteers, and --

MR. YOVANOVICH: Sure.

COMMISSIONER KLUCIK: -- we have other things that we're responsible for. This is

something I do, and I try to keep up with it, but it makes our job harder.

MR. YOVANOVICH: And we try -- we try to keep it within what staff tells you they want us to do. And, you know, we don't learn some of this stuff until you learn it. So we do work with staff, and they're cooperative in working with us, and we try to -- we also have to adjust on the fly as well.

COMMISSIONER KLUCIK: You know me, you'll never wonder where I stand or how I feel.

MR. YOVANOVICH: I know, and I told you I appreciate never wondering.

MR. KLATZKOW: And here's an idea: Why don't we not bring these things to the Planning Commission before you guys finalize what your recommendations are? Because it's not fair to Mr. Yovanovich to do it at the end, and it's not fair to this board to do it at the end.

MR. YOVANOVICH: It actually works -- it works pretty well.

MR. KLATZKOW: Well, you want to -- you want to get here as fast as possible, but we're advertising this to the public. They're reviewing stuff. I mean, I would think you'd want to bring it to the Planning Commission with a box with a bow rather than the last-minute changes to these things.

MR. YOVANOVICH: Well, we don't --

MR. KLATZKOW: I don't think it's appropriate.

MR. YOVANOVICH: I understand.

MR. KLATZKOW: And that's not on you, Mr. Yovanovich.

MR. YOVANOVICH: No. And I'm not -- I'm defending staff because the reality is, we don't always agree to everything, so what I'm presenting to you is what we're willing to agree to, but we have -- we don't have it wrapped up tight in a bow because we haven't agreed to everything that staff has agreed to.

So through the presentation, we're telling you what we agree to and what we don't agree to. So that's where I was getting ready to go on the affordable housing, because that -- that's the issue that we still have, I think, a slight disagreement on, but I'm not 100 percent sure. So if I can go forward on that portion of the presentation --

COMMISSIONER HOMIAK: Can I just --

CHAIRMAN FRYER: Go ahead, Vice Chair.

COMMISSIONER HOMIAK: Before you do that on the uses --

MR. YOVANOVICH: Uh-huh.

COMMISSIONER HOMIAK: And thanks for taking out the truck rental. But could you add or leave in the language that already exists about adult-oriented sales and rentals being prohibited?

MR. YOVANOVICH: Yes, we can add that --

COMMISSIONER HOMIAK: Either add that, what I just said, or --

MR. YOVANOVICH: We'll add that language in.

COMMISSIONER HOMIAK: -- or the old one that's existing now.

MR. YOVANOVICH: Okay. We'll make sure to clarify that there's no adult --

COMMISSIONER HOMIAK: Thank you.

And No. 65, outdoor advertising services, that kind of is an odd one to me, and I don't understand it. Billboard?

MR. YOVANOVICH: Yeah. But it's -- yeah, I don't think billboards --

COMMISSIONER HOMIAK: Can you remove that?

MR. YOVANOVICH: Yeah. I don't think that's a big money maker for us. We can remove the billboards.

COMMISSIONER HOMIAK: Thank you.

CHAIRMAN FRYER: Thank you. And I have a number of those as well.

COMMISSIONER HOMIAK: And the interconnection to the north.

MR. YOVANOVICH: That cannot work on our plan. We are connecting to the south to

share the access to the bridge, but the connection to the north is -- it does not allow us to have the residential project properly function.

COMMISSIONER HOMIAK: But if it's commercial?

MR. YOVANOVICH: If it becomes commercial, we could talk about interconnecting, but if it becomes a residential project, we have an issue.

COMMISSIONER HOMIAK: So would it be a potential?

MR. YOVANOVICH: What's that?

COMMISSIONER HOMIAK: Potential interconnection?

MR. YOVANOVICH: We could put it as a potential interconnection for commercial development, how's that?

COMMISSIONER HOMIAK: Okay. Thank you.

CHAIRMAN FRYER: Thank you. And I'll be coming back to permitted use at a later time.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: Continue, sir.

MR. YOVANOVICH: Okay. As you recall, at the last meeting we went through a presentation to support why or what we could agree to as far as affordable housing commitments. The original staff proposal, I think, was a 40 percent affordable housing commitment broken into three different categories. We could not agree to a 40 percent income-restricted.

Based upon the last meeting that we were aware of at the Planning Commission, the Planning Commission wanted us to have as many units at the 100 percent and below and then also the 80 percent and below and still have an economically viable project.

So the proposed project that we're going through right now has one-, two- and three-bedroom units. The project that was before you last time only had two- and three-bedroom units. So the economics change a little bit when doing the project because the one-bedroom units do not generate as much net revenue as the two- and three-bedroom units.

And as we went through -- and I'll get in a little bit more detail on the slide. In order to finance the project, you have to show the bank that you can potentially make 5.5 percent on the investment in the property.

So we had gone through that analysis and provided the slides to show how much is going to be invested in the project -- how much is going to be invested in the project and how much we need for the rate of return to get to the 5.5 percent. This is how we presented it last time. I know it's new to Mr. Vernon and Mr. Fry. If I'm going too fast, let me know.

But the original target return was a 6.38 percent return on money if there were no income restrictions on the property. We analyzed the staff request, and that was a 4.97 percent return on costs. And what we had proposed was 30 units at the 80 percent and below and 30 units at the 100 percent and below, because that got us to the target rate of return of 5.5 percent.

I have since been provided a copy of an email that you-all received from your staff saying they wanted us to do what Mr. Torres wanted to do or agreed to do, which I believe was 34 units at the 80 percent and below and 34 units at the 100 percent and below.

And I'm confused. So I want to know if that is truly what staff's recommendation now is, together with purchasing TDRs. I just need to -- I just need to know if that's the real -- because there's an email that was sent to you-all that I believe says that. I'm just asking, before I keep going, if I can just confirm that, because it will shorten my presentation.

CHAIRMAN FRYER: Without objection from the Planning Commission, we'll ask staff to answer that.

MS. MOSCA: For the record, Michele Mosca, Zoning staff.

So we have reviewed the market-rate units, and the question before us is, would we support what the applicant is now proposing. The applicant had indicated to my director, Mike Bosi, that they would be consistent with the Carman Drive project which, again, would require 22.6 percent of the units to be affordable and, as Rich stated, that would be 34 dwelling units at or below

80 percent of the AMI and 34 dwelling units at or below 100 percent of the AMI, but in addition to that, similar to Carman Drive, we would also be requesting the 18 Transfer of Development Rights credits to increase residential density from the base of 1.5 to 2.5 dwelling units per acre, so that is the difference.

CHAIRMAN FRYER: So the difference is just the TDRs?

MS. MOSCA: No. Rich is asking for just 10 percent of 80 percent and below and 10 percent of 100 percent and below, is what I heard him say.

CHAIRMAN FRYER: Okay. So you're .6 percent apart?

MS. MOSCA: 2.6.

CHAIRMAN FRYER: 2.6, excuse me. Okay, I understand. Thank you.

Did you need anything else explained, Mr. Yovanovich?

MR. YOVANOVICH: I got it. I just wanted to make sure that that's really what was in the memo and really is staff's position.

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: I did have a question.

CHAIRMAN FRYER: Go ahead, Mr. Vernon.

COMMISSIONER VERNON: I think you said it. I just want to make sure I understand. The difference between what you're proposing and what they're requesting, setting aside the TDRs. But in terms of the affordable housing, the difference which, as the Chairman said, is just a very small delta between your two numbers.

MR. YOVANOVICH: We were offering or proposing 60 units. Staff is saying 68 now.

COMMISSIONER VERNON: Okay.

MR. YOVANOVICH: But they were at a higher number when it was 40 percent. That would have been roughly 120 units.

MR. SABO: Mr. Chairman, if I could interrupt for a quick second. James Sabo, Comprehensive Planning manager.

CHAIRMAN FRYER: Go ahead.

MR. SABO: We have not been at the 40 percent for affordable housing. That has not been our recommendation. I understand Mr. Yovanovich may say that, but we -- 30 percent is the number we have been using. So I just wanted to clarify that for the record.

CHAIRMAN FRYER: I understand, and I share your observation.

MR. YOVANOVICH: Let me read from the staff report on Page 22 under the recommendation. The first was provide 18 TDRs. The second was provide 20 percent of the units at the low affordable, 50 to 80 percent. The third was provide --

COMMISSIONER KLUCIK: Can you slow down.

MR. YOVANOVICH: I'm just reading from Page 22.

COMMISSIONER KLUCIK: Yeah -- no. I'm trying to get there.

MR. YOVANOVICH: You with me?

COMMISSIONER KLUCIK: No.

MR. YOVANOVICH: Those are your numbers.

MR. KLATZKOW: For clarity, all right, we have LDC provisions on our affordable housing that nobody's following right now. We're in the process of coming forward with LDC amendments -- when, I don't know -- that will hopefully give some clarity to this process going forward.

Right now what we're doing, we're just bartering. There's no rhyme or reason to it, okay. Staff could ask for 30 percent, 40 percent, 50 percent; it doesn't matter. The applicant has to respond to that because they have to get their project through without the new LDC amendments. And there is no -- there's no clarity in this process right now, and there's no way to know what, really, you should do. It's just, well, maybe it should be 30 percent; maybe it should be 80 percent of AGI. Maybe it should be 100 percent. Maybe we should do 20 percent and 90 percent AGI. It's just every single one of these we're making it up on the fly until we actually get LDC

amendments. And I've been waiting for these LDC amendments for the longest time. And the Board's going on hiatus. So, what, we're not going to see the LDC amendments until September now? This is just on the county's -- for the county, this is just a terrible look for us.

CHAIRMAN FRYER: Understood. It's my understanding -- let me ask staff for clarification. But it's my understanding that at present the explicit position of the County Manager's Office is that this should be at 30 percent; is that a fair statement?

MR. SABO: Yes. For the record, James Sabo. That is correct.

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: And that's the best we can do until we get a Land Development Code amendment. But it's not as good, granted.

MR. KLATZKOW: It's like you're bartering here. It's like with the old market back in the Roman times where everybody's haggling back and forth for stuff. This is not the way the process is supposed to be. You're supposed to have clarity and certainty in the process, and right now Mr. Yovanovich is trying to get a project through, and staff is just coming up with numbers. It's random.

CHAIRMAN FRYER: I'm not sure what else could be done other than continue these until we have an ordinance in place that sets the number, other than to look at the chief executive officer of the county, who is -- whose position is the 30 percent is the proper number pending a clear expression in the code. That's the best we can do right now.

MR. KLATZKOW: You don't have a county manager right now, you have an acting county manager, and there are no positions right now.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Okay. So you were on Page 22?

MR. YOVANOVICH: Yes, sir.

COMMISSIONER KLUCIK: Okay. So what I see, then, as the actual recommendation for the initial proposal was -- because I had the same thing. I thought it was 40 percent, but it's -- it's either 20 -- it's 20 percent of all units, and it's -- so if you do any combination of the different kinds, it still ended up being 20 percent.

MR. YOVANOVICH: That's what I proposed.

COMMISSIONER KLUCIK: That's how the staff told me -- that's what they told me this meant when I spoke to Mr. Bosi.

MR. YOVANOVICH: I can only tell you what it says. It says I've got to do 10 percent of the units at the moderate, which is less than 80 percent, and they had the number 30 --

CHAIRMAN FRYER: No, no, no. Ten percent is not moderate. Let than 80 --

MR. YOVANOVICH: I'm sorry. It's at the -- I'm sorry. It's the low category. Ten percent at the low, at the 80 percent or below, then they have the number 30. And then at the moderate it says 20 percent, and they have the number 60 units. And then they want me to do another 10 percent at the gap, and they have the number 30. So 30 plus 60 plus 30 is 120 units. That's what was in the recommendation.

If they really intended that I was doing 30 percent, that's not what it says. It doesn't matter. At the end of the day, now that I've seen the 22 percent, 22.6 percent number and 68 units, we can do the -- we can do what staff confirmed for you they're requesting plus the TDRs. So we can do what staff is recommending to you today, which is the additional 2.6 percent plus the TDRs.

COMMISSIONER KLUCIK: All right. So I would then want clarification as to what the -- what I'm looking at on Page 22. And if we move beyond that, that's fine. What I would say just as an aside, Mr. Chairman, if you'll allow me, to staff --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: And, you know, I'm an attorney, and I draft documents for people who aren't attorneys or who don't get to -- you know, need to understand quickly. I try to

draft them so that it's easy to read visually, and something like this, especially when you have all these complexities and numbers in it, it would be far better if you, you know, put No. 1, separated it out, No. 2. I realize that takes up more pages, but it's very difficult to comprehend even just because of the way it's written on that page -- that paragraph at the top of Page 22. Do you follow what I'm saying?

MR. SABO: Yes.

COMMISSIONER KLUCIK: Okay.

MR. SABO: Understood.

CHAIRMAN FRYER: I've got three planning commissioners who want to be heard, starting with Commissioner Shea.

COMMISSIONER SHEA: Well, I'm confused, as probably a lot of us are.

Also in that same page, 22, there's two criteria; one, whether it's a rental or whether it's owned. To me, following up on Jeff's comments, the most important thing isn't just the percentage. It's -- what groups that you're attacking to me means if you're going to be over 120 -- or 120 percent. I think you're doing much for affordable housing as opposed to 50 to 80 percent. So I'm always going to be pushing for a higher to lower percentage of AMI.

MR. YOvanovich: And if I can, Mr. Shea. We had that discussion at the last hearing, and what came out of that was, because David was doing twos and threes, he showed you the math. He could do, basically, 11 percent at the 80 percent and below and 11 percent at the 100 percent and below.

So what I asked my client to do was look at that target. What did David commit at those income categories? Because you-all made it very clear that you wanted to get -- you didn't want to serve above 100 percent because that was not the target. So what we did since that meeting is we only looked at the 100 percent and below and the 80 percent and below, and that's where we came back with our initial proposal of, not 11 percent, but 10 percent to get to the target 5.5 percent so we can get the project financed.

Now staff has said to you-all -- and I guess I was measuring 10 percent from a different number than what staff was measuring their percentage from, and now I see their numbers. It was 68 versus 60 units.

We can live with providing 68 units for affordable housing, which is -- which is half of them, 34, at the 10 percent -- I'm sorry -- at the 80 percent and below and 34 at the 100 percent and below. Those were the targets we had for Mr. Torres' project. We still met those targets.

I didn't even analyze -- I didn't even analyze the gap, because we're going to do a rental project. And I agree with you -- I don't totally agree with you that gap doesn't provide a service, because I think teachers and others can't even get to the gap category, but that's more of an owner-occupied, I think, issue that we should deal with. Rent, we understand to stay away from basically anything above 100 percent.

COMMISSIONER SHEA: So originally you had asked -- we had given you two separate goals. I mean, they both were 60 and 30 -- or 30 percent was in the staff report, but for owner-occupied and rental. So you still have the option of owner-occupied or rental, right?

MR. YOvanovich: Yeah. I'm telling you right now I have the option, but we're not building owner-occupied.

COMMISSIONER SHEA: Well, I know, but we're writing something in the record that addresses both rentals and owner-occupied.

MR. YOvanovich: And we would be fine with if put language that says owner-occupied or rental we have to do the 34 and 34.

COMMISSIONER SHEA: Okay.

MR. YOvanovich: If that's -- if that's what you're asking me to clarify.

CHAIRMAN FRYER: Before I call on Commissioner Vernon, I just want to join in on your comments and observations, Commissioner Shea, about the significance of which segment of AMI is being addressed. And when you're addressing, largely, moderate and gap, which is not the

case here, I understand. To me it's pretty illusory, and especially given one of the charts that was in the materials where, fully, 1,600 new units this year are needed in the extremely low, very low, and low category, and only 148 are needed in the moderate category. And so that's where we need to address our affordable housing.

Having said that, I'll call on Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just want to make sure I'm on the right page and focus strictly on the application. I mean, it's a good discussion about bigger-picture issue. But the application right now with respect to the affordable housing, there's no discrepancy between what you're willing to do and what staff is proposing; is that correct?

MR. YOVANOVICH: Yes. And let me say what I understand. I've got to buy the 18 TDRs. I've got to income-restrict 34 of the units to the 80 percent or below income category and 34 of the units at the 100 percent and below category. That's what I understand is the most recent staff emailed to you and, yes, we will agree to those conditions.

MR. KLATZKOW: James, are those the conditions?

MR. SABO: Yes, that is correct. James Sabo.

COMMISSIONER VERNON: Including the TDRs?

MR. YOVANOVICH: Including the TDRs.

MR. SABO: That is correct.

MR. YOVANOVICH: So, essentially, we are 100 percent in agreement with your staff's recommendations for this project. We deleted the gas station, we deleted the truck rental, and we agreed to the percentages of income restrictions, and we agreed to the TDRs.

COMMISSIONER SHEA: Did you say leave in the truck rental?

MR. YOVANOVICH: No, eliminate.

COMMISSIONER SHEA: Eliminate, okay. My ears were a little --

MR. YOVANOVICH: No, no, delete. If I said "leave in," I didn't mean to.

CHAIRMAN FRYER: Any further, Commissioner?

COMMISSIONER VERNON: No, thank you.

CHAIRMAN FRYER: Okay. Commissioner Fry.

COMMISSIONER FRY: Rich, I apologize if this has been covered previously. How did the -- what is the basis of the 5.5 percent as a minimum return on investment?

MR. YOVANOVICH: In order to get money/loans to construct the project, the lender wants you to show that you are going to, hopefully, attain that rate of return on the money you're investing; otherwise, you can't get financing, and then you get zero affordable units. So that's -- that's basically what you've got to do to get the money to build the project, and that's what we discussed last time. And that's -- and I know you were not here, and neither was Mr. Vernon, but we tried to stay within those same parameters.

And, look, we're going to do that for more projects as they come through. And with all due respect, when the LDC amendments final do come to you-all, we're going to jump in, depending on what they are, and let you know whether they're really addressing what the market can build or not because, clearly, your current affordable housing -- your matrix doesn't work because none of us are bringing projects to you that will fit within that matrix.

I shouldn't -- there will be one where -- because you have enough base density where you only need one or two units and you can fit within that matrix, but you haven't seen one yet where anybody can live with the matrix.

COMMISSIONER FRY: So the 22.6 percent, which is what we're at for this project of affordable units, is derived by matching Carman Drive?

MR. YOVANOVICH: Yes.

COMMISSIONER FRY: Is that what was said? Okay.

Now, you seem to have made an additional concession beyond this chart which showed that with the units you were offering, which was 60 units and no TDRs, you were at 5.5 percent. So wouldn't you now be below the 5.5 percent? How will you -- how will you adjust --

MR. YOVANOVICH: We will have to skinny up some of the construction costs.

COMMISSIONER FRY: Okay. And then how do you derive the level of discount at each tier?

MR. YOVANOVICH: That was based upon the market rates today. If you were to go out and rent a two-bedroom apartment, it ranges from 2,800 to \$3,000. That's the market. And then we looked at what are the rent levels you can charge based upon the county's immediate income and that delta -- and it is a delta. There's -- it's anywhere from, you know, basically, 400 a unit to almost \$1,000 a unit difference between what the market you can get and what your income restriction rent is. So that's the delta to show you we're, basically, taking it out of -- and I guess it's easier to -- let me go back a slide.

COMMISSIONER FRY: So there's a table -- the county has a table --

MR. YOVANOVICH: It tells you the maximum rent.

(Simultaneous crosstalk.)

COMMISSIONER FRY: -- at each level.

MR. YOVANOVICH: Right. So when you look at that, you can see right there for the two-bedroom apartment, essentially, the 100 percent category you're talking about, you know, a \$900 delta.

COMMISSIONER FRY: What happens as -- I mean, the rental market has gone crazy, rents have gone up 30, 40 percent in the last year or so. I mean, it's been --

MR. YOVANOVICH: It's been crazy.

COMMISSIONER FRY: It's been crazy. If we can assume that that will level out and perhaps adjust downward -- I don't know if that's a reasonable assumption -- then what happens? You basically, then, are just having to offer less of a discount. If your market rents drop, you'll just be -- you'll be offering less of a discount which -- how would that affect your profit picture? I guess you're not getting the rents that you're anticipating now, so --

MR. YOVANOVICH: I don't know how -- I don't know how the really smart people factor that in, you know.

COMMISSIONER FRY: That's why I'm asking you. I count you among that group.

MR. YOVANOVICH: Well, I'm not one of those people. But I don't know how they factor in the rent risk when they're looking at rate of return. I'm assuming they do have a -- there's probably a little bit of a, you know, delta in there that they're looking at.

MR. KLATZKOW: This is why we have market crashes, because they're going to bundle this loan up with a bunch of other loans, and when the rents go down, they can't get paid, and we've seen this happen time and time again over the last 30 years. It will just crash.

COMMISSIONER FRY: Okay.

CHAIRMAN FRYER: Is part of the consensus that is seeming to be reached that these are 30-year restrictions?

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: That's all I have for you, Rich.

I guess I look forward to hearing from staff how the Carman Drive was arrived at and why that 22.6 percent is the baseline for this project. I mean, why are we there? I think we're looking at 30 percent. You're saying 30 percent is not feasible. You can't do the project at 30 percent. That's our guideline, but staff is willing to accept less, so I guess I look forward to, you know, the baseline data on how that's a reasonable compromise.

MR. SABO: Mr. Chairman, I can take a quick second and explain that, if you'd like.

CHAIRMAN FRYER: With leave from Mr. Yovanovich.

MR. YOVANOVICH: Sure.

CHAIRMAN FRYER: Go right ahead.

MR. SABO: Does that work? Mr. Yovanovich, if I'm incorrect, please correct me. But at that meeting for Carman Drive, the discussion was our proposal for 30 percent. There was

some on-the-spot negotiations, and we came to an agreement at that meeting based on the percentages of return on investment that Mr. Torres needed to make those projects happen. Is that --

MR. YOVANOVICH: It was. And, Mr. Fry, I've been saying to staff, what you're asking for means the project doesn't get built, okay. And they said, "show me," so we showed them. We showed them how the market works. And David Torres is an experienced builder of apartments. He got up there and explained what he has to show the banks in order to get money to build the project. And that's how that 5.5 percent was resolved.

And then we -- now, I try to be a smart guy and focus on what I learned at the last hearing and bring it forward. So I learned 5.5 percent was acceptable, and I also learned that you don't want me to go above 100 percent, or my client to go above 100 percent, and you want me to get as much 80 percent or below as I can. I learned those two things. I submitted a proposal that got to that number. And, you know, 30 percent for staff went down to 22.6 percent. I talked to my client. He says, I can make it work.

COMMISSIONER FRY: So, in effect, you're giving us an additional piece of information that we have not seen in a lot of past --

MR. YOVANOVICH: You have --

COMMISSIONER FRY: -- applications.

MR. YOVANOVICH: You have historically seen a pro forma, and we brought that to you to explain our position as to why we're not just -- we're not just saying no. We're saying no for a reason.

CHAIRMAN FRYER: Anything further?

MR. YOVANOVICH: No. I'm anxious to hear from you on other uses that might come up.

CHAIRMAN FRYER: Okay. I've got some comments on that.

Anybody else from the Planning Commission before I launch into that?

(No response.)

CHAIRMAN FRYER: If not, bear with me for a moment.

COMMISSIONER FRY: Mr. Chairman, we are addressing both applications at the same time, correct?

CHAIRMAN FRYER: Really all three, if you count EAC.

COMMISSIONER FRY: Well, I did see -- I believe I saw deviations with the deviations in the -- is that something staff will present?

MR. YOVANOVICH: There was one deviation Paula went through, and it had to do with the floor area ratio for senior housing.

COMMISSIONER FRY: Oh, that was -- that's the only remaining deviation, okay.

CHAIRMAN FRYER: All right. I have some concerns about things that were approved back in 2014 by groups of people who probably weren't paying very close attention to what they were approving, and just because it was approved back then doesn't obligate us, I don't believe, to repeat the same mistakes.

And let's start with under Exhibit A to the ordinance, and this would -- this is going to be the PUD ordinance. Permitted Use No. 35 is food stores, and it's Groups 5411 to 5499. Now, you can tell me that these have already been approved. I can tell you that I suspect that people never really went over these, and I also strongly suspect that you don't need them, and so I'm going to be asking you to take things out that, really, you're vested to do, but I don't think you really want to, and it would clean this up significantly for me.

5499 says, the poultry stores may sell live poultry, slaughter, and clean poultry. So I suspect you don't want that one.

Then health services, miscellaneous, 8092 to 8099.

MR. YOVANOVICH: You just jumped to a different number. Okay. Food stores --

CHAIRMAN FRYER: I did. 42, I said. I thought I said it.

MR. YOVANOVICH: Well, I didn't hear that. Hold on. So on food stores you want me to delete the poultry?

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: Okay. Now I'm jumping to 42.

CHAIRMAN FRYER: Okay. Forty-two, and 8099, it says, blood donor stations, plasmapheresis centers, and sperm banks and organ banks. Pull that out?

MR. YOVANOVICH: I can't even respond. I don't think -- I think we'll be okay with taking that out.

CHAIRMAN FRYER: I sort of thought so.

MR. YOVANOVICH: The first two I didn't find to be a problem. If you -- I got it.

CHAIRMAN FRYER: Well, I won't get into personal things.

8069, alcoholism rehabilitation hospitals, drug addiction rehab hospitals. Again, I'm not opposed to these things, but when you're looking at compatibility, it seems to me that those things would not be compatible with the rest of what's going on in the activity center.

MR. YOVANOVICH: Okay. That's fine.

CHAIRMAN FRYER: Okay. Then under 64, 8059, homes for the, quote-unquote, mentally retarded, psychiatric convalescent homes. I take it we can remove that as well?

MR. YOVANOVICH: I'm going to -- first of all, my client reminded me that when we came in before to go from C-3 to C-5, we did go through the uses on the C-4 uses and eliminated the ones that people at the time found to be what they didn't want to happen on the site. So with that premise -- because we did -- C-5 would have allowed every one of these uses and more, so -- but the few that you are asking us to delete are things that were not going to happen on the site anyway, so sure.

CHAIRMAN FRYER: Thank you. Okay. Then, let's see, 79, retail miscellaneous. 5998 is called out there, 5992 to 5999. There is no 5998. It doesn't exist.

MR. YOVANOVICH: There's no what?

CHAIRMAN FRYER: There is no SIC Code 5998. So by asking for 5992 to '99, you're asking for something that doesn't exist.

MR. YOVANOVICH: Is there a -- I don't have mine. I don't have my SIC.

CHAIRMAN FRYER: I can't tell you what it is because it doesn't exist.

MR. YOVANOVICH: There's no 5999?

CHAIRMAN FRYER: 5998.

MR. YOVANOVICH: Yeah, but is there a 5999?

CHAIRMAN FRYER: Oh, yeah.

MR. YOVANOVICH: So we still would -- do you want me to say --

CHAIRMAN FRYER: Exclusive of 5998.

MR. YOVANOVICH: Okay.

CHAIRMAN FRYER: That fixes it.

MR. YOVANOVICH: Okay.

MS. ASHTON-CICKO: Mr. Chair, we haven't typically done that in the past. The SIC codes are fixed as of, like, a long time ago. So if there's not a SIC code in that range, you know, we haven't typically excluded ones that don't exist. They've just done the range.

CHAIRMAN FRYER: No, I understand. But what if -- what if down the road a 9998 is put in there?

MS. ASHTON-CICKO: It won't, because they've discontinued the use of this, and now they're doing the NAICS code.

CHAIRMAN FRYER: Well, humor me.

MR. YOVANOVICH: There is a specific year of the SIC code book that we use. It doesn't amend itself. We are stuck with, like, 1984, I think, is the year.

MS. ASHTON-CICKO: That was the year.

CHAIRMAN FRYER: Well, if you don't mind deleting it, I'd appreciate that.

Then under -- this is the last one I have, and I think that it's already fixed, but I just want to make the record of this. In commercial accessory uses, B2, there is a reference to noise and -- worded in terms of public hearing, which is a different use of the word than we used the expression "public hearing." It's my understanding that the nuisance ordinance kicks in at 65 decibels. And so the nuisance ordinance is already in place. And I'm not suggesting that we need to make that tighter. I just wanted to make a record that the reason I'm okay with that is because the nuisance ordinance has a decibels limit in it.

Anybody object to that or tell me that I'm wrong on that?

(No response.)

CHAIRMAN FRYER: Okay. And that's all I have on the permitted --

COMMISSIONER KLUCIK: I can do that if you really want me to.

CHAIRMAN FRYER: You go right ahead.

COMMISSIONER KLUCIK: No.

CHAIRMAN FRYER: You're kidding?

COMMISSIONER KLUCIK: I'm trying to be funny, but it doesn't always work.

CHAIRMAN FRYER: Okay. Well, don't hesitate to try again.

MR. YOVANOVICH: I would stick to just being brutally honest.

COMMISSIONER VERNON: That's funny.

COMMISSIONER KLUCIK: That's funny enough.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Rich, you've indicated that this will be a residential 303-unit development. We have the contract purchaser in the room. What is the status of that contract? Is it final subject to approval of this application?

MR. YOVANOVICH: Can I say yes to that? Yes.

COMMISSIONER FRY: So if we approve this, that will go forward, barring if --

MR. YOVANOVICH: You meant if the BCC --

COMMISSIONER FRY: Lord willing and the creek don't rise?

MR. YOVANOVICH: If the Board of County Commissioners approves it, yes.

COMMISSIONER FRY: Right, I'm sorry. Of course.

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: Okay. Anything further from the Planning Commission?

(No response.)

CHAIRMAN FRYER: Anything further from the petitioner?

COMMISSIONER SHEA: I have a question for --

CHAIRMAN FRYER: Go ahead, Commissioner Shea.

COMMISSIONER SHEA: Just an informational question. How long does it take the process in this county to the point that you would be renting those units? So if we get our approval today of our proposal, how long before you're actually talking about renting?

MR. YOVANOVICH: Approximately two years.

COMMISSIONER SHEA: Two years. Okay, good.

CHAIRMAN FRYER: And the CO would start the 30 years?

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: The CO would start the 30 years?

MR. YOVANOVICH: (Nods head.)

CHAIRMAN FRYER: Okay. Anything further from up here?

(No response.)

CHAIRMAN FRYER: Mr. Yovanovich?

MR. YOVANOVICH: No, sir.

CHAIRMAN FRYER: Thank you.

We'll now hear from staff. Mr. Sabo and Ms. Mosca.

MR. SABO: Ms. Mosca will present.

CHAIRMAN FRYER: Thank you.

MS. MOSCA: Again, for the record, Michele Mosca with the Zoning division.

I have a PowerPoint but, obviously, I do need to go through step by step. I do want to make sure that the commitments are clear so that staff understands them.

The applicant presented a pro forma. We have 141 one-bedroom units, 144 two-bedroom units, and 18 three-bedroom units. Will that be a commitment within the PUD?

CHAIRMAN FRYER: Good question.

MR. YOVANOVICH: You told me to be David Torres. I'm committing to -- I may have to change some of the mix in order to attain what David Torres committed to you. David Torres committed to you 22.6 percent of the units. X below 80 percent and Y below 100 percent. We're making that same commitment.

CHAIRMAN FRYER: You're not, then, willing to --

MR. YOVANOVICH: I can't -- you've just -- I can't commit to 141 single-family -- or one-bedroom units. I can't get that finite today.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: You asked me to be David Torres. I'm being David Torres.

CHAIRMAN FRYER: Okay. Well, I don't believe I asked you to do that, but maybe someone else --

MR. YOVANOVICH: Staff asked me to be David Torres.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: My question is, what is the impact of him not being able to commit to that? What difference does that make to us to the outcome of this project?

CHAIRMAN FRYER: I'm going to ask that same question of staff.

MS. MOSCA: Yeah. The concern is the number of one-bedrooms. The applicant has stated there's a greater demand for one-bedroom units, and I just want to make sure -- and I may need to call Jacob LaRow to maybe address the affordability of these units. I don't know -- I haven't had enough time to analyze all of the information.

MR. KLATZKOW: We have never asked a developer to commit to X number of two-bedrooms, X number of one-bedrooms, throw a studio in here, and while you're at it, let's get a three-bedroom. We've never asked that, and I think it's arbitrary and capricious to do that right now.

MS. MOSCA: And I agree with you. My concern is that we get the affordable housing units that are needed for the community.

MR. KLATZKOW: And they are committing to what, 22.6 percent or whatever the number is?

MS. MOSCA: Which also is arbitrary.

MR. KLATZKOW: Which also is arbitrary and capricious, yes.

MS. MOSCA: Okay.

CHAIRMAN FRYER: Okay. All righty, then.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just don't think -- just because we've never done it before doesn't mean it's not a good idea. So, you know, I understand what you're saying, but I don't want to just say, well, we've never done it that way. We're not going to do it that way now, because I don't have a full understanding of what we're discussing right now. So I -- more clarification would help me.

MR. GIBLIN: Cormac Giblin, planning manager, for the record.

Just one point of clarification. On a traditional affordable housing development that has a full housing density bonus agreement, that agreement contains several attachments. In those attachments, the breakdown, the specific breakdown of number of units at bedroom -- by bedroom type is on the record and committed to in that agreement. It says the number of market-rate units by bedroom type, the number of affordable units by bedroom type, and the number of affordable

units by bedroom type and affordability level. So in a traditional affordable housing development, you do typically see that.

MR. KLATZKOW: Which we haven't done in years, and it's never in the PUD document, is it?

MR. GIBLIN: It's an attachment to the PUD, yeah.

MR. KLATZKOW: If they do -- if they go forward with that project.

MR. GIBLIN: Correct.

MR. KLATZKOW: And here they can do commercial.

MR. GIBLIN: Correct.

CHAIRMAN FRYER: Thank you.

Staff?

MR. GIBLIN: One more thing. On the timeline to development --

CHAIRMAN FRYER: Yes.

MR. GIBLIN: -- the applicant is correct, it's about 36 months from time of pre-application meeting to final construction and CO. The affordable period, however, should start with the date of the first lease, not with the date of the CO.

CHAIRMAN FRYER: Oh, okay. Thank you.

COMMISSIONER KLUCIK: What if I sign a lease before CO?

MR. GIBLIN: I believe it's occupancy.

MR. YOVANOVICH: We're quibbling about dates.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I guess I just wanted to make sure that I understand the timing and the -- or the timeline. So these are permanent affordable? That status stays on there permanently?

MS. MOSCA: No. Actually, that was another question I had. So this commitment will be for a 30-year period. And is that -- I need some assistance here. Is that from date of the first CO or from the first lease? So we'll need to clarify that.

COMMISSIONER KLUCIK: And then the other piece of that is related. Is this -- you know, in the past we've seen it where, you know, oh, well, we have -- we'll market it for six months and then we'll sell it at market rate. What is the requirement to hold this as -- you know, in this stage of offering it to the public as far as timeline?

MS. MOSCA: So what we've done with previous applications/petitions -- so the applicant here is committing to 34 affordable units at or below 80 percent. When one of those units is vacated, they have to lease it to the next person meeting those thresholds, and same thing with the 34 at or below 100 percent. So they remain in place for that 30-year period for those income ranges.

COMMISSIONER KLUCIK: And then how about for purchase?

MS. MOSCA: For purchase?

CHAIRMAN FRYER: All this runs with the land. I mean --

COMMISSIONER KLUCIK: No, that's what I'm saying. I guess what I'm saying is -- because you could be -- these could be for rentals or they could be for purchase, but the same thing, it's a permanent.

CHAIRMAN FRYER: It's permanent, 30 years.

MS. MOSCA: Thirty years.

COMMISSIONER KLUCIK: Right. It's 30 years, and there is no marketing period?

MS. MOSCA: No. Not with this one, no.

COMMISSIONER KLUCIK: Great, okay.

COMMISSIONER SHEA: So if they can't find anybody to rent it at those rates, it sits empty?

MS. MOSCA: I'd have to ask Housing staff for some assistance here. You do do publications of -- okay.

MR. YOVANOVICH: Yeah. We get no money from that unit. It stays empty. So you know we're not going to --

COMMISSIONER SHEA: Yeah. That's what I think the question was: Is there a time period that you have to search, and then you can put it to market rate?

CHAIRMAN FRYER: No, no, no.

MR. YOVANOVICH: It has to be for those income categories, and if it has to stay vacant till we find somebody, it stays vacant till we find somebody.

MR. SABO: Right. The units are committed.

CHAIRMAN FRYER: As far as I'm concerned, we're not going to do right of first refusal anymore, because that really is totally illusory.

COMMISSIONER SHEA: Yeah.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: I think we've learned.

CHAIRMAN FRYER: Yeah, okay.

I know, Commissioner Fry, you want to be heard. First, I think that the issue that we have in front of us, though, is 30 years from where? And it seems to me it should be from the first occupancy rather than the date of a lease, because a lease could be dated 18 months or two years prior to occupancy, and I think that's what Mr. Giblin was suggesting as well, and he's nodding yes.

MR. GIBLIN: Yes.

CHAIRMAN FRYER: So that's what I would like to see.

And having said that, Commissioner Fry.

COMMISSIONER FRY: I fully support that, Mr. Chairman.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: I was hoping you might clarify. You started and even, more or less, interrupted in terms of your concerns with the number of one-bedrooms, two-bedrooms, and three-bedrooms. I believe your concern centers around one- and two-bedrooms, the ones -- like, if they have just the minimum number of one-bedrooms in order to meet their affordable housing requirement and then they make the rest two- and three-bedroom apartments, in your opinion, are you saying that that, then, defeats somewhat the value of this as an affordable housing community?

MS. MOSCA: Well, it should be a mix based on -- let me see if I can pull up my PowerPoint. Hold on one second.

MR. YOVANOVICH: I can address that?

CHAIRMAN FRYER: Go right ahead.

MR. YOVANOVICH: Would you give me leave?

CHAIRMAN FRYER: Yeah, leave granted.

MR. YOVANOVICH: I'm trying to help you, I promise you.

You know, we're doing math, too, because I just learned about the 22 percent percentage, okay. So we could commit to a minimum of 40 percent of the units being one-bedroom units, and I think that was a concern that somehow now I'll do --

CHAIRMAN FRYER: Forty percent of the 68?

MR. YOVANOVICH: No, 40 percent of the 303.

CHAIRMAN FRYER: Oh, okay.

MR. YOVANOVICH: So I think there was a concern that I would somehow make this an all two- and three-bedroom-unit, and I would do better than the 5.5 percent.

CHAIRMAN FRYER: Okay. Thank you.

MR. YOVANOVICH: I think that's what her concern was.

CHAIRMAN FRYER: All right.

MR. YOVANOVICH: So we can commit to that so that way you know we're addressing that part of the market, because that's why I told you I couldn't go all the way up to staff's recommendation.

MS. ASHTON-CICKO: Is that 40 percent of all the units, Rich, or is that just the

affordable units?

MR. YOVANOVICH: No, no. Forty percent of the 303 units, or whatever we built, will be one-bedrooms.

COMMISSIONER FRY: Does that address your concern?

MS. MOSCA: Generally so. I mean, there -- what we want is a mix of affordable units across the range, one-bedroom, two-bedroom, and three-bedroom. That's their offering. So we really want a mix. If the demand for the one-bedroom can meet the income needs of that lower -- and you can see on the monitor you have the income and rent limits. So at the 80 percent for one person all the way up to five, and then for the corresponding number of bedrooms. So those -- those would be generally the rent limits based on the 2022 data, so at low 80 percent and 100 percent. So we really want a mix of those units.

COMMISSIONER FRY: And right now there is no mix offered. Simply a percentage of units at those different income categories?

MS. MOSCA: Right. And the pro forma that was shared with you-all does have that mix. They had 14 -- I mean, the numbers are different. They had 14 at one -- I'm sorry. They had 141 one-bedroom with 14 units designated for affordable, 14 in the two-bedroom, and two in the three-bedroom. So I just want to make sure we have some sort of mix. And, again, I defer to Housing staff. They're the experts in this area. We just want a diversity of affordability across those ranges.

COMMISSIONER FRY: Sounds like Rich is in conference. Perhaps, Rich, you can address her concern about a mix to cover the affordable housing requirements.

MR. YOVANOVICH: Here's the issue. You guys want us to bring you projects that serve people in certain income categories. We're bringing you projects that meet people in those income categories. Now you're asking me to assume all kinds of market risk that if I can't find somebody who meets an income category in a one-bedroom, I've got to leave it vacant; and I've got to have so many two-bedrooms. I've got to leave it vacant; and I've got so many three-bedrooms. I've got to leave it vacant.

Is the goal to get more people living in Collier County that make these income thresholds or not? Because what we're trying to say to you is we're willing to meet the income thresholds. We're willing to have that set aside. Please don't tell me I have to have 14 of this, 15 of that, and six of the other. I don't even know what the math is. But I'm saying you're getting too specific at this point for us. You're making it -- you're discouraging people from even wanting to come forward with projects. We've got construction costs kind of going out of the control. Let's serve people who make those income categories. We've committed to you that 40 percent of the units are going to be one-bedrooms. Maybe 10 percent of them go to people who make those income categories, but what if we experience many more people who come to us that say, we really need the two-bedrooms? I've got to say, I'm sorry. I can't -- I'm not going to do that because I've got a commitment for X number of one-bedrooms.

CHAIRMAN FRYER: But didn't you just do so?

MR. YOVANOVICH: I committed to making the -- doing the -- doing the bedrooms, the 40 percent of the units. I'm not telling you what specific number of those will serve the 80 percent or what specific number will serve the 100 percent, which I think staff is now trying to make me do. And I'm saying, please don't put me in that position to have to negotiate that right now. The goal is to get more people to live here in those income categories. Let's try to attain that goal.

COMMISSIONER FRY: Understanding that, Rich, I guess I see some value in us thinking this through for future projects, which is -- from this standpoint: Down the road -- you've committed to a certain number of units, but not a -- not restricted to one-, two- or three-bedroom.

So if you don't -- if you have the certain number of units, you could have the flexibility, right, if you've got -- you have to have a certain number of units, but you now have larger families coming that need a three-bedroom, you'd have the flexibility to offer -- you're not locked into any formula, simply a minimum number of each of those income categories, correct? So you could,

based on market demand, have -- you know, there's 68 total. You could have some one-bedrooms, two-bedrooms, and three bedrooms at the 80 percent, and you could have some one-bedrooms, two-bedrooms, and three-bedrooms at the 100 percent based on market demand and what you have available at the time, correct? So --

MR. YOVANOVICH: Well, market demand. And, remember, I've got to show you I have 34 units available at all times to those income categories, or I don't put a tenant -- I lose the money. I don't have rent. So I'm committing to those 34 at the 80 percent and below and the 34 at the 100 percent. So I'm committing to 68 units always being available for those income categories because, as Mr. Klucik made it very clear, they stay vacant until I put a -- one person or family.

COMMISSIONER FRY: I think I'm trying to agree with you here.

MR. YOVANOVICH: I think we are. I think we're on the same page.

COMMISSIONER FRY: That we are served -- and I want to hear from you -- that we are served if you have the flexibility --

MR. YOVANOVICH: Yes.

COMMISSIONER FRY: -- to have that certain number of units. They could be one-, two-, or three-, but you are allocating that minimum number of units across those as works for you and as works for the people that are coming forward.

MR. YOVANOVICH: Correct, yes.

COMMISSIONER FRY: So you can meet those requirements. So I guess I'm not seeing a huge problem with the commitment to the number of one-bedrooms, and I'd just like to hear from you in terms of if I'm missing something in that analysis. Anybody from staff?

MR. SABO: Mr. LaRow is going to address that.

CHAIRMAN FRYER: Mr. LaRow, welcome.

MR. LaROW: Good morning. Thank you. Jacob LaRow, Housing, Grant, Development Operations manager with Collier County.

So some -- just general comments to the concept of what Michele was referring to about diversity of housing options. What you'll generally see, especially as you target lower income households -- you know, we're getting down into the 80 and below range -- is that typically you want to see having the one-bedroom units available for those because those -- as you get lower in income ranges, typically, you're seeing more individuals and, of course, with the one-bedroom, you're getting the lower rents as a result.

Some of the other programs out there that might be to assist lower income folks, there are rent affordability restrictions, and so usually those at the one-bedroom are more attainable for those at the lower income ranges, and so that's to the concept about having diversity of options.

And to Cormac's point, yes, many of our traditional affordable housing programs, they get very detailed in terms of they describe in detail and in perpetuity for 30 or 50 years, the income targeting and the number of units that will be set aside, and the number of projects. For example, the Bembridge property, which now is the Harmony, which has an affordable housing density bonus, is currently under construction, 82 units. Those documents are very specific because many of the grants and funding mechanics that make that project viable demand it.

So because we're not necessarily talking about those financing options here, this is where there's, I guess, a little more flexibility. But the need, really, in terms of serving those populations, still kind of exists regardless of that.

So just in kind of -- in conclusion, we'd like to see, to the extent feasible, one-bedroom units available for those -- for the income targeting that's being discussed today.

COMMISSIONER FRY: Is it a win for county if out of those 120 or 121 one-bedroom units, all 68 of the affordable units that they have committed to are all one-bedrooms? Is that still a win for the county? Because that's a possibility under this scenario.

MR. LaROW: Yeah, I would say. I mean, even at the two- -- the two- and three-bedroom units, you're still going to see a demand for households that meet those income

ranges that will need the two- and three-bedroom units. I mean, we have teachers, single mothers, single fathers that have children that might need some of those larger units. So I think funneling them all into one or the other may not be the best solution. But having a number of one-, two-, and three-bedroom units available at those income ranges would be advisable. But I acknowledge that, given the market and things like that, it creates a little -- imposes a little more burden, perhaps, on the developer and operator of the housing project.

COMMISSIONER FRY: As a business, they'll be weighing the applications they get among those income ranges, the size of the families, and their own financial profit model. And so I don't know whether it's true that if they did all one-bedrooms in the affordable range they would make more money and they'd get a greater return on the project.

So my ultimate question is, do we need to impose anything further upon them than what they've already committed to in terms of the 120/40 percent one-bedrooms? Is that enough, or are you looking -- is staff looking for a little bit more? And if so, why?

MR. LaROW: So just to clarify, the question is the overall percentage of units being proposed being income restricted and rent restricted --

COMMISSIONER FRY: No. I think we've come to the compromise that -- we still haven't heard from the public, and we haven't approved it. We've come to the compromise of 34 at the 80 percent, 34 at the 100 percent, the TDRs. They've agreed to that. So we're looking at 68 total units. What we -- and they've committed to 40 percent one-bedrooms, which is approximately 120 or 121 units out of 303, if that's what it ends up being.

So the remaining question is: Are they -- is there a further commitment that staff needs from them in terms of reserving some two- and three-bedroom units for affordable housing so that there is a guaranteed mix of affordable units in each those one-, two-, and three-bedroom categories? That is the only thing I can see that that's not already baked into the compromise at hand.

MR. LaROW: So if we're -- if the commitment is 40 percent of the one-bedroom units being affordable, then it wouldn't --

COMMISSIONER FRY: No.

MR. LaROW: No, it's not.

COMMISSIONER FRY: It's that 40 percent of the total units built are one-bedrooms.

MR. LaROW: Okay. I gotcha.

COMMISSIONER FRY: And that's simply because there are a lot of people looking for the lowest rent possible and can live in a one-bedroom, is my assumption.

So now they can distribute those 68 affordable units. It can be any number of one-bedroom, any number of two-bedroom, any number of three-bedrooms that they see fit. And I imagine it would be based on who applies and also they're trying to -- they're a business. They're trying to make money as, you know, many of us are.

So do we need more of a commitment from them in terms of requiring a certain minimum number of two- and three-bedrooms to be affordable from out of the 68 units, or are we okay with giving them the flexibility because there is no formal affordable housing agreement in this case? I look at this as a bit of a precedent, not -- let me retract that statement. We have always said there are no precedents. It's -- every one is judged individually. But looking at it as a -- for future reference, you know, what -- we have to arrive -- as he said, this is capricious and arbitrary. We have to arrive at something that actually makes sense, that works for the public, that works for the people that are trying to build the units and still, you know, have an affordability -- a profitable project.

MR. KLATZKOW: This is not the process. You are a quasi-judicial body. You're supposed to look at criteria. Your problem is staff doesn't give you the damn criteria, okay. I don't know why it takes so long to get this LDC amendment through. Affordable housing's in a crisis. We've known about this problem for a very long time, and now you guys are reduced to just bartering fish up there, all right, which is not your job. You're a quasi-judicial board. It's not

fair to ask you to do this, all right. It's not fair to ask Rich to do this, and, you know -- so we're just going to make it up off the cuff? We'll have 32 units one-bedroom reserved, and we'll have 18 units with two-bedrooms, and three-bedrooms? Why? Is there any data and analysis on this that's been presented, or is just -- we're just making it up as we go?

COMMISSIONER FRY: Valid point, Jeff. I guess the question is --

MR. KLATZKOW: I mean -- and I've got to defend this, by the way, should it ever get challenged. And I'm telling you, this is as arbitrary and capricious as it gets. All right.

COMMISSIONER VERNON: Right, but I completely agree with Karl. We're trying to get to the best result you can. You've made your position known, and I don't necessarily disagree with it. But that doesn't fix our problem. I think Karl's doing a fantastic analysis of trying to figure out --

MR. KLATZKOW: And you have no data and analysis to give you any reign.

COMMISSIONER VERNON: Let me finish. Let me finish.

He's doing a really good job of kind of sorting through this. What Rich wants is he needs a lot of flexibility. What I heard from Michele is she wants it spread out. Joe [sic] says it ought to be concentrated in one-bedroom, mostly, but a little bit.

So wondering -- and I don't mean to jump on top of you -- sorry about that. But what if it was, like, at least 10 percent of the two-bedroom, at least 10 percent of the one-bedroom, and at least 10 percent? That gives you a lot of flexibility, but it ensures that 100 percent of the affordable housing isn't locked into one area. And I think all three of you could agree with that, unless that causes you concern, Rich, or -- and it doesn't have to be 10 percent. My fellow board members may have a different view, but it seems like that would solve the problem.

COMMISSIONER SHEA: Good number.

MR. YOVANOVICH: Let me tell you why it causes me concern. I have no idea what's happening with construction costs other than they're going like this (indicating), okay. So I have to figure out, with construction costs going up, how to get a rate of return that a bank is willing to take the risks. The more restrictions you put on me, the harder it is to get financing.

So we are committing -- and the big goal has been get more affordable housing units to Collier County. We are doing that. I got -- you know, I got -- no disrespect to staff. I don't think any of them have ever built a project. So we build them, and we're telling you what we can -- what risk we can stomach. So we would like the flexibility. You've asked me to make sure I build one-bedrooms. We're building one-bedrooms.

COMMISSIONER VERNON: Well, they're powwowing back there right now. But in synthesizing what the staff wants, they seem to say most of the need's going to be in the smallest units. But they seem to be saying, if I listen to all of them together, that they would like it not all to be concentrated in the smallest units. And what I was trying to do with you is give you very minimal standards just to make sure 100 percent isn't concentrated in one area but give you lots of flexibility. I mean, 10 percent -- 10 percent of the units would be, what, six, seven -- seven units?

MR. YOVANOVICH: Yeah. But if you say I can't have more than seven units in the one-bedrooms --

COMMISSIONER VERNON: No, no.

MR. YOVANOVICH: That's what you said to me.

COMMISSIONER VERNON: No, minimum. Minimum.

MR. YOVANOVICH: Then I can do 100 percent. What are you doing? Are you telling me a minimum of each of the -- were you asking me --

COMMISSIONER VERNON: I'm saying take, of the 68 units, a minimum of eight units in each one, and then the rest can be wherever you want to put them.

CHAIRMAN FRYER: May I suggest --

COMMISSIONER VERNON: Do you understand what I'm saying?

MR. YOVANOVICH: I do. And I just talked to the guy who's going to build the project, and he says he doesn't want to do that. He wants to have -- he needs the flexibility --

COMMISSIONER VERNON: That's a lot of flexibility.

MR. YOvanovich: It's not enough for him to take the market risk to stomach it right now. He's got to go do --

COMMISSIONER VERNON: Oh, he's saying he can't do that?

MR. YOvanovich: He's saying he doesn't want to commit. He says he's willing to commit to the 22.6 percent but don't further hamstring him on how that is allocated.

COMMISSIONER VERNON: Okay. But you understand what I'm trying to get to?

MR. YOvanovich: I understand, too.

COMMISSIONER VERNON: Well, I want to talk to my fellow board members.

COMMISSIONER HOMIAK: I'm not understanding -- I don't think you -- do you know what the construction cost is for each unit?

COMMISSIONER VERNON: Uh-uh.

COMMISSIONER HOMIAK: Well, I think maybe you should --

COMMISSIONER VERNON: I mean, I do in the aggregate, because he showed it to us.

MR. YOvanovich: Right.

CHAIRMAN FRYER: I'm going to suggest this --

COMMISSIONER HOMIAK: But what cost -- not that many years ago cost 150,000 a unit now is 350- -- 310- to 350-. So if they're coming -- if they're trying to work with you and supply some of the housing that's needed, I don't know why you'd want to keep picking at it. I mean, it's going to be --

COMMISSIONER VERNON: Well, because I want to get to the best result today. I'm trying to --

MR. YOvanovich: Right.

COMMISSIONER HOMIAK: I think we did get to the best result.

COMMISSIONER VERNON: I'm trying to listen to the staff, and I'm trying to listen to the builder and come up with a solution that works for the builder and works with staff.

MR. YOvanovich: And what I'm staying, because of the uncertainty of construction costs, we can't continue to be put in a hole. And I want to point something out: The Bembridge project that was referred to, my recollection is that was county-owned land. That's a little bit different than where I am right now.

So you have had zero -- zero that I know of -- I haven't done every project, but I don't know of any affordable housing projects that have come forward under the current program where we say we're going to have X one-bedrooms, Y two-bedrooms, and Z three-bedrooms. You haven't had any. There's got to be a reason why. That program doesn't work.

We're bringing you programs, because we've been asked to, to build more affordable housing. We're at a good point in the market, but that could change. If that changes, you know, the numbers of developers that are going to be willing to come and bring you units is going to go down, and the more restrictions you put on there, it's harder for the developer.

COMMISSIONER VERNON: I understand. I'm trying to get to a solution --

MR. YOvanovich: I know.

COMMISSIONER VERNON: -- and the 10 percent's been rejected. You say that's too burdensome. Do you have a proposal to meet their need so it's not 100 percent concentrated in one of the size units?

MR. YOvanovich: Well, we're at a normal break.

CHAIRMAN FRYER: May I please ask this -- and I know Commissioner Klucik is signaling and wants to be heard. But we're right up against 10:30. I would like to call for a break now until 10:40 and ask staff and the applicant to see if they can't cut through some of this stuff and come back with some kind of a meeting of the minds or at least close off some of these variables.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: I do think, though, it would be helpful for them to know the sense of some of us. I mean, I am -- before they start talking.

I feel strongly that we're getting too particular, and I would prefer to not have the -- you know, the limitations or the requirement for specific sizes or, you know, bedroom numbers that --

CHAIRMAN FRYER: Okay. Well, you can --

COMMISSIONER HOMIAK: I agree.

CHAIRMAN FRYER: You both can be heard before we hear back after the break if you want to elaborate on that. It's 10:28. We're in recess until 10:40.

(A brief recess was had from 10:28 a.m. to 10:40 a.m.)

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

And before I ask the parties, I wanted to give Commissioner Klucik, who is not yet back in the room -- Vice Chair Homiak, did you want to say something further before we hear from the parties?

COMMISSIONER HOMIAK: No, I don't have questions.

CHAIRMAN FRYER: All right. Okay. Here we go.

MS. MOSCA: Again, Michele Mosca for the record, Zoning staff.

So I just want to make sure we have all the commitments before we hear from the public. So staff had a discussion. We're going to let the market dictate the 68 units in the various ranges. I want to make sure, again, we have a commitment for the 18 TDR credits; interconnection to the north if it is, in fact, built as a commercial property; we're going to prohibit gas station and truck leasing in the Growth Management Plan amendment; and those are my -- those are my commitments.

CHAIRMAN FRYER: All right. What about the 40 percent of the 303 being one-bedroom?

MS. MOSCA: If the applicant wants to do that, that's fine with staff.

CHAIRMAN FRYER: All right. Okay.

And, Mr. Yovanovich, did you wish to have a word before we hear from the public on this?

MR. YOVANOVICH: (Shakes head.)

CHAIRMAN FRYER: No, okay.

Commissioner Fry.

COMMISSIONER FRY: Michele, I would like to ask the purchaser, the developer, to come up, because I just want to understand how, when we get into the real-time game of this affordable housing allocation, how you might address it at the time. Is that appropriate?

CHAIRMAN FRYER: Absolutely.

MR. YOVANOVICH: I can tell you he doesn't know.

COMMISSIONER FRY: He's pleading the 5th or --

MR. YOVANOVICH: He's basically saying he doesn't know. He's going to -- what's going to happen is when the market comes, he knows he's got fill 68 units in those categories, and that's -- you know, he's -- you know, that's what we have to do, and we'll figure out how to market to get people in those categories. I'm sure we're going to send a flyer to Amy, we're going to send a flyer to the county and say, hey, help us, and I think they're going to fill up pretty quick.

COMMISSIONER FRY: I agree. So I think the value of this conversation is we have a member -- Mr. Shea is a member of the Affordable Housing Committee now and, as Mr. Klatzkow says, we really need to develop a policy and LDC amendments that drive this in a way that works for the county, the public, and the people that are trying to do these projects.

And so I guess my question is, will it be more profitable to only, if you get enough applications -- and let's assume that there's a glut of applications for one-, two-, three-bedrooms. Let's say you've got an unlimited -- you know, an extra helping of applications, and he has the flexibility to offer the affordable units to either one-, two-, or three-bedroom units in any allocation that he prefers, is it more profitable for him to do only one-unit -- one-bedroom units as affordable

units?

MR. YOVANOVICH: Yeah, yeah. I mean, that's --

COMMISSIONER FRY: The answer would be yes?

CHAIRMAN FRYER: Hang on, Mr. Yovanovich.

Did you want to hear from the developer or the lawyer?

MR. YOVANOVICH: You know what, if you don't mind --

CHAIRMAN FRYER: I might mind. Hang on just a sec. I want to find out what Commissioner Fry wants.

MR. YOVANOVICH: Well, it's really what the property owner decides, because he's a potential buyer. So I'm committing for the property owner.

COMMISSIONER FRY: Oh, I see what you're saying.

CHAIRMAN FRYER: Will you please just stand down for a second.

COMMISSIONER FRY: Okay. Well, I mean, I think that you've -- you answered my questions. It's that -- and I'm going to extrapolate and say that if you can't fulfill the affordable housing with all one-bedrooms, you don't get enough applications to fulfill those numbers, then you look at the two-, and that's a little less profitable, and the three- is a little less profitable yet. So it's in descending order of which units.

So the developer's -- the developer's financial impacts are impacted by having to do two- and three-bedroom affordable units more so than the one-bedrooms, which I think is what we're saying.

MR. YOVANOVICH: Yeah. I think we showed you the numbers. Yes, there's less of a deduct from market for one-bedrooms, but if it turns out that that's the real market for the need for affordable units, isn't that a good thing? What if the real market's two-bedrooms? What if the real market's three-bedrooms? What if we don't get people who come to us for one-bedrooms? Who knows?

COMMISSIONER FRY: Well, isn't the real market that we have a huge shortage of affordable units, and there should be probably an abundance of applications for all those sizes?

MR. YOVANOVICH: You know, that's what we're being told. But I don't know who's -- I don't know. I'm assuming that -- I don't know how many people would fit into the income categories in the ones that would qualify that want to live there. I don't know.

COMMISSIONER FRY: Okay. Thank you.

MR. YOVANOVICH: I don't know.

CHAIRMAN FRYER: Thank you.

Okay. Anything further, Mr. Yovanovich?

MR. YOVANOVICH: I was just responding to --

CHAIRMAN FRYER: I understand.

We'll now hear from any members of the public.

Mr. Youngblood.

MR. YOUNGBLOOD: Mr. Chairman, I have two speakers for Item 1 and two speakers online for Item 2. Do you want to hear all four of them together?

CHAIRMAN FRYER: Yes, we do.

MR. YOUNGBLOOD: Our first speaker in person is going to be John Harrison, followed by Nicole Esch.

CHAIRMAN FRYER: Thank you.

MR. HARRISON: Good morning. Thank you for giving us this opportunity to speak. Let me also --

CHAIRMAN FRYER: Start by stating your name, please, sir.

MR. HARRISON: That was my next paragraph.

CHAIRMAN FRYER: Pardon me.

MR. HARRISON: My name is John Harrison. I'm vice president of the board of directors at Naples Lakes Country Club. Our club is located across the street from the area under

consideration today.

Okay. You threw me for a loop today because you've made some changes to what it is that was included in the agenda, and two of those items were those things that we were opposed to. One was the gas station, and the other was the truck rental. And we're very happy to see that.

There are some things that we are in favor of. And I thought I would let you know what our position is of housing in the area right across the street from our community as well as those things that we are not so much in favor of.

Earlier in all of the discussions Commissioner Shea said he was confused. Told me -- let me tell you that we are a little confused about everything that has gone on this morning.

So let me go through again and explain what Naples Lakes is, where we are, how we're impacted, and our positions on some of the issues that you have here.

You may recall me from our April 7 meeting. I spoke with you about the expansion of housing units across the street down Lords Way. You may recall that we were not opposed to the expansion of units, but we had concerns about safety along Collier Boulevard. Now, wouldn't you know it that just a few days ago we were advised that yellow flashing lights are going to be installed for safety reasons in front of our front gate on both sides of Collier Boulevard.

If your group had anything to do with that, we thank you. Even if you didn't, it's so good to see that our county is truly concerned and responsive to public safety and concerns.

Let me remind you about Naples Lakes. Our community is comprised of 731 households. These include a mix of estate homes, villas, townhouses, and condos. We are proud to have one of the very few Arnold Palmer signature golf courses anywhere in Florida.

We have a beautiful clubhouse, and we are in the final stages of construction of an outdoor dining and activity center next to our tennis courts. It's a seven-month project, and we are now in the 14th month of that project.

When I spoke last month, I talked about living the dream and how most 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 seeing development and expansion everywhere and at an unprecedented rate. With expansion in our county, we believe that there needs to be a balance in the type and cost of housing. In fact, we're experiencing our own problems getting support staff for our club.

And when we bring in foreign staff under the H2B program, we are finding it difficult to find affordable housing if we can find housing at all. So we are in support of the expansion of housing in the area.

So it would be hypocritical of us to be opposed to additional housing, although we believe strongly that such affordable housing should be distributed throughout our county and not concentrated in any one area.

Now, Naples Lakes was developed by Toll Brothers and has been in existence for a little over 20 years. Over those years, we've seen Collier Boulevard change from a two-lane highway to a six-lane highway. Right now we hear sirens and trucks buzzing by all day and nights.

There has been much development outside our front gate and back entrance. Going out our back gate on Rattlesnake Hammock, we find a RaceTrac gas station, a Clean Machine car wash, an Extra Space storage facility, in addition to hundreds of condos. At our front gate on Collier Boulevard, we find Hacienda Lakes and EMS Station No. 25, Sapphire Cove, and Milano Lakes with hundreds of units.

CHAIRMAN FRYER: Sir, you're at the five-minute mark. Would you take 30 seconds and wrap it up, please.

MR. HARRISON: Fifteen seconds.

CHAIRMAN FRYER: Sounds good.

MR. HARRISON: Now, the proposal that was in front of us today was to add a gas

station, to add a storage facility, and there's also a proposal to add a shopping center. We're not opposed to the housing, but we feel that there's too much development of commercial area within a very limited period in our little corner of Naples, and that is what we are opposed to.

Thank you.

CHAIRMAN FRYER: Thank you very much, sir.

Next speaker, Mr. Youngblood.

MR. YOUNGBLOOD: Our next speaker is Nicole Esch, followed by Jacob Winge.

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

MS. ESCH: Good morning. I'm Nicole Esch. I'm an Isles of Capri resident, and I just wanted to set this kind of straight here to start that I'm not actually talking about this. I'm talking about another matter. Isles of Capri has --

CHAIRMAN FRYER: Hang on, hang on. This is not about Isles of Capri today.

MS. ESCH: I had -- they told me -- they kind of put me in this spot of the meeting.

CHAIRMAN FRYER: Well, that was an error, perhaps, on our part. But this is about AmeriSite.

MS. ESCH: Well, that's what I understand. That's why I wanted to make sure, before I say anything, that you're okay --

CHAIRMAN FRYER: Well, thank you. If you have any comments about AmeriSite, now would be the time to do it; otherwise --

MS. ESCH: No, I don't, but I did submit to do a new public comment.

CHAIRMAN FRYER: Okay. Well --

MR. YOUNGBLOOD: Mr. Chairman, we can put her in Item No. 12 for public comments.

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

MS. ESCH: Thank you.

CHAIRMAN FRYER: Thank you. Thank you very much.

Next speaker.

MR. YOUNGBLOOD: Our next speaker is Jacob Winge, and then we will go online to Dennis Born.

CHAIRMAN FRYER: Thank you.

Mr. Winge, you have the floor.

MR. WINGE: Thank you. Good morning. For the record, Jacob Winge, president of East Naples Civic and Commerce.

I just want to echo some of the comments that were made by Naples Lakes residents as opposed to our position on the project.

Very happy that the applicant took out the truck rental facility and some other items that were really not conducive to the area.

The one thing that we are asking is that also storage be struck from the commercial portion of the PUD. It really sounds like this is going to be a residential project, but I just feel that we are just extremely overburdened with storage -- and much like comments were on housing and affordability being spread throughout the county, which there is such a need, especially at the north end.

Also from a commercial standpoint, we need more economic drivers and economic opportunity in East Naples, and storage units don't provide that just as much as gas stations and car washes and other discussions that we've had up into this point.

And so I'm just asking for the commissioners to recognize that facet and ask for the removal of public storage from the PUD. So thank you.

CHAIRMAN FRYER: Thank you very much.

Mr. Youngblood?

MR. YOUNGBLOOD: Dennis Born is our next speaker online.

Mr. Born, are you with us?

MR. BORN: I hope so.

MR. YOUNGBLOOD: We hear you loud and clear, sir. You have five minutes.

MR. BORN: Number one, my name is Dennis Born. I also reside in Naples Lakes. I would just like to reiterate what Mr. Harrison indicated to the commission, that Naples Lakes, as a whole, residents are in agreement that there is a need for affordable housing. I would also note that most of the residents that I have been in contact with believe that it is their understanding that if you take a look at everything west -- or east of Collier Boulevard, there is very little commercial space that has been agreed to. We would object to any heavy commercial use of that spot, and that's basically all I have to say.

Thank you.

CHAIRMAN FRYER: Thank you very much.

Next?

MR. YOUNGBLOOD: Our final speaker is going to be -- forgive me. Patrick Kehoe. Patrick, are you with us? You're being prompted to unmute your microphone.

CHAIRMAN FRYER: Could we have a spelling of your name as well?

MR. KEHOE: Okay. My name is Pat Kehoe, K-e-h-o-e. And thank you for allowing me the time.

Dennis Born and John Harrison have covered my concerns, so that's -- I'm going to spare you any more of my discussion.

CHAIRMAN FRYER: All right, sir. Thank you very much.

Mr. Applicant, do you have any rebuttal?

MR. YOVANOVICH: I could tell you, if you -- there's no way we're giving up self-storage. That's in response to one of the comments from the public.

CHAIRMAN FRYER: I understand.

MR. YOVANOVICH: So other than that, I think we've -- well, I think we've accurately reflected the commitments we've made. Yes, we've committed to the 40 percent. That will stay in. Forty percent of the units will be one-bedrooms.

And with that, we're hopeful that the Planning Commission will bring a motion on all three petitions to recommend approval to the Board of County Commissioners, and if you have any more questions of us, we're happy to answer them, but I'll spare you --

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: I would like to go ahead and move that we vote on it, to approve it as presented with the modifications.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion?

MR. YOVANOVICH: It's for all three petitions, right?

CHAIRMAN FRYER: Yeah, this is all three.

COMMISSIONER KLUCIK: Yes, indeed.

COMMISSIONER HOMIAK: EAC.

CHAIRMAN FRYER: EAC; bald eagle.

COMMISSIONER KLUCIK: Yes.

CHAIRMAN FRYER: Yeah, all three.

COMMISSIONER FRY: Could we clarify the conditions just --

CHAIRMAN FRYER: Yeah. Let me say what I believe they are, if I can get to my notes quickly enough. Well, I'm going to try to do it off the top of my head because I can't find my notes in time.

So it's going to be 34 units at under 100 percent, 34 units at under 80 percent, 40 percent of the total 303 will be one-bedroom, 18 TDRs will be used, and so when you run the math with the 68 units, you come to 22.6 of what I would prefer to call actually workforce housing, but we're

calling it affordable housing. And did I -- and also the two uses, the gas station and the truck rental, are being removed, have been removed by the applicant. And have I forgotten anything?

COMMISSIONER SHEA: The start of the 30 years.

CHAIRMAN FRYER: Oh, yes. And the start of the 30 years is with the first occupancy.

MR. YOVANOVICH: And if I can, it's a minimum of 40 percent of the units will be one-bedrooms.

CHAIRMAN FRYER: A minimum of 40 percent.

MR. YOVANOVICH: You had said an absolute number. I just wanted to make it clear on the record.

COMMISSIONER KLUCIK: And I also wanted to just clarify, these are all percentage -- you gave numbers, but they're all percentages, is that correct, in case they didn't --

MR. YOVANOVICH: They're absolute numbers.

CHAIRMAN FRYER: No, the 34 and 34 are units.

COMMISSIONER KLUCIK: Correct. So even if they chose to only build 200 units, they still have to do 68?

CHAIRMAN FRYER: That's a good question.

MR. YOVANOVICH: There's no chance we're building only 200 units. It's a good question. It's fair.

COMMISSIONER KLUCIK: It could make a real difference if the economic conditions are such that you have to say, wow, we can only do 250.

MR. YOVANOVICH: If I -- and I appreciate your protecting me. I would have -- if I was worried about it, I would have said, let's go X percent.

COMMISSIONER KLUCIK: You have a good lawyer.

CHAIRMAN FRYER: So, Commissioner Klucik, did I state your motion correctly?

COMMISSIONER KLUCIK: Yes, you did, and --

MR. BELLOWS: Mr. Chairman, I think there were a couple other items I just want to make clear.

CHAIRMAN FRYER: Put them on.

COMMISSIONER KLUCIK: And I just wanted to confirm that you can still slaughter chickens?

CHAIRMAN FRYER: No. We're going to -- those have all been removed.

COMMISSIONER KLUCIK: Oh, okay, because you didn't mention that.

CHAIRMAN FRYER: I didn't, and I should have.

COMMISSIONER KLUCIK: Okay.

MR. BELLOWS: And we're also adding a condition that an interconnect be shown if it's developed commercial.

CHAIRMAN FRYER: To the north.

MR. YOVANOVICH: I think it was "potential" interconnection is the word.

MR. BELLOWS: Potential.

MR. YOVANOVICH: Potential.

COMMISSIONER HOMIAK: Yes, for commercial.

MR. BELLOWS: And then to also remove some additional uses.

CHAIRMAN FRYER: Yes.

COMMISSIONER HOMIAK: Outdoor advertising services for me, and added the adult-oriented sales and rentals are prohibited, and whatever other ones you said.

CHAIRMAN FRYER: Okay. Are we all in agreement? Have we reached an informed --

COMMISSIONER KLUCIK: Yes, that was what -- my motion contained all of that, yes.

CHAIRMAN FRYER: Okay. Good. And the second --

COMMISSIONER HOMIAK: Yes.

CHAIRMAN FRYER: -- you're confirmed?

All right. Any further -- okay, Commissioner Vernon.

COMMISSIONER VERNON: Yes. Just on the potential interconnectivity, what does that mean?

COMMISSIONER HOMIAK: To the north.

COMMISSIONER VERNON: No, I know what you -- I know what you asked for the north. If you go commercial, then -- instead of saying interconnectivity, potential interconnectivity was --

MR. YOVANOVICH: Well, I think, in fairness, we need to reach an agreement with the property owner to the north to where 100 percent of the burden isn't on us to provide the interconnection and maintain the interconnection. I think that, typically, we reach an agreement with the property owner to the north so I'm not obligated to 100 percent absorb that cost. That's what we meant by "potential."

COMMISSIONER VERNON: Okay.

COMMISSIONER HOMIAK: It's a common request.

CHAIRMAN FRYER: Mover and seconder agree?

COMMISSIONER KLUCIK: Yes.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: One question.

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER FRY: Let's say that this does not move forward with the apartments and now it reverts the commercial -- more to commercial use and the mini-storage and that type of thing. Do the traffic counts that were presented in the application still hold? Do they cover all scenarios?

MR. YOVANOVICH: Yeah. What will happen -- the way I see this happening is if we're not successful with everything, probably we'll withdraw all of the petitions, and we'll live with the existing zoning.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: Because we've burdened ourselves. We've given up uses that we currently have and then further restricted ourselves with other -- so why would we move forward if we --

COMMISSIONER FRY: You'd make that decision not -- after BCC approval?

MR. YOVANOVICH: No, no, no. What I'm saying is if -- if this -- I think what you're asking is if I'm not successful at the BCC, what will we do. Well, if the BCC brings a motion to deny, I'll just say, well, we withdraw our petitions, and I'll stay at the activity center I am now. I'll stay C-4 zoning. I'll stay with everything I have.

COMMISSIONER VERNON: Slaughter chickens.

MR. YOVANOVICH: And I'll slaughter some chickens.

CHAIRMAN FRYER: Okay. Anything further before we take a vote?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of the three motions combined as modified, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes six to nothing.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Thank you very much.

Now, we don't have any old business, we don't have any new business, but we do have public comment. So, now, ma'am.

MR. YOUNGBLOOD: Mr. Chairman, I have two -- two registered speakers for public comment. First we're going to go with Gordon Brumwell, and then we're going to go with Ms. Esch.

CHAIRMAN FRYER: Fine, thank you.

Spell your name for us, sir.

MR. BRUMWELL: Hi. My name is Gordon Brumwell. G-o-r-d-o-n, B as in boy, r-u-m-w-e-l-l.

So this is a general comment. It can be applied to the AmeriSite conversation, perhaps, but I'm meaning it more generally with respect to the number of mixed-use projects I feel I hear popping up in the East Naples area.

I'm going to back out to quality-of-life issues in East Naples. Thank you all for dealing with the nitty-gritty that you deal with. It sounds very complicated, and it's pretty much over my head. But backing out, we're all becoming increasingly aware we need to get our steps in. We need to move more. This is a public health issue. It's a quality-of-life issue.

We currently have a naturally beautiful area, although it seems that we're losing a fair bit of that. We have decent weather. Let's keep in mind that it gets super, super hot, though. And we probably have at least part of the Paradise Coast bike trail coming. And I'm not a planner, but I feel as if mixed-use is supposed to be getting us along the lines of getting those steps in, walkability, bikeability, getting to that commercial location that's close enough that you don't have to drive to it.

But the problem here is we only have sun-baked sidewalks and on-street bike lanes. No offense if there's any avid bicyclists here, but normal people won't use those, okay. They scare normal people; they really do.

So my point is, I think there's a good argument that in and around East Naples we could have a larger plan of an interconnecting set of safe, protected, and shaded trails for biking and walking that would allow this mixed-use idea to come to fruition and better meet its purpose.

Consider the future residents of the AmeriSite project. As more mixed-use pop -- mixed-use projects pop up, they should be able to safely bike or walk to nearby commercial amenities. I feel like that's the purpose of this. And, in fact, I looked at the map, Collier Boulevard presents a barrier to this, but there's a Publix only a quarter a mile away. And if we were thinking bikeability and walkability and public health issues, I, again, think we'd have a network of safe, shaded paths that people could use.

Thank you.

CHAIRMAN FRYER: Thank you very much. I think what you're speaking of really comes under the heading, at least the way I think about it, of smart growth, and smart growth is encouraged under our governing laws. I wish it were more strongly required than just encouraged. But the very things you're talking about are part and parcel of what we see as smart growth.

Thank you.

MR. BRUMWELL: Thank you.

CHAIRMAN FRYER: All right. I think Ms. Esch, you're up.

MR. YOUNGBLOOD: Nicole Esch will be our final speaker.

CHAIRMAN FRYER: Thank you.

MS. ESCH: Good morning. I'm Nicole Esch, a resident of Isle of Capri.

Isles of Capris has growth -- has had lots of growth in the past couple of years. Our growth includes mostly one- and two-story houses. We do have a few three-story houses but, to my knowledge, they have all been built within our current building code and zoning regulations. Isle of Capri is in desperate need of an overlay. We need balanced development for all four of our isles.

Our community's biggest concern is our smallest isle, the business isle. FCC Beach and Yacht Club, Inc., is proposing 368-foot buildings with 108 condos, marina, restaurant, and ship store. Currently there is nothing on the land except derelict pilings.

Many years ago there was a restaurant called Backwater Nick's. It was damaged during Hurricane Wilma and was never rebuilt. The developer understood the building code many years ago when he built on the land as C-3 and had a restaurant. Somehow, many years later, this has been forgotten. The developer doesn't live on Isle of Capri and has not attended either of our NIM meetings. He is not listening to the 824 residents that signed a petition saying no to rezoning. Eight hundred twenty-four is almost all of Isle of Capri.

His proposal is not balanced or consistent with our small neighborhood. Isle of Capri needs diverse quality commercial with help with beautification and green space.

The residents of Capri would like it to remain C-3. All buildings on our isle are only one and two stories in height, with the Tarpon Club Marina been the highest building at 50 feet. This is something that the residents do not want changed. Many communities have been well planned with overlays, and we have small things that need to be addressed on Isle of Capri, but our two big concerns are building height and future sewage or sewer plan.

A concern of Capri is that we are a small coastal community completely inside Rookery Bay. We only have one way to enter and one way to exit on a two-lane road coming onto the isles with mangroves on both sides owned by Rookery Bay.

There needs to be planning to not hurt our environment, our sensitive land and water along the way. We care about our manatees and dolphins and are concerned with dredging plans that should be addressed.

I'm here to ask for help from the Planning Commission. We need a plan for our community to prevent overdevelopment and irreversible damage to our environment. Isles of Capri needs guidance on how to start this process. I believe the residents of Capri would welcome this, and this would help with future development so we don't have this type of proposal again.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: I just wanted to ask staff, we've been receiving emails, communications, postcards for months on this application. When will it actually come before us? It's not on our look-ahead.

MR. BELLOWS: For the record, Ray Bellows, Zoning section manager.

The planner's Nancy Gundlach. I had a conversation with her not too long ago. It's still in the middle of the review process, so we're not close to scheduling it yet.

COMMISSIONER FRY: So I would say to you, Ms. Esch, we really will not get a detailed look at it until we get a packet one week before the meeting. Now, we can drive down there and look at it. We've been receiving emails. I would just suggest that you track when it's coming to us and that you come out in force and save some communications for them. I think everything that's been submitted will be in the packet that we receive, correct?

MR. BELLOWS: That's correct. The -- every bit of correspondence the staff gets, we create an attachment in the packet that you get with all the correspondence.

COMMISSIONER FRY: I would just say pace yourselves and have some energy left when it actually does come before us because we really -- we really don't have an adequate understanding of it until we get the packet with all the details and all the staff's hard work, so...

MS. ESCH: I'm wondering, Mr. Bellows, if possible -- I know you helped Goodland with their overlay, and they had a building height restriction, and I didn't know if there's an easy way to -- you know, just even a very basic overlay so -- just with even building height, and then we could go back and edit it at a later date, that if the residents voted in -- higher than Goodland, which they were around 60-something percent, I think even on -- in season we could beat what Goodland's percentage was and get something moved forward.

CHAIRMAN FRYER: An overlay would call for a GMPA, wouldn't it?

MR. BELLOWS: For the record, Ray Bellows.

There is a zoning overlay for Goodland. It's in the Land Development Code, and that was at the direction of the Board of County Commissioners. Before staff could initiate such an overlay, we'd have to receive direction from either the Planning Commission or the Board of County Commissioners.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I would just -- I would hope that we'll have at least a month notice, and especially since it sounds like there's a lot of residents who would want to participate or at least somehow let us know that -- we'll know a month beforehand at least which meeting, that way it's not people scrambling to come because that's -- that is a problem is that people can want -- you know, they might want to participate, but if we're always changing -- and I understand, we need -- you know, we do need flexibility, but I think on this one, since we know there's a lot of people that might want to weigh in from the public, that it would behoove us, and we will seem more like we are servants of, you know, the public interest, if we give advance notice.

MR. BELLOWS: Yeah. The look-aheads that are provided, we can start showing you when we anticipate the hearing date to be.

COMMISSIONER KLUCIK: I just ask, you know, my fellow commissioners if you agree with that idea, you know, that it not be sprung on the members of the public, that we --

CHAIRMAN FRYER: Well, I think -- yeah, as soon as -- as soon as staff has a pretty good idea of what that date is, six weeks out, four weeks out, whenever it is, just give us that word. And, if necessary, say we can't have staff commit to this, but our best judgment at this time is what it is. And, certainly, as we always do, we will allow every member of the public who wishes to speak to be heard. That's a commitment that we make as a Planning Commission, and if it takes multiple sessions, we've been through multiple sessions before, and we can do it again.

MR. BELLOWS: And staff has met with many of the residents down there and have had ongoing conversations/correspondence with residents of Isles of Capri. So nobody has to wait to a neighborhood information meeting to get information, copies of plans. Everything we have is available. We'll provide it at any time. There will be neighborhood information meetings, so we can try to get public input to try to address the comments and concerns that you've expressed today, but I can't do anything with the zoning overlay until we get some direction.

CHAIRMAN FRYER: Thank you. Commissioner --

MS. ESCH: Thank you very much.

COMMISSIONER SHEA: You're talking about -- are you talking about having another NIM? Did I misunderstand? You've already had two there. Is there another one?

MR. BELLOWS: No, I'm just saying, whatever --

COMMISSIONER SHEA: Oh, in general?

MR. BELLOWS: Yeah, because --

CHAIRMAN FRYER: Commissioner Shea, you were up next, if --

COMMISSIONER SHEA: Yeah. Just a question for Ray. It's my ignorance. Explain to me why an overlay is better than -- is it just more detail for that geography than the Growth Management Plan would show or what?

MR. BELLOWS: There is a distinction between a Comprehensive Plan element such as the Golden Gate Area Master Plan, which is specific to that area, but less than the Growth Management Plan level which has a lot more restrictions if it's part of the Growth Management Plan.

You can have a zoning overlay that just regulates building height or regulates other development standards. That process doesn't necessarily require a Growth Management Plan amendment to go with it.

CHAIRMAN FRYER: Mr. French?

MR. FRENCH: Thank you, Mr. Chairman. For the record, Jamie French, department head with Growth Management and Community Development.

Despite whether or not the Board were to ask staff to look at an overlay for this area, there's no look-back. An application is in, so none of that would apply. They simply have to meet -- much like the Florida Building Code, they simply, based off the date of application when they've met the minimum filing requirements, those are the rules that we would apply.

CHAIRMAN FRYER: In other words, it's not retroactive; it's not proactive?

MR. KLATZKOW: And it doesn't do anything, because they can always come in here, like they do time and time again, and ask for it to be amended for a specific spot.

MR. FRENCH: Absolutely.

MS. ESCH: I guess the big concern is we have other properties nearby that the developer could possibly buy, and we could have towers on the whole island. So if this gets approved, if we have an -- if the overlay's there, it might prevent other people -- because it would have -- so it would prevent future people, even if this one did go through, to try to get us to have some form of even development.

CHAIRMAN FRYER: What's the proper route for the people on the Isles who feel this way and want to initiate something? Should they contact --

MR. KLATZKOW: They can petition the Board of County Commissioners at any meeting, or they can go to their commissioner of the district, Mr. LoCastro.

CHAIRMAN FRYER: Okay. Got that?

MS. ESCH: Yes, thank you. Thank you for listening to me.

CHAIRMAN FRYER: Of course. Thank you.

Anything else under -- any other public comment?

MR. YOUNGBLOOD: (Shakes head.)

CHAIRMAN FRYER: Okay. No other public comment.

Anybody in the room that hasn't registered but wishes to be heard, raise your hand, and we'll recognize you.

(No response.)


CHAIRMAN FRYER: And I don't see any hands raised. So we've completed with the public comment portion of our agenda.

And without objection, without further ado, we're adjourned.

June 2, 2022

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:16 a.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

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,
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