

August 4, 2022

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
August 4, 2022

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

Edwin Fryer, Chairman
Karen Homiak, Vice Chair
Karl Fry
Joe Schmitt
Robert L. Klucik, Jr.
Amy Lockhart, Collier County School Board Representative

ABSENT:

Paul Shea
Christopher T. Vernon

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Mike Bosi, Planning and Zoning Director
Heidi Ashton-Cicko, Managing Assistant County Attorney
Derek Perry, County Attorney's Office

PROCEEDINGS

CHAIRMAN FRYER: Ladies and gentlemen, a good morning to everyone, and welcome to the August 4, 2022, meeting of the Collier County Planning Commission.

Everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Mr. Secretary, you have the floor for the roll, sir.

COMMISSIONER FRY: Thank you, Mr. Chairman.

Mr. Shea.

(No response.)

CHAIRMAN FRYER: Ms. Lockhart?

MS. LOCKHART: Here.

COMMISSIONER FRY: I'm here.

Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: Mr. Klucik?

COMMISSIONER KLUCIK: Present.

COMMISSIONER FRY: Mr. Vernon?

(No response.)

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

CHAIRMAN FRYER: Thank you, sir.

Addenda to the agenda -- oh, on the absences, the absences of Commissioner Vernon and Commissioner Shea are excused. So the record has been made on that.

Addenda to the agenda, Mr. Bellows.

MR. BELLOWS: For the record, Ray Bellows. There are no changes to today's agenda.

CHAIRMAN FRYER: Thank you.

This might not fit exactly under addenda to the agenda, but I want to raise it, if I may, early on and get the sense of the Planning Commission, and it has to do with the Isles of Capri matter that's coming up on September 1st, and it's a logistical question. I want to find out what the sense of the Planning Commission is on order of proceeding.

As you know, there have been many, many, many citizens who have weighed in on this, and undoubtedly many of them will want to be heard in person. So my question is, should we hear the Isles of Capri matter first so that the members of the public who want to be heard can be heard and then maybe excused so that we, then, can continue with the rest of the agenda, or we could also possibly set a time-certain to accommodate the members of the public. And I just would like to hear from the Planning Commission what your thoughts are on that.

COMMISSIONER SCHMITT: Yeah. I just have one question. There was a letter from a constituent asking, because of the scheduling in the midsummer, to delay it. Was that -- did staff respond to that constituent, or was there any thought of delaying it?

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

From a procedural due process standpoint, I'm not sure how we could delay --

COMMISSIONER SCHMITT: Yeah.

MR. BOSI: -- the petition. You know, we're a county with a permanent population of just under 400,000 people. To expect that we're going to only be allowed to conduct our business within an abbreviated time frame or window is somewhat constraining, and we do allow and encourage Zoom participation. So even if individuals are in remote locations of the country, there is still opportunities to register and participate within -- within the proceedings. So we did respond -- we responded back.

COMMISSIONER SCHMITT: Okay.

MR. BOSI: We spoke with the Commissioner, and we spoke with the County Attorney's Office, and we provided, basically, just that type of a response.

COMMISSIONER SCHMITT: Yeah. As I would expect, but I just didn't know if -- I know some of -- most of -- a lot of us got that correspondence as well. But just for the record -- and I've already notified the staff -- I will not be here for that meeting, so I will be absent.

CHAIRMAN FRYER: Understood. Thank you, Commissioner.

Anyone else want to be heard on this question? Commissioner Fry.

COMMISSIONER FRY: So, Mr. Chairman, you're saying we either let the meeting flow and public speaking happens when it happens at whatever point that it is, or we have a time-certain for the public speakers?

CHAIRMAN FRYER: A time-certain was -- I'm just throwing some ideas out. My goal is to accommodate the public. One way I saw of doing that would be to have a time-certain. Another way would be to just lead off with that matter; the Isles of Capri is the first matter.

COMMISSIONER KLUCIK: I think -- yeah. I do think -- regardless of whether -- how practical it is and regardless of our extent and all of that, it's certainly perceived -- it's easily perceived, and certainly I perceived that, whether correctly or incorrectly. I perceived it in a very negative way, and I received it when I was a resident wanting to come address, you know, the Planning Commission when it was very hard -- you know, I'm driving an hour, at least, to come in, and it was very hard to know when I would be able to speak and to have hours and hours and hours, you know, to just sit there and hope that I'm there at the right time as well as, you know.

So I do think the more we can do to make that -- which is exactly why you're asking, you know, that we at least consider that. The more we can do to give people, you know, something, you know, to count on in some way. You know, I realize we can't make a promise to anybody. But if we can make it so it's easier for people to feel that we tried to make it easy for them to participate, the better off everybody is.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: That's all. And how that looks, I think -- you know, if we start in the beginning -- and the problem we have is the presentation by the petitioner and the staff. We have no way to gauge how long that's going to take.

CHAIRMAN FRYER: That's true. And so if we set a time-certain -- and there is precedent for this -- whoever's presenting, whether it's staff or the petitioner, would suspend their presentation while we heard from the public, and then they could continue and have as much time as they needed, or we could simply start this, put it first on the agenda, which doesn't create quite the level of certainty as a time-certain. But in my way of thinking -- and I discussed this with staff in my meeting on Tuesday, and they have no objection to putting this on the top of the agenda, but I just wanted to, you know, see what the Planning Commission felt.

COMMISSIONER HOMIAK: So there's just -- what else is on there, just that one other item besides Isles of Capri?

CHAIRMAN FRYER: No, there are, like, four or five other items.

COMMISSIONER HOMIAK: The LDC amendments are on that during the day?

MR. BOSI: There's a commercial PUD; there's also the Golden Gate Estates variance notification. We're making a modification to the distance for the variance, reducing it from one mile to the thousand feet, which used to be the norm; as well as the medical marijuana, and the medical marijuana is the 5:05 item that requires a nighttime hearing.

So there are some other items on the agenda. If we do set it as the first, it will at least give the public the understanding that it will be heard out the gate. So it gives them more certainty than, I think, even a time-specific can do.

COMMISSIONER HOMIAK: Yeah. I think it should be first.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: I think both are important. We need to balance the natural

flow of the meeting, because the public speaking is at a strategic point. If they've been here, they've had a chance to hear the presentation. Oftentimes, there are issues that have been resolved, you know, that the public -- some people sitting there don't know. So I do think it's possible -- or it's important that the flow be normal. So I would be in favor of having it first. That gives them at least some certainty and, you know, a reasonable chance to predict when they're going to speak.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Just a reality check. It's going to be a very long petition. There are probably -- do the math. How many speakers, public speakers, probably 20 to 30, I would anticipate, three minutes each. Do the math. It's going to take all morning just to go through the public speakers.

And I think it's -- it's only right to have the petitioner present the matter first before the public speakers speak.

COMMISSIONER FRY: Commissioner Klucik.

COMMISSIONER KLUCIK: I guess what we could do is we could kind of consider, do we know -- is there anything that we would want to have, like -- so we say, okay, well, the first hour we're going to take care of X, and then one hour in, boom, you know, we'll take a break, and then we'll hit right up with, you know, this petition.

So that way at least if there's something that, you know, it doesn't make sense for someone to stand around, you know -- because it's quick, we know it's going to be quick, and we're going to just get it out of the way. Because it's -- you know, if we make this first, it's going to be really long. It's probably going to take up most of the day, if not all of the day, and then everyone else is on standby, and they might not even have their petition heard that day, or it might be really late in the day.

So we're kind of -- no matter what we do -- and this is good to say this out loud, you know. I don't know how many people are listening in the public, but no matter what we do, there's somebody who wants to talk to us who's going to be frustrated that day, period, because they're going to have to invest a lot of time in waiting around and hoping that the time comes that they get to have the floor, so...

COMMISSIONER HOMIAK: Unless they Zoom.

COMMISSIONER KLUCIK: Yeah, unless they Zoom.

CHAIRMAN FRYER: And Zooming, that would alleviate some of the problem.

COMMISSIONER KLUCIK: But is there any matter -- I guess that's my question: Is there any matter that we ought to prioritize that will be quick or that we could easily take care of quickly that's on the agenda?

CHAIRMAN FRYER: I'll ask staff that.

MR. BOSI: The other items that require -- that aren't on the nighttime hearing, which is the medical marijuana, which I do believe we're also going to have -- some of the public will be in attendance. We actually had a DSAC meeting yesterday that had about -- what was it, about 15 -- I think 15 speakers on that. So it's going to take a little bit of time -- it's going to be a long day.

The other -- the commercial PUD, we've had no correspondence from the public related to opposition so it's kind of a -- there's not -- we don't expect there's going to be a lot of attendance, if any. So having that wait to the end I don't think's going to displace anybody in regards.

And then the variance notification, there has been no expression of opposition from that that we've received. It was directed by the Board of County Commissioners to bring -- to bring this modification back to the Planning Commission.

So I think having the Isles of Capri being the first, it will have two petitions that will be heard afterwards that -- but I don't think there's going to be anyone from the public that are interested in those. They've shown no interest in terms of correspondence that we've received from the public related to those matters.

So if we had the Isles of Capri first, the presentations from the staff and the petitioner,

normally about an hour, an hour and 10 minutes is all that is needed, so I don't think we'll be displacing the public who are there to speak in a prolonged way.

CHAIRMAN FRYER: Sure.

MR. BOSI: So from staff's perspective, I think having the Isles of Capri, the two companion petitions, and then having the other commercial PUD, and then the LDC amendment afterwards, and then finally the 5:05 medical marijuana proposal LDC amendment is probably the best arrangement in terms of being able to accommodate the public and not creating any issues of someone sitting around here all day waiting to speak.

CHAIRMAN FRYER: Commissioner Fryer.

COMMISSIONER FRY: Mr. Chairman, I'd like to make a motion that for the September 1st meeting we make the Isles of Capri the first item on the agenda.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: I support that motion. One thing I might ask -- I don't know if it's by way of a friendly amendment or just an informal request from me to staff to alert the petitioner, depending upon how many registered speakers we have, we may -- we may ask for an opportunity to suspend temporarily the presentation if we have an inordinately large number of speakers or if the proponent wants to go longer than the expected hour, hour and a half. We may not, but just so that it's not a total surprise if we were to take that up. Would you accept that as a friendly amendment?

COMMISSIONER FRY: I would. It doesn't sound to me like -- it sounds to me like the public will have a relatively predictable time frame based on an hour, an hour-and-a-half, two-hour presentation. They'll be able to speak by 10:30, 11:00; you know, start, continue after lunch, so --

CHAIRMAN FRYER: I won't make it an amendment, then, but I will ask staff informally to alert the applicant that based upon circumstances that we right now cannot predict with accuracy, we may have to do something along the lines as necessary to accommodate the members of the public if they are in sufficient numbers, and we also, of course, reserve the right to clamp down on the time allowed for each speaker, which we would do it if it turns out that otherwise we'd be here, you know, for 24 hours or something.

It's been moved and seconded that we put Isles of Capri first on our agenda for September 1.

Any further discussion?

(No response.)

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

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, Planning Commission.

Planning Commission absences. Our next meeting is on October [sic] 18, and we've got a pretty full agenda for then. Anyone know if he or she will not be in attendance for that meeting?

COMMISSIONER SCHMITT: I'll miss that meeting as well. I'm going to miss the two in a row.

MR. BELLOWS: Mr. Chairman, I'd just like to remind you -- it's Ray Bellows -- that that's a 2:00 meeting.

CHAIRMAN FRYER: On the 18th is a 2:00?

MR. BOSI: Start time to 2:00. We have another nighttime requirement with LDC amendments that are going to be on the 18th as well.

CHAIRMAN FRYER: Okay. So I've somehow missed this. We're going to have two nighttime meetings, the 18th and the 1st?

MR. BOSI: Correct.

COMMISSIONER KLUCIK: Okay. So we're not having a meeting in September?

CHAIRMAN FRYER: Well, September 1st and then probably September 15th.

COMMISSIONER KLUCIK: Okay. So this -- but we're talking right now about the 18th of October?

CHAIRMAN FRYER: No, 18th of August starting at 2:00 and having a 5:05 --

COMMISSIONER HOMIAK: He said October.

CHAIRMAN FRYER: -- and September 1 starting at the regular time and also having a 5:05.

MR. BOSI: Correct.

CHAIRMAN FRYER: Okay.

MR. BOSI: The September 1st hearing, we were -- the discussion has been to start that at 10:00 because you guys have a nighttime meeting that's going to run at least an additional hour. So we wanted to start it at 10:00. We thought we could handle all the business within the -- within that -- within that seven-hour window.

CHAIRMAN FRYER: I'm not so sure we want to chop an hour off of Isles of Capri. It may be that -- and I realize -- and I appreciate your trying to accommodate our desire for a meal or two during the day, but on the other hand, if we anticipate this is going to be a very long meeting on the 1st, why wouldn't we start at the regular time?

Planning Commission, what do you think?

COMMISSIONER FRY: I'm okay with -- the thought I have is that if we started it at 10:00 like you say -- and I understand what Chairman Fryer's saying, and I -- that makes a lot of sense. But I thought if we started at 10:00, you could almost give the public a time-certain of speaking at 1:00 after lunch, you know. That gives us flexibility to let the presentation go long. It lets us take a regular lunch or a short lunch as needed, something like that. So I do see kind of merit to both sides. I guess I'm open to other input.

CHAIRMAN FRYER: Okay. Another possibility would be -- and tell me if I'm incorrect, but if we start at 10:00 and we find ourselves way behind at the end of the day on the 1st, we could move items to the 15th, or is that already jammed?

MR. BOSI: I don't believe the 15th is jammed. We are in the process, I think, of scheduling a couple petitions.

And just to give you, the Planning Commission, a heads-up, there are going to be -- October, November, you are going to have -- we will have full agendas. Between the AUIR, Bright Shore Village, the Town of Big Cypress, Marco Shores, Fiddler's Creek affordable housing project, there are going to be some heavy lifts that are going to be associated with our fall agendas.

So a full schedule between September, October, and November is anticipated with meetings that are going to be pretty populated.

CHAIRMAN FRYER: Commissioner Fryer.

COMMISSIONER FRY: To Chairman Fryer's concern about starting at 10:00, what is the rule in terms of -- let's say it was 5:00, and we still had an item to hear in the daytime agenda before the nighttime. Do we have the latitude if we voted to continue the daytime meeting to 5:30, 6:00, and then have the nighttime meeting and start later?

CHAIRMAN FRYER: We do, don't we?

MS. ASHTON-CICKO: Yes.

CHAIRMAN FRYER: It's not earlier than 5:05 for the 5:05 agenda.

COMMISSIONER FRY: I guess as a guy that has a -- you know, some business I have to

attend to, starting at 10:00, I probably would favor that. It gives me a little bit of time in the morning, and then I can just write off the rest of the day knowing I'm going to be here in the evening. So I would probably vote for that if that was raised.

CHAIRMAN FRYER: Okay. Well, that's been staff's recommendation. Commissioner Fry has weighed in favorably on it. Does anyone want to speak in favor of starting earlier?

(No response.)

CHAIRMAN FRYER: If not, I think the consensus is that we start at 10:00. Thank you.

COMMISSIONER KLUCIK: When does the second meeting start that day?

CHAIRMAN FRYER: 5:05; not earlier than 5:05.

MS. ASHTON-CICKO: Are you talking about August 18th or the 1st?

CHAIRMAN FRYER: Well, I'm talking about the 1st primarily, but it could, conceivably, happen anytime we have a 5:05. And when we have a 5:05, I believe it's "not earlier than" for that agenda. So we could continue our daytime agenda --

MS. ASHTON-CICKO: Correct.

CHAIRMAN FRYER: -- after 5:05.

MS. ASHTON-CICKO: Correct.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: To clarify, the 18th is starting at 2:00?

MS. ASHTON-CICKO: Correct.

COMMISSIONER FRY: And the 1st is starting at 10:00?

MS. ASHTON-CICKO: Yes. That's the clarification I needed. Thank you.

CHAIRMAN FRYER: Okay. So we've heard from Commissioner Schmitt who has got a long-standing out-of-the-country opportunity.

Go ahead.

COMMISSIONER KLUCIK: So on the 18th the only meeting we're having is the 2:00?

CHAIRMAN FRYER: No, sir.

COMMISSIONER KLUCIK: Oh, on the 18th we're also doing two meetings?

CHAIRMAN FRYER: The 5:00, yeah.

COMMISSIONER KLUCIK: 2:00 and 5:00?

CHAIRMAN FRYER: Yes, 2:00 and 5:00, and then on the 1st, 10:00 and 5:00.

COMMISSIONER KLUCIK: Okay, great.

CHAIRMAN FRYER: Okay. And besides Commissioner Schmitt, does anybody know whether he or she will be unavailable for the 1st of September?

(No response.)

CHAIRMAN FRYER: So it looks like we should have a quorum.

Thank you very much.

Okay. Approval of minutes, we have none before us today for action.

BCC report/recaps, Mr. Bellows?

MR. BELLOWS: Yes. There were no land-use items presented since the last Planning Commission, so there's no additional recap.

CHAIRMAN FRYER: Thank you.

Chairman's report, none today.

Consent agenda, none today.

Public hearings, we have two. They're companions, and they solely comprise our agenda for today.

***They are PL20210001101, which is the mini-triangle small-scale GMPA, and its companion, PL20210001100, the mini-triangle MPUDA.

All those wishing to testify in this matter, please rise to be sworn in by the court reporter.

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

CHAIRMAN FRYER: Thank you.

Now ex parte disclosures from the Planning Commission starting with Ms. Lockhart.

MS. LOCKHART: Read staff materials only.

CHAIRMAN FRYER: Thank you.

COMMISSIONER FRY: Staff materials.

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

COMMISSIONER HOMIAK: I spoke to Mr. Mulhere and Mr. Starkey, and was it Paula on the phone? Whoever else. Stephanie.

MR. MULHERE: Stephanie. Stephanie Harrell (phonetic).

COMMISSIONER SCHMITT: I, likewise, spoke to Mr. Mulhere and Starkey.

COMMISSIONER KLUCIK: Staff materials and staff meeting.

CHAIRMAN FRYER: Thank you very much.

Before I ask the applicant to make its presentation, I want to quickly have staff clarify a scrivener's error so we are not harboring this in our heads during the presentation of the applicant.

Mr. Bosi.

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

On Page 4 of the staff report for the Growth Management Plan amendment associated with the petition, we provide a density calculation, and within that density calculation there was a scrivener's error. Instead of 491 units, which is the adjusted total requested through the amendment, the staff report claimed it was 471, and that resulted in an 88-units-per-acre density calculation. Throughout that -- throughout that staff report, it is correctly referenced as the 491 that the amendment is requesting, and that translates to 92 units per acre; just to provide that clarification. That was a scrivener's error, and staff is in recognition that it's 491 units that are being requested.

CHAIRMAN FRYER: Thank you. And the number 491 is the one that went to the public at the NIM.

With that, the Chair recognizes Mr. Mulhere.

MR. MULHERE: Thank you, Mr. Chairman, members of the Planning Commission.

Here with me this morning, Jerry Starkey, who is an owner and applicant; Fred Pezeshkan is also an owner and applicant, though he is not with us this morning. He was unable to attend, but his son Alex Pezeshkan is here; Ellen Summers who works with me at Hole Montes is a planner; Norm Trebilcock, you're familiar with, is our transportation consultant; and Russ Weyer, whom you're also familiar with, did the market analysis for us.

I'll be fairly brief with this presentation because I think most of this information many of you already know. But the parcel is 5.35 acres. It's located on the visualizer -- on your visualizer right now. It is in -- we'll get to that in just a minute. It is in what's referred to in the Comprehensive Plan and the Land Development Code as the mini-triangle area of the CRA, the Community Redevelopment Agency, and it's specifically intended to be a catalyst to spur redevelopment. And when it was approved originally in 2018, that was the basis of the approval.

There has been activity. It took some time to address all of the contractual obligations between the owners and the county such as relocating the cell tower, which took quite a bit of time. That's all been done now. There is, I believe, an approved Site Development Plan on Lot 1 for a 270-multifamily luxury apartment building with 7,500 square feet of ground floor commercial. There is an SDP under review for Lot 2 for 56 luxury condominium units with approximately 6,500 square feet on the ground floor. The size of the lots is in that table right there. Lot 3, which has -- remains and is to be developed and to be entitled, is a 1.7-acre platted lot.

This exhibit shows you how it was previously originally platted many years ago -- you can see all of the small lots on the left of the screen -- and then re-platted after approval of the PUD to three lots with the accessways off Davis and U.S. 41.

As you know, this project is just about at the confluence of U.S. 41 and Davis. There is about a 1.99-acre parcel at the hard triangle there that we do not own.

So the basis of our request is on market changes and changes that are very close to the subject property. Originally, now over four years ago, we had a mix of residential, hotel, we were attempting to attract a multiplex cinema/entertainment center. Ultimately, that, as you probably know, went to the Coastland Mall. It's only been open for a short period of time, as it was delayed, I think, probably mostly due to the pandemic.

We also were talking to a couple of luxury car dealers. The Ferrari dealership is north of -- on Immokalee Road North at 41, and the Lamborghini is in East Naples. So we're really left to the more typical smaller -- those would have chewed up 50- to 60- or even 70,000 square feet of commercial space, those larger uses.

Then also immediately adjacent to us there was an SDP approved for a 125-room hotel with 24 multifamily units, and a restaurant. So that has kind of eliminated, based on our market analysis, or Russ's, the likelihood of attracting hotel.

So we are asking to increase the number of multifamily dwelling units so that we can address the marketplace. It gives us flexibility, and we can complete this project, which I know both the county and my clients are anxious to do.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Just -- I would like someone to address -- maybe now's not the time, but that just seems strange that because there's a hotel there wouldn't be another hotel. I find it seems like it's the exact opposite. When there's a hotel, you often find two, three, four, five, especially in a county where hotel rooms are \$300, you know, half an hour or 20 minutes away from the inland.

MR. MULHERE: And I can ask Russ Weyer to come up. He did the market analysis. I can just say that that analysis indicates there is not a strong market in this location for another hotel.

We did -- we are retaining that use. We're not saying that if something changed in the market over the next two years we wouldn't consider that, but we don't feel that that's a strong likelihood --

COMMISSIONER KLUCIK: I'm just trying to undercut that point because I don't think it's a strong one. We don't really need to go into the detail.

MR. MULHERE: Understood. Thank you.

So we are proposing to reduce the maximum -- as well, we're proposing to reduce the maximum and minimum square footages. On this slide you see that at present at 40,000 square feet minimum, we would have 81 square feet of commercial use per dwelling unit. By comparison, your mixed-use villages have a requirement for 65 square feet. And so, basically, they just increased it. Now they just increased it from 53 to 65.

The first floor of all the buildings other than access to the residential or hotel use above will be commercial uses, and I'm going to get into a little detail on that in just one second.

CHAIRMAN FRYER: Mr. Mulhere, may I interrupt you --

MR. MULHERE: Sure, absolutely.

CHAIRMAN FRYER: -- at this point?

I had a full and candid conversation with you and Mr. Starkey yesterday, and as a result of that, each of us asked the other to think about certain issues. And one of the things that I had earnestly requested -- really the only thing -- was that the minimum commercial be increased somewhat, and that that seemed to me to be most appropriate given the fact that this part of the East Trail really just changes its name to Fifth Avenue South when you go a few yards west, and it's going to have all the cache, I think -- it potentially could. And it seemed to me that in order to fulfill the expectations of the Board and also the standards for a GMPA -- the expectations in question being the catalyst in Gateway and the sense of place and the other language that was put in there -- that some more commercial would be highly desirable for Collier County. And I'm pleased to say -- and, of course, it's subject to what the Planning Commission wants. But if the

Planning Commission is willing to allow this, the applicant is willing to increase their minimum commercial square footage from 40,000 to 45,000.

MR. MULHERE: Correct. We did have a discussion last night and then again this morning.

CHAIRMAN FRYER: And I appreciate that very much. That shows considerable flexibility and a willingness to at least address my concerns. But I'm just one planning commissioner.

So, Commissioner --

COMMISSIONER KLUCIK: Yeah. And just -- can you go back to the previous slide.

MR. MULHERE: Sure.

COMMISSIONER KLUCIK: So what you're saying in that third bullet is that it seems beneficial in this kind of project, you know, to kind of make sure that it's not just residential because the whole idea is that it has a high value as to the overall community. It has a higher value to make sure that there's a lot of commercial, not just residential, and you're just mentioning that compared to -- I guess to nearby projects --

MR. MULHERE: No, that's --

COMMISSIONER KLUCIK: Just to other mixed-use developments --

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: -- in the county?

MR. MULHERE: The average in the county, based on the total number of dwelling units and the total amount of commercial, is 71 square feet per dwelling unit currently existing, which Russ --

COMMISSIONER KLUCIK: And you're just saying that what you're asking for would still have a higher than average commercial?

MR. MULHERE: Yes. Well, now it's going to go up, because if we increase it by 5,000, it goes up to 90 square feet, if you do the math.

COMMISSIONER KLUCIK: Okay.

MR. MULHERE: Thank you.

CHAIRMAN FRYER: Does any planning commissioner object to the --

COMMISSIONER SCHMITT: No.

CHAIRMAN FRYER: Okay. Thank you.

Go ahead, Mr. Mulhere.

MR. MULHERE: I pretty much already discussed this part. This is just the actual text that we're changing. I do want to put this on the record, changes to the number of dwelling units, changes to the maximum commercial. We're eliminating the movie theater and the bowling center because we just don't feel there's a market for that, and that's pretty obvious.

I did want to mention that -- if I can go to the visualizer.

COMMISSIONER KLUCIK: I mean, I'm sorry that I'm not following. If I could ask to your last slide.

MR. MULHERE: Sure.

MR. BELLOWS: Bob, you can zoom in.

MR. MULHERE: Wait a minute. I've got to go back.

CHAIRMAN FRYER: Yes, please.

COMMISSIONER KLUCIK: So we're increasing the minimum amount of commercial, but because you're backing off on some large square footage --

MR. MULHERE: We've reduced the map --

COMMISSIONER KLUCIK: -- uses, you're saying that since we're not going to have those large uses, our maximum doesn't need to be so high?

MR. MULHERE: Correct. It goes down from 200,000 to 130,000.

COMMISSIONER KLUCIK: Okay.

COMMISSIONER HOMIAK: That's a lot.

MR. MULHERE: I did want to just point out on the visualizer, which is a little hard to see --

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Bob, I want to interject; this is a timely question. So if you build the 491 units that you are anticipating -- obviously, you have a laundry list of potential uses for the GMPA -- you would really be closer to the minimum square footage of commercial. If you build the 491 units, then you'd really be closer to the 45,000?

MR. MULHERE: Correct, yeah; most likely.

COMMISSIONER FRY: So the 130- is really a max in case you alter your plans for the residential units?

MR. MULHERE: Well, for example, if, in fact, something turns around and the hotel becomes a viable use, it's still an allowable use. That's going to have some commercial associated with it. So, yes, we need to have that flexibility, or we feel we need to have that flexibility.

COMMISSIONER FRY: So even though you've said the market study does not suggest the viability of a hotel, you're leaving that in for that specific reason: Flexibility?

MR. MULHERE: If somebody knocks on the door and they have a very viable plan, we want to be able to address that.

COMMISSIONER FRY: Okay. Thank you.

MR. MULHERE: I just wanted to point out -- sorry. I did speak to the County Attorney about this. While we struck through the multiplex and the bowling alley in the list of the permitted use, it was -- and Commissioner Homiak pointed this out to me, so I've got to give her credit. The rest of us didn't see it. In the introductory paragraph it's referenced twice, so we will strike through those. And I did talk to Heidi Ashton about it this morning. You can see that on the visualizer. I wanted to point out that we are retaining the trip cap; we're not increasing the trip cap. So whatever mix of uses will still be subject to the trip cap, which is now --

CHAIRMAN FRYER: Six hundred twenty-eight peak p.m.?

MR. MULHERE: Yep. And that's what the county uses now as the overriding cap on intensity or density.

So I did want to just discuss this table. We also had a slight change in the table that probably was not in your documents. I did discuss it with staff and the County Attorney's Office. We wanted to be sure that -- the way it was originally written with the strikethrough language there, it could have been construed to basically require a higher minimum than now 45,000 square feet. And so the way it's written right now is that there -- there's a minimum of 15,000 square feet of office, and the remaining minimum will be Uses 2 through 4 and 9. So I want to go over uses -- I think this is a positive, because it's the kind of uses that you would want to see in a mixed-use development, particularly on the ground floor.

So Use 2 is the retail; Use 3 is eating establishments; Use 4, personal services such as a spa; and Use 9 is yoga, bicycle rental, these kinds of specialty retail type things.

So we've limited the -- trying to establish the minimum to those uses, office and the retail/restaurant/personal service type uses. But that's what that language right here is intended to do. And we think that works, and we've run it by staff.

I already went over that.

In conclusion, we did have a NIM on May 25th. There were nine members of the public physically attending and three members on Zoom. There were no objections to the project. There were a number of questions. There were questions about whether or not we were going to drive piles, and we're going to do auger cast piles, which is less inconvenient to the surrounding residents.

There was a question about the timing of the development. The CRA advisory board met on 5/10. We were there. We made a presentation. They had questions, but they did unanimously recommend the project for approval, and we have both the CRA staff and Growth Management staff recommending approval.

That concludes my presentation. I'm open to any questions you may have or public comment.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Thank you, Mr. Chairman.

Bob, so I can't help but be struck by a contrast here, and that contrast is One Naples where a project of a hundred -- it was 200 feet. It went down to 150, 160 feet in the end, but they had thousands of people in that objected to it, up in arms. They had -- they were fundraising. They had their special --

MR. MULHERE: Yeah.

COMMISSIONER FRY: They hired consultants. Here we have 400 -- a density of 92 units per acre. We have 168-foot height, and it appears that there's no public outcry in opposition to this.

MR. MULHERE: And --

COMMISSIONER FRY: So I just wonder if you could explain that. I call it a paradox or -- I don't know what it is exactly, but why is it -- why so different? I understand it's a different area, and it means a lot to me the CRA has approved it, because they have a great vision for the area.

MR. MULHERE: Yeah. I think that's the primary reason is that it is in a Community Redevelopment Area. And if you drive down Davis and even parts of the East Trail, there was a specific desire to have a catalyst-type development in this mini-triangle. They actually provided for incentives in the mini-triangle for development.

And I also think that in this area, we didn't have any -- we had no -- I don't believe we had any objections. There were some questions the first time around, but I don't recall that there were any objections. I could be wrong but, if so, there weren't very many folks who showed up. And I think it's the same thing here.

It's going to be such a significant change in this area that I think exactly what the CRA intended is that, you know, there will be, from this, additional changes. I know, for example, that the Brookside Marina, they're looking at redeveloping that site. So there's going to be a lot of changes as a result of this, positive changes.

COMMISSIONER FRY: Okay. I think I have a couple more questions.

So the trip cap, 628, your traffic report, Norm's traffic study shows that if you build this project, it's 594 trips, a little bit less. But you are asking to stay -- because of flexibility --

MR. MULHERE: Yes.

COMMISSIONER FRY: -- I'm assuming stay with the 628 rather than commit to the reduced number of 594?

MR. MULHERE: And that's the table you're referring to on the screen right now, that's correct. Because, again, Norm, when he does it, he uses -- for this calculation he uses a very likely scenario. He meets with staff. They agree, yes, that's a likely scenario.

I think in terms of flexibility there's, you know, what is it, 30, 34 extra trips on this. I might have done the math wrong real quick, but, whatever. It's pretty insubstantial. We need that flexibility, I think, just in case we do find some use that we haven't anticipated at this point in time.

COMMISSIONER FRY: You've left a couple other uses in there. And do you have a list of uses that you can --

MR. MULHERE: Sure.

COMMISSIONER FRY: And I assume -- you have indoor car storage, you have self-storage.

MR. MULHERE: Yeah.

COMMISSIONER FRY: So you're leaving those in there just in case the residential --

MR. MULHERE: Yeah.

COMMISSIONER FRY: -- does not work out and it becomes more of a commercial oriented --

MR. MULHERE: Or there's some demand for storage for the residential uses, that that could be an option, too.

COMMISSIONER FRY: You mentioned, though, that you had 15K of office and the other minimum 30,000 -- oh, but then beyond that minimum 45,000, up to 130,000 could be any of those other uses, correct?

MR. MULHERE: Correct. The minimum has to be those uses I said, which is retail, eating and drinking, personal services, or specialties such as yoga instruction or bicycle rental, the kind of specialty retail that you might see, you know, in this location.

So that, you know -- and I didn't mention it because I was trying to be cognizant of your time. There's three buildings, and there's 7,500 square feet of commercial on one of buildings already approved on Lot 1 -- or 6,500 on Lot 1. Either way, there's a total of 14,000 already committed to on the ground floor.

When you look at the next building, there's a limit to what can be put on the ground floor. You're not going to achieve all of the minimum, I don't think, on the ground floor of this next building. You'll be -- we would be close, all these uses, which is what you would want on the ground floor. So wherever we need to make up the additional is likely to be on the second floor.

COMMISSIONER FRY: So the approved SDP on Lot 1 --

MR. MULHERE: Yeah.

COMMISSIONER FRY: -- will remain intact --

MR. MULHERE: Yes.

COMMISSIONER FRY: -- as it is?

MR. MULHERE: Yes.

COMMISSIONER FRY: Lot 2, the SDP that's under review, will remain intact?

MR. MULHERE: Yes.

COMMISSIONER FRY: So, really, your flexibility is mostly in Lot 3?

MR. MULHERE: That's correct, yes.

COMMISSIONER FRY: Okay. So, really, if it's a question of what ends up being on that parcel, okay.

MR. MULHERE: What Jerry just reminded me is to get to the minimum, we're going to have to have, likely, some office on the second and third floor.

COMMISSIONER FRY: Okay. Last thing I was just wondering, you have -- assisted living is still in there, and it's mentioned in there. I mean, how viable is that? Why is that still in there? It would seem to be --

MR. MULHERE: Well, we had it in there and we left it in there because there are some very high-end assisted living -- Moorings Park comes to mind, which is building several fairly large buildings along Golden Gate Parkway and Grey Oaks.

COMMISSIONER FRY: They may be an option for Lot 3; is that the idea?

MR. STARKEY: Not currently. It's not currently --

CHAIRMAN FRYER: Sir, we need to have you at the mic.

MR. STARKEY: Yep.

CHAIRMAN FRYER: Just quickly identify yourself, please.

MR. STARKEY: Sure. Jerry Starkey.

So that's not currently anticipated, but as you all know, zoning stays in place a long time, and our goal is to start the buildings as quickly -- and complete the development as quickly as possible. But if we had some unforeseen event that caused the market to stall for years, like a recession or a war or something like that, that would be a compatible use, in our view, because it would be affluent older people who currently are spending \$2 million-plus to live in a home that's catered with all the amenities of life care. So that's why we've left that, and that's why we put it in to begin with.

COMMISSIONER FRY: So in your opinion, it's commensurate to the primary use that you're describing now, it's a suitable alternative, it's kind of a like for like --

MR. MULHERE: Sure.

COMMISSIONER FRY: -- type of thing.

So if we approve this, we have to be prepared for the possibility that instead of 491 units, it could be, really, any combination of these other acceptable uses, including the ALF?

MR. STARKEY: That's possible. It's not -- I would say in today's market, it's highly unlikely.

COMMISSIONER FRY: But possible.

MR. STARKEY: Yeah.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: I'm going to follow up. Maybe, Mr. Starkey, this is one you want to answer.

Certainly, I commend the applicant, you and your agents, for carving out some of the far-out, way-out uses that are in 7999 SIC code. I mean, there are just some things that are absolutely crazy in there, and I know what you would view as totally incompatible with the kind of first-class operation you would want to run.

In the so-called '99 SIC code categories, there are a few others that I'd like ask you respectfully to consider removal of, because I can't imagine that something -- these are things that you would want to have the right to do.

5499 includes sale of live poultry and slaughtered poultry. 5999 includes sale of grave stones and artificial limbs. 6399 includes sale of health insurance for pets, and that wouldn't trouble me at all except 8699 also includes humane societies, comma, animal.

MR. STARKEY: I would agree with you, we could strike all of those.

CHAIRMAN FRYER: All right.

MR. MULHERE: Could you give me those numbers just one more time?

CHAIRMAN FRYER: Sure. 5499, poultry; 5999, gravestones and limbs; 6399, health insurance for pets. I love that one; and 8699, humane societies, comma, animal.

MR. MULHERE: Just give me that third one again; I'm sorry.

CHAIRMAN FRYER: No problem; 6399.

MR. MULHERE: Got it.

CHAIRMAN FRYER: Health insurance for pets.

MR. MULHERE: And then on 8699, the use was?

CHAIRMAN FRYER: Humane societies, comma, animal.

MR. MULHERE: Okay. Got it.

COMMISSIONER FRY: Mr. Chairman, are you saying that gravestones and artificial limbs are under the same classification?

CHAIRMAN FRYER: According to the SIC Code authors, yes.

MR. MULHERE: That would be artificial limbs, I take it?

CHAIRMAN FRYER: Yes.

COMMISSIONER FRY: Made from gravestones.

COMMISSIONER KLUCIK: When do we get to the part where we get to decide what kind of mural they're going to have?

CHAIRMAN FRYER: That may be another board.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Okay. Any other questions or comments for the applicant? (No response.)

CHAIRMAN FRYER: Anything further from the applicant?

MR. MULHERE: No. I do have some renderings. I'm not going to spend the time to show those to you, but if you have -- I heard somebody talking.

CHAIRMAN FRYER: It was you.

COMMISSIONER HOMIAK: It was Joe. He's fooling around over here.

MR. MULHERE: Anyway, I'm not going to show those to you, but if it comes up, I just

want you to know I have them.

CHAIRMAN FRYER: They were in the paper this morning.

MR. MULHERE: Oh, okay. I didn't realize that. I haven't had a chance to look at that yet.

CHAIRMAN FRYER: Okay. Then if nothing further from the applicant at this time, we'll turn to staff for its presentation.

Mr. Bosi.

Oh, Commissioner Fry, did you want to be heard? Sorry.

COMMISSIONER FRY: Yeah. I did -- one clarification. One of the confusing things that occurs in these meetings is that you come forth with an intended use, like Mr. Starkey described, and some of the alternatives, and then you have this list of other uses that still are part of the approval. I just want to -- the CRA is in approval of this parcel regardless of whether it turns out to have hotel --

MR. MULHERE: Yes.

COMMISSIONER FRY: -- ALF --

MR. MULHERE: Yes.

COMMISSIONER FRY: -- car storage, all those things. They definitely were clear that all of those things were possible, and they're --

MR. MULHERE: Yes.

COMMISSIONER FRY: Okay.

MR. MULHERE: I think the concern -- or the staff concern -- not concern, but they wanted to be sure that there was adequate mixed-use, and that's why we have that restriction on the 45,000 to those uses. So they were very comfortable with it.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Further clarification that I'm going to ask for, when you say "CRA," of course, that's the BCC. Are we talking about the CRAAB, the C-R-A-A-B?

MR. MULHERE: Yes. The Community Redevelopment Advisory Board. I try not to use that name, CRAAB, but, you know...

CHAIRMAN FRYER: Well -- okay. So it's -- CRAAB has approved it. And there was some material in our handouts, our agenda packet, where they had raised a number of --

MR. MULHERE: They did.

CHAIRMAN FRYER: -- questions.

MR. MULHERE: They asked a lot of questions.

CHAIRMAN FRYER: But you're representing to us that their concerns have been satisfied?

MR. MULHERE: Yes. It was a unanimous vote for approval.

CHAIRMAN FRYER: Okay. Thank you very much.

Staff?

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

And we do have Ms. Tami here from the CRA staff who can provide the clarifications, and we do have a copy of the summary minutes, and it was stated that it was unanimously recommended for approval from the CRAAB.

But related to the amendment to the mixed-use PUD as well as the small-scale amendment that's being proposed, staff is recommending approval. We are -- we are supportive of the modifications and increase of the minimums to 45,000 and the restrictions to the uses that Mr. Mulhere described.

To address Commissioner Fry's question related to the comparison between Naples One and this project and the lack of public outcry, so to speak, I think what you had in the Naples One, that Vanderbilt -- that Vanderbilt Beach area had a long history of having opposition to additional height within there because in the aughts there was a concern of the canyonization of that area.

We went through a long -- a prolonged study, put some limitations on towards what can be

added in terms of height within that area. So I think it's a much different context. And compare that to the mini-triangle where you have a history of eclectic industrial/commercial mixes without a strong residential presence right within -- within that area. So I think the context of the two areas are polar opposite of each other.

And then what Mr. Mulhere said, this has always been the catalyst project that the Bayshore CRA has tried to advocate for. It's been 20 years in the making to try to get a project at this location out of the ground to signify the redevelopment efforts of the Bayshore area.

And if you've looked at some of the architectural renderings for the projects that are within the three lots that have been re-platted, it's -- there will be a significant -- a significant difference once completed, and staff recognizes and the Bayshore Redevelopment Plan recognizes that capital follows capital.

And I commend these applicants in the sense that it's always hard to be the first one to really -- to put hundreds of millions of dollars of capital within an area to bring redevelopment to it. But once we -- once recognized and once constructed, staff anticipates not only the Brookside Marina, but all the properties along Davis Boulevard, all the property along the East Trail within close proximity that have some of the older -- some older commercial and quasi-industrial type of uses, we expect that capital will follow capital, and that will help proceed further redevelopment efforts and starting even to fulfill the Bayshore Redevelopment Plan in a more wholehearted way.

So with that, staff has recognized they're working within the existing trip cap to maintain the intensity that was originally approved, and based upon the modifications and the market studies that were provided, staff is recommending approval on both of the petitions and will -- any questions that you guys may have.

CHAIRMAN FRYER: Thank you.

Commissioner Fryer.

COMMISSIONER FRY: I'm sorry to ask so many questions, but I guess just -- in order to finish my education on this catalyst effect, you're saying that this tremendous investment of capital in this area will kickstart other investments. Even though we have high-rises all over -- and we're talking about three, you know, what I'll call high-rises here, mostly high-end residential -- that in this area that project is unique in its catalyst, its effect in drawing additional development to the area, correct?

MR. BOSI: Correct. And because within a two-mile area of this there's not a tremendous amount of high-end residential. And I think what you're also going to see -- and it's a confluence of events -- the 4110 -- and I know that it's the City of Naples, and they have their own land-use jurisdictions, and we do not have any control over that, but the efforts of that -- of the Naples CRA in that 4110 area and the Naples Square and just the additional developments and the plans and the capital plans that the City of Naples has for that area, I think you're going to see that continuation of private investment following investment from both of the CRAs as well as this will be another iteration of that capital that's being infused within the area, which has been the long-term desire of the Bayshore CRA.

So this really is a seminal type of a project for the -- for that CRA, and staff is -- like I said, is in support and we recognize that they're working within the intensity that's already been approved and already has been deemed acceptable by the Board of County Commissioners.

COMMISSIONER FRY: And we've had several CRA-related amendments and projects come through to us, and one of the things that, you know, is very important to me, as I said, is the CRA approval of this, because Deb Forester has spoken before us many times.

I do -- Mr. Chairman, I do feel, because of the nature of this development, it would be good -- I would like to have the CRA representative on public record come up and --

CHAIRMAN FRYER: Exactly what I was going to ask happen.

COMMISSIONER FRY: Okay. I would love to have them come up and just speak to it, because I do put a lot of stock in their approval of this because, whereas everybody in the rest of the county is crying no more development, that's too high, that's too much density, that's too much

traffic, which, of course, is already approved here, and you have the hospital struggling to get their new facility approved at a few stories above the limit, you have -- Brookside Marina's under a little bit of pressure because of the residents saying that boats are not following the "no wake" policy.

So you've got all these pushbacks to development everywhere else, and this seems to be a complete anomaly to me in terms of this -- a project of this size with no opposition and actually full support. So I'd love to hear from the CRA rep.

CHAIRMAN FRYER: Yeah. We're going to ask for that.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes, thank you, Mr. Chairman.

I would just ask the petitioner and staff -- I guess the petitioner can actually answer the specific question that I have at first. If I'm looking -- and I'm on Google Maps in the area just to see what those existing buildings are. But if you look at, you know, your map showing what we've got there, what -- I mean, is all that stuff just going to kind of be --

MR. MULHERE: Already gone.

COMMISSIONER KLUCIK: It's all gone. So I guess that's the question that I'm sure people have. It's not necessarily my biggest concern, but I'll ask the question. So we have this going on, and we're all excited and no one's opposing it because we all -- you know, everyone understands this is an area that -- I believe when we were talking about this triangle area before, we were talking about murals, you know -- it wasn't my word -- but people were talking about it being an area of blight, you know.

COMMISSIONER HOMIAK: That was on Bayshore. Not this --

COMMISSIONER KLUCIK: Okay. So that's not --

COMMISSIONER HOMIAK: -- specific area.

COMMISSIONER KLUCIK: But isn't this the Bayshore Triangle area?

COMMISSIONER SCHMITT: It's really not in the --

COMMISSIONER HOMIAK: No.

COMMISSIONER SCHMITT: It's really not in the Bayshore Triangle area.

MR. MULHERE: No, it's a separate area.

COMMISSIONER SCHMITT: Separate area.

COMMISSIONER KLUCIK: Okay. So it's a separate area.

CHAIRMAN FRYER: It's an overlay.

COMMISSIONER SCHMITT: It's an overlay.

CHAIRMAN FRYER: The mini-triangle overlay.

COMMISSIONER KLUCIK: Okay. Is it different than the Bayshore triangle?

COMMISSIONER SCHMITT: Yes.

COMMISSIONER HOMIAK: Yes.

COMMISSIONER KLUCIK: Okay. All right. So it's not at all related, or is it -- isn't it just down the street, the other area.

MR. MULHERE: It's all within the CRA, but certain geographic areas are treated differently, so...

COMMISSIONER KLUCIK: Okay. My only thought is -- you know, is then what's going to happen next is basically everything is just going to get leveled in this area like the adjacent area. You know, the property values go up, which is kind of -- you know, depending on who you are, that, you know, exciting and interesting and then, you know, people give you, you know, lots of money to develop it. I guess that's my question is, what's going to happen adjacent to you is the -- it's not necessarily -- you know, you don't know. You're guessing, but --

MR. MULHERE: The objective, the goal of the CRA, 20 -- more than 20 years, is to spur redevelopment --

(Simultaneous crosstalk.)

MR. MULHERE: -- in private investment. And to that --

COMMISSIONER KLUCIK: Which means -- which means getting rid of sometimes

what's there and putting something better there.

MR. MULHERE: Yes. So that's the idea.

Now, you know, it's a positive. You're right, there are some uses here -- we don't know what's going to happen immediately next to us, but I do know that my clients are very engaged in participating in discussions as to what would happen. You know, Davis Boulevard needs some improvements.

COMMISSIONER KLUCIK: Well -- and what I would say in answer to your question, Karl, is that it seems as though the -- you know, the reason why is because what's there isn't seen as desirable, and so people are just excited that there's something that's way more desirable, and that's -- I guess you could say with Naples One you had stuff -- you know, the area where that was, it wasn't necessarily the nicest use of the land on that corner, but it -- you know, but people at least appreciated, like, you know, the staff said that it wasn't canyonization, and so that, you know -- of course, we all understand that's a radical switch from being kind of the sleepy Olde Naples. It's kind of the last square of it in that area to all of a sudden, you know, becoming a highly developed area. And I don't think people have a nostalgia -- from what I can see, people don't seem to have a nostalgia for this area to stay how it is, and that's a pretty easy way to put it.

CHAIRMAN FRYER: Thank you.

We'd like to hear from Ms. Forester's colleague, if we may.

MR. BOSI: Sure. And I'll just ask Ms. Scott to come up and just give just a general representation of how the advisory board in the CRA has viewed this project.

CHAIRMAN FRYER: And to follow up on that framework, which I agree with, also there are CRA comments that appear on Page 32 of our agenda packet, and they were numerous. And I just want to be sure that the CRAAB, the folks who live there and represent other people who live there, that they're fully satisfied. And so I'd like to hear from you on that as well.

MS. SCOTT: Good morning, I'm Tami Scott. I'm a project manager with the Bayshore CRA. I've been with the CRA for approximately six years now. Deborah had a meeting, so she asked that I attend.

The Bayshore CRA has designated this triangle area a catalyst project for the last probably 20 years. We have been waiting with baited breath for someone to come in and do a great project here, and we were delighted, and I think it was 2018 when we finally got someone to do that.

Mr. Mulhere's team had come to our -- throughout the whole process of this project, came to the Bayshore CRA board meetings, given multiple presentations. There have been many questions, but most of them relate to, you know, general information type things like the traffic and the number of units and the building heights.

But we are very excited about this project. Bob's team did come to our May meeting to give a second presentation for the changes in the uses and square footage and things like that. And it was -- the board unanimously agreed to those proposed changes.

So we're excited. We're waiting for something to happen on that corner to kind of jump start that whole area. The CRA is getting ready to do a master plan for the Gateway Triangle. We refer to it as the Gateway Triangle. Once this project does take off, we do anticipate some movement there, and we're going to be ready for it, so...

CHAIRMAN FRYER: Thank you, ma'am. And that -- that is half of what we asked for, so thank you for that. The other half has to do with this document that showed up in our agenda packet. Are you familiar with the one I'm talking about?

MS. SCOTT: I haven't seen that -- the one that you're familiar with, you're making reference to.

CHAIRMAN FRYER: Well, it's called CRA comments, and it's at Page 32 of the agenda packet. And what I'm looking for here is an assurance, before we vote, that these concerns on the part of the CRAAB representatives have been fully allayed, because I share Commissioner Fry's desire to take full account and give full attention to the interests and the points of view of the folks who live there.

COMMISSIONER HOMIAK: Nobody calls it CRAAB in East Naples.

CHAIRMAN FRYER: Well, they do in Naples.

COMMISSIONER HOMIAK: Well, this isn't Naples.

CHAIRMAN FRYER: Point taken.

MS. SCOTT: I think all along our -- the CRA's concern was that it was a mixed-use project; that it wasn't just simply residential; that there was an opportunity for people within the community to access some of the retail stores. So the -- that's always been the CRA's concern is that it was a true mixed-use project. And I don't think the changes -- the minimal changes that they're proposing affects that.

CHAIRMAN FRYER: Okay. I just want to be sure that we're clear.

MS. SCOTT: Yeah.

CHAIRMAN FRYER: So you're telling us that the people on the CRAAB and the people whom they represent, or at least in their belief whom they represent, are fully satisfied with this proposal, they believe that it is an adequate mixed-use, and I could infer also that they would be even more satisfied with our request, which has been granted for another 5,000 of commercial square feet; fair statement?

MS. SCOTT: Fair statement.

CHAIRMAN FRYER: Okay. Commissioner Fryer.

COMMISSIONER FRY: And, Tami, I would, I guess, just make sure that the CRA board is also good with the possibility that it doesn't go in with the 491 units. It goes in, instead, with an ALF, or it goes in with mini-storage. It goes in with a hotel, depending if the market conditions -- or they have a great offer that comes in to develop it in a slightly different way that's still under this general scope and list of uses that are stated in the document.

MS. SCOTT: Correct. Yep.

COMMISSIONER FRY: Okay. So you're just delighted with the development of this as long as --

MS. SCOTT: We're thrilled. We can't wait for it to start.

COMMISSIONER FRY: -- it's within the mixed-use parameter?

MS. SCOTT: Yeah.

CHAIRMAN FRYER: Okay. Mr. Bosi.

MR. BOSI: Thank you, again.

I do have a copy of the summary minutes, the signed summary minutes related to the presentation that was provided on the mini-triangle in the Growth Management Plan amendment. As you can see -- let me see if we can get you a little bit closer. I can just read it to you. It's real quick.

CHAIRMAN FRYER: Well, I don't know how long it is, but if you can just represent --

MR. BOSI: It's a -- okay. The very end of it is, the commercial will primarily be on the first floor. Mike Sherman noted that he appreciated the work being done and that the triangle needs a project that works. Kathi Kilburn made a motion to support the project. Camille Keilty seconded the motion. Approved unanimously.

CHAIRMAN FRYER: Thank you. I think that's an important thing to have in the minutes, in our record. Thank you.

All right. Anything further from the Planning Commission before we see about registered speakers?

(No response.)

CHAIRMAN FRYER: If not, Mr. Youngblood.

MR. YOUNGBLOOD: Mr. Chairman, I have two registered speakers on this item. One is with us in the room. One is virtual.

CHAIRMAN FRYER: Okay.

MR. YOUNGBLOOD: Dan Zegarac. I think he may have stepped out.

CHAIRMAN FRYER: All right.

MR. YOUNGBLOOD: Let's go online real quick to Charles Thomas.

CHAIRMAN FRYER: Mr. Thomas, are you with us, sir?

MR. THOMAS: Hello?

CHAIRMAN FRYER: Yes.

MR. THOMAS: Am I on?

CHAIRMAN FRYER: Yes. Please go ahead with your comments or questions.

MR. THOMAS: I don't actually have any. I'm just monitoring the hearing. I represent the owner of Lot 1.

COMMISSIONER SCHMITT: You represent who?

MR. THOMAS: The owner of Lot 1.

CHAIRMAN FRYER: Okay. In what capacity, just out of curiosity? Are you a lawyer, sir?

MR. THOMAS: I'm a consultant.

CHAIRMAN FRYER: Okay. Thank you very much.

So do we -- have we lost the in-person speaker?

MR. MULHERE: Do you want me to take a look?

CHAIRMAN FRYER: Yes, please.

MR. MULHERE: I'm not going into the men's room, but...

CHAIRMAN FRYER: Well, Phantom of the Opera.

Sir, please go to the podium, identify yourself, and you have the floor.

MR. ZEGARAC: Good morning, everybody. My name is Daniel Zegarac. It's a pleasure to be here this morning and listen to the Board and the staff and some of the other folks.

In your conservation, I think it's extremely important to give the investor reasonable flexibility, you know, because he is the investor. I think this is a great project, and it will improve that area. And I can definitely see the economy growing around this project, so -- and that comes from talking to people in that area and driving by it on almost a daily basis.

I did not read all 433 pages. Surprised?

CHAIRMAN FRYER: You're not expected to, sir.

MR. ZEGARAC: Okay, okay. And I don't know who is expected to, but short, concise, and very accurate is what I -- is what I like, and, you know --

CHAIRMAN FRYER: Believe it or not, 433 pages is relatively short.

MR. ZEGARAC: Yeah, and this is a small project by some people's standards. And I certainly don't consider it a small project, so...

I would like to make a comment about the ordinance, though. The sixth whereas -- and I realize you guys only recommend approval. You're not approving a project. That comes from the Board of County Commissioners.

But the sixth whereas, the subdistrict property is not located in an Area of Critical State Concern or an Area of Critical Economic Concern. When I look at a statement like that -- and only some of you, unfortunately, are going to know what I'm talking about. But would that conflict with any economic tools that you may be using, you know, within that area? I don't know what you use. If you use TIFs, if CRA uses something different, but it could --

CHAIRMAN FRYER: There is a TIF in place.

MR. ZEGARAC: I'm sure there is. You know, I'm playing dumb. I want you to tell me what you're using.

CHAIRMAN FRYER: Okay. Well --

MR. ZEGARAC: But, you know --

CHAIRMAN FRYER: I have -- let me interrupt and see if I can get an answer to your question.

MR. ZEGARAC: Yeah, I would consider that a probable conflicting statement.

CHAIRMAN FRYER: Yeah. I'm aware of the critical state concern.

The critical state concern is a defined term, a legislatively defined term. So I think we all

understand what that is, and it requires a certain level of state approval. The other term you mentioned I'm not familiar with and would turn to the County Attorney's Office for some help or, Commissioner Schmitt, do you know what that is?

COMMISSIONER SCHMITT: No. I was going to comment on the Area of Critical State Concern. It's clearly defined in our land-use maps. It typically has to do with preservation and other type of environmental concerns. But, again, I'm not familiar with the other area that was stated, "economic concern."

MR. ZEGARAC: Well, I would be more concerned with, you know, Collier County, you know, in terms of, you know, how that is proposed. And I realize that ordinances -- I apologize for sitting down. But I realize that ordinances change before they get to -- you know, or they're amended or, you know, they're certainly --

CHAIRMAN FRYER: Well, this is the penultimate opportunity to comment on it. The ultimate would be --

MR. ZEGARAC: Absolutely.

CHAIRMAN FRYER: -- at the -- and so we're glad to hear your concern, and I would ask Ms. Ashton to -- is that a term of art?

MS. ASHTON-CICKO: That's from the statute in Chapter 163. It's a requirement that it not be in either of those areas. As far as do we have one in Collier County, I'm not aware that we do --

CHAIRMAN FRYER: Okay. Now --

MS. ASHTON-CICKO: -- under the statutory definition.

CHAIRMAN FRYER: Ordinarily -- correct me if I'm wrong, but I assume that the CRA area has been declared blighted; is that how we got to it being a CRA?

MS. ASHTON-CICKO: That's correct.

CHAIRMAN FRYER: Okay. So is there any conflict between the declaration of blight and the language that the gentleman has brought our attention to? They sound like they mean the opposite things.

MS. ASHTON-CICKO: Not that I'm aware of. I will ask Mike to see if he has any insights that he'd like to add.

CHAIRMAN FRYER: Okay. Mr. Bosi.

MR. BOSI: No, I don't see any conflict, and I don't see any irregularities with the statements and the recognition that the CRA, to become a CRA, had to be declared an area with blight. But I don't see any conflict within the language or within the proposal.

CHAIRMAN FRYER: Well, you're the ultimate interpreting authority, so we can go with that.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah -- no. I mean, that just seems like an obvious question to me. If we've declared it an area for redevelopment, obviously, we've -- you know, the government officials have determined that there's an economic problem there. I guess the question is, you know, an area of critical economic concern, does that have to be specific?

MS. ASHTON-CICKO: If I may, these terms generally are state designations, yeah.

COMMISSIONER KLUCIK: So, apparently, we don't meet the definition here?

MS. ASHTON-CICKO: Correct. Because it's a state designation. I'm not aware of the state designating any area.

COMMISSIONER SCHMITT: I don't believe they ever attempted to identify this under the state auspices of a critical economic concern. Not like -- and then the area of state concern are clearly defined on our Future Land Use Map, as I stated, typically associated with environmental issues.

CHAIRMAN FRYER: Does the --

COMMISSIONER SCHMITT: Specifically, even when you go out, the trail, U.S. 41,

those are Areas of Critical State Concern, but -- I don't know. I could get into a whole history of the CRA, but I don't think we need to hear it.

CHAIRMAN FRYER: I personally am not strongly persuaded that we need to change this proposed language.

COMMISSIONER SCHMITT: I don't think we do.

COMMISSIONER HOMIAK: No.

CHAIRMAN FRYER: Okay. Does anybody disagree?

COMMISSIONER SCHMITT: Heidi said it comports with the requirements as -- for state -- identifying the state requirements.

CHAIRMAN FRYER: Yeah. Thank you. But, sir, nonetheless thank you very much for bringing it to our attention.

MR. ZEGARAC: So you don't consider it an economic area that needs help --

COMMISSIONER SCHMITT: Well, sir, it is.

MR. ZEGARAC: -- or you do consider it?

COMMISSIONER SCHMITT: It is an economic area that needs help. It's been identified as part of the redevelopment agency, but it's not a state identified. I don't know if that's clear.

MR. ZEGARAC: Well, I don't know that the state would identify it --

COMMISSIONER SCHMITT: Either do I.

MR. ZEGARAC: -- as you probably should, you know.

COMMISSIONER SCHMITT: No, it's already been established as an area for economic concern. That's why it's part of the redevelopment area and, as was stated, it also has associated with it tax incremental financing.

MR. ZEGARAC: And then as related to such incremental financing or economic tools, you probably report on them yearly; is that safe to say, Mr. Fryer?

COMMISSIONER SCHMITT: We don't. The CRA staff does that and reports to the Board, our Board of County Commissioners, which is technically the county Community Redevelopment Agency.

MR. ZEGARAC: Right, right.

CHAIRMAN FRYER: Sir, would you --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: One moment, please, and then I'll call you on, Commissioner. I'm curious -- and it's -- maybe I'm overstepping, but would you care to identify who you're representing or --

MR. ZEGARAC: Me.

CHAIRMAN FRYER: Okay. You're --

MR. ZEGARAC: Daniel --

CHAIRMAN FRYER: Are you a resident in the area?

MR. ZEGARAC: -- Zegarac, yeah.

CHAIRMAN FRYER: You are? Okay. That's all I needed to know.

MR. ZEGARAC: I just have a little bit of knowledge for --

CHAIRMAN FRYER: Fine. Well, we welcome you here.

MR. ZEGARAC: Maybe you'd like to look at your usage of TIFs and, you know, decide --

CHAIRMAN FRYER: That does not come before us, so that's more appropriate for the Board of County Commissioners, and --

MR. ZEGARAC: Okay. Well, you're looking at the ordinance, so it's in front of you.

CHAIRMAN FRYER: Okay.

MR. ZEGARAC: I mean --

CHAIRMAN FRYER: All right.

MR. ZEGARAC: I know I'm being a little bit difficult. I just want to -- I just want to -- I

just want to make you guys think about it a little bit, you know, as we all should, for the residents.

COMMISSIONER FRY: The way I interpret your question, sir, is you're concerned about the language being in there, that it's not in either of the state designated critical -- area of special concern or area of economic concern, but it is within a local or county level area of concern. So the TIF program is county-based. It's simply not designated at the state level. So I guess I'm not quite sure what your concern is.

MR. ZEGARAC: Well, the second -- the second part of that whereas is an area of economic concern.

COMMISSIONER KLUCIK: Mr. Chairman?

MR. ZEGARAC: It doesn't necessarily --
(Simultaneous crosstalk.)

THE COURT REPORTER: I can't get two people at the same time.

COMMISSIONER KLUCIK: I think what we're talking about here -- just because the only thing I can find of critical economic concern on a statewide basis for the state of Florida involves rural areas of critical economic concern, which this clearly would not fall into simply because it's couldn't possibly be defined as a rural area.

CHAIRMAN FRYER: So should we take that phrase out?

COMMISSIONER KLUCIK: No. I think what it is is I think that phrase is incomplete and it should just say -- if that's what it's referring to -- and it seems as though it does -- it should say, an area -- a rural area of critical economic concern under the state designation.

MS. ASHTON-CICKO: So the purpose of that sentence is in determining whether it can be a small-scale amendment or not. So if it fell into either of those two state designations, it has to go through the longer Comp Plan amendment process, which requires it going through transmittal, through the Board, and then back again for adoption.

COMMISSIONER KLUCIK: So to clarify, I think what I heard you say is it is the state designations, that clause, and so, therefore, I think it's unclear the way it's written. You know, the language is just a little -- you know, could be tightened up to be more specific. I'm not saying we need to do that. I'm just saying the reason we're having this discussion is because it's not as clear as it could be, and if we want to change that, that's fine. I don't care whether we change it.

COMMISSIONER SCHMITT: I think the language is fine.

COMMISSIONER HOMIAK: Me, too.

COMMISSIONER SCHMITT: And it's clear and it's what's required as a threshold for a small Comp Plan amendment.

CHAIRMAN FRYER: I'm inclined to agree.

MR. ZEGARAC: Thank you.

CHAIRMAN FRYER: Thank you, sir.

Let's see. Commissioner Klucik, did you have anything further?

COMMISSIONER KLUCIK: That's was it. Thank you.

CHAIRMAN FRYER: Okay. Thank you very much. Any further questions, comments before we move to deliberation and entertain a motion?

MR. YOUNGBLOOD: Mr. Chairman?

CHAIRMAN FRYER: Yes.

MR. YOUNGBLOOD: I have one last-minute public speaker.

CHAIRMAN FRYER: All right.

MR. YOUNGBLOOD: John Harney. He's here with us.

CHAIRMAN FRYER: We know Mr. Harney. Even though we know you, we'll ask you to state your name.

MR. HARNEY: Yes. I'm John Harney, a Naples resident and member of the Affordable Housing Advisory Committee.

I came here this morning because this particular property screams affordable housing, at least for part of it. This design, as I understand it as proposed, is strictly designed for luxury

housing and, as I understand it today, it is now getting TIF potential as well as some other exceptions. And if we are going to begin to solve the affordable housing problem that we have, we need to consider areas like this particularly for placing affordable housing. It's very, very available for transit. People who could work from downtown or in the downtown area in hotels and restaurants could very easily take a bus. They could ride a bike. They could even walk, it's that close.

The idea of affordable housing in these transit areas is very critical. It's also important that if a builder is going to be given these concessions, that there may be a place for the affordable housing part of this property to be included in the design. I understand that they have it designed right now, but I also understand that they have additional property which was available -- made available to them with the movement of some other businesses that were in the adjoining area. That would be additional luxury units. I'm suggesting that it's important for us to consider the areas like this and this one in particular to be able to put affordable housing in part of that property, and I'm sure that there are plenty of companies who would be interested in doing that.

The general trend with the commissioners, as I see it in commissioner meetings, is that they expect a builder who is putting up multifamily homes to include affordability as part of their build, at least 20 percent of the units. And as I understand on this one, it's all luxury.

So I'm asking that either within the original design, which may not be practical for them, or by changing the design, that they have some affordable units as part of the property and that they be -- and that that be made a requirement for them, not only for this development, but for any other multifamily development that comes along from here on, because that's where the commissioners are going. Whether they do it deal by deal, which they have in many cases, or whether they do it with general policies, which we have suggested through the amendments for them.

The timer isn't running here so I don't know where I stand. I think that pretty well states our position.

CHAIRMAN FRYER: Okay. Thank you. Thank you for your service on the Affordable Housing Committee and also for bringing that to our attention.

I'm going to say a few words, and I'm going to ask the applicant and staff and the planning commissioners if they also want to weigh in.

Ordinarily I would agree 100 percent with your point of view. I believe affordable housing -- really when I say that I mean primarily workforce housing is essential to this county. But this is in the context of a deal that was already set up and fully entitled back in 2018 without affordable housing. And I just don't -- I don't think it would be fair at this point to change the rules retroactively. If this were a brand-new thing coming forward, which was a clean slate, I would agree completely with you. But we're still dealing with retroactive entitlements, and this is an example of one. It may well be one of the last, but it kind of is what it is.

Having said that, Mr. Mulhere, do you want to say something?

MR. MULHERE: Two things. One, we agree with that completely. The second thing is, we didn't add any physical property to this, which was what I understood was -- and I -- you know, there was no -- this is the same size as it was in 2018. Nothing's been added to it. Thank you.

CHAIRMAN FRYER: Thank you.

Staff, do you want to have a word on this subject? I think it's good that Mr. Harney brought it up, and I think it's good that we talk about it. I wanted to make my position clear because ordinarily I would be in complete agreement with him.

MR. BOSI: And staff is in agreement with it. If we have a request for an increase in residential density through the Growth Management Plan amendment, we will demand that a public benefit be provided for. This has been approved by the Board of County Commissioners. It was contemplated at the time of original zoning whether affordable housing was going to be provided or not. It was determined that it was not appropriate for this catalyst project, and because they're not asking for an additional intensity, they're only looking to change intensity that's within

the already-approved trip cap, staff has not advocated for an affordable housing component to be added.

CHAIRMAN FRYER: Thank you very much. Anything further from the Planning Commission?

COMMISSIONER FRY: As a devil's advocate to that statement, Mike, we -- routinely applications are for increased residential density or a change from commercial to residential. It drops the trip cap or remains within the same trip cap but, yet, affordable housing is being introduced into those developments, right? We're seeing that down at Lord's Way. And isn't that the case? I mean, I happen to agree in this particular instance. I guess you're talking about, as Tami said, 20 years waiting for somebody to develop -- to invest the large amount of money to develop this as a catalyst property to incent other investment further. And I would see the next ones as maybe better opportunities.

And I think the affordable housing -- as I've been on this board or this commission for a number of years, initially it wasn't even a -- it wasn't in any of the applications. Then we would back into it in the 11th-hour negotiation here in deliberation. Okay. Can you throw in some reserve for critical services personnel? And then, now proactively, it's coming forward with us as part of each application, but not this one, for the reasons that you've stated.

But, I guess, isn't this an increase in residential density similar to other applications? Is this really that different from Lord's Way and some of the other applications we see where they convert to higher residential densities?

MR. BOSI: For the most part, the majority of the ones that request additional density are not zoned commercial or mixed use. They are normally -- they are at a base zoning, and they're asking for units that are above what the Growth Management Plan would provide for.

This is a different situation. It's sort of an apples-to-oranges comparison. The ones that we've had -- Carman Drive's a good example. There wasn't exchange of we'll decrease commercial square footage for the addition of affordable housing. They've actually retained the amount -- the ability to develop commercial square footage, but they've also asked for additional density above what their base zoning would allow for. So those are -- that's really the difference within those proposals and some of the ones where we have asked for -- and we do routinely ask, if you're asking for additional density above what the GMP would allow for, there has to be a public benefit, and it has to be in the form of the affordable housing.

COMMISSIONER FRY: So while we -- it doesn't make sense on this one, you will continue to ask proactively on each project that does meet those criteria for affordable housing?

MR. BOSI: Correct.

COMMISSIONER FRY: To this gentleman's point. Thank you.

COMMISSIONER HOMIAK: Can I just -- this mini-triangle is part of the whole triangle, which has quite a number of affordable housing homes and trailers in it already.

COMMISSIONER SCHMITT: Correct.

COMMISSIONER HOMIAK: That's part of the blight. The trailer park isn't all that great, if you've looked around there at all or driven in the streets. The homes are still affordable there, and the trailers are low income, and there's a lot of them in this triangle.

COMMISSIONER FRY: Okay.

CHAIRMAN FRYER: Commission Schmitt.

COMMISSIONER SCHMITT: Yeah. I was going to make a motion.

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER SCHMITT: I make a motion to approve 20210001101, that's the Growth Management Plan amendment, and the Companion Item PL20210001100, that's the mini-triangle MPUDA. I recommend both for approval subject to the change that was cited on the record, increase the minimum commercial to 45,000 square foot.

CHAIRMAN FRYER: Correct.

COMMISSIONER SCHMITT: I clearly understand the requirements as addressed with

affordable housing, but I do agree, part of the -- this whole area was -- it's -- there is a significant amount of affordable housing, but I certainly understand, from the standpoint of the Affordable Housing Committee, having sat on it for almost about two years as well.

But also, just my full understanding and background in regards to this, the mini -- mini-triangle project, the CRA. This has been in the works for years. It's gone through a massing of the property, the 2018 amendment. Of course, there were some legal issues. I mean, there's a whole history of this. This approval will finally get this thing moving and off the ground, and it's been talked about for almost 20 years. And it's something that was looked at for both the Board of County Commissioners and the city as the gateway to the city. And, as Mike Bosi said, it was envisioned to be the catalyst to spark the redevelopment of that area. But there is also development that's taken place since then. But this is just a part of it, and I recommend we move forward as proposed.

CHAIRMAN FRYER: Thank you. Before I call for a second --

COMMISSIONER HOMIAK: I will second it with the changes that were -- in the language that were in the email that you sent, whatever -- I can't remember what it was -- and the wording of the vision -- in the visions taken out and Ned's changes to the uses.

CHAIRMAN FRYER: Thank you. And, Commissioner Schmitt, would you accept that as a friendly --

COMMISSIONER SCHMITT: Yes, that -- as an amendment, yes, accepted.

CHAIRMAN FRYER: Does everyone fully understand what we're about to vote on?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: Okay. All those in favor of the motion which we --

COMMISSIONER FRY: How about -- don't we have conversation or --

CHAIRMAN FRYER: Excuse me, of course.

COMMISSIONER FRY: Just a brief statement. I will vote for this. And I put a lot of stock in the CRA, because I think that they have demonstrated great vision for area, and their approval means the world to me, and the lack of opposition also.

I just point out a lot of questions we ask on the Planning Commission I believe goes to our role and our responsibility, as the County Commission, I believe, counts on us to vet issues at a very high level of detail and ask questions so they get maximum input where we've covered all the basis that we can.

So I ask a lot of questions that really are making sure that anything that we see as potential gotchas are put out in the air, addressed so we can move on. But, I mean, I feel very strongly in favor of this. Just -- I didn't want to mislead people with some of the questions I asked. But I definitely will vote in favor.

CHAIRMAN FRYER: Thank you. And I concur 100 percent with your remarks.

Any other discussion?

(No response.)

CHAIRMAN FRYER: If not, the matter's on the table for vote. All those in favor, please say aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously 5-0. Thank you very much.

Thank you, applicant.

MR. STARKEY: Thank you. So we're going to wrap up before our mid-morning break. We don't have any other petitions to be heard.

Old business. Does anyone have any old business?

(No response.)

CHAIRMAN FRYER: Any new business to come before us?

(No response.)

CHAIRMAN FRYER: Any additional public comment on matters not already addressed, Mr. Youngblood?

MR. YOUNGBLOOD: Mr. Chairman, I do have one public speaker. Elizabeth Radi.

CHAIRMAN FRYER: Okay.

MR. YOUNGBLOOD: Ms. Radi, are you with us?

MS. RADI: I am. Good morning.

CHAIRMAN FRYER: Good morning.

MS. RADI: I just wanted to mention, after listening to some of the things that I was listening to, I have sat in with many of the meetings for the AHAC, the Affordable Housing Committee, and I am one of the heads for the Collier County Tenants Union.

And I do appreciate the fact that, moving forward, you guys will consider having affordable housing as part of the zoning with -- you know, with higher density and more of the apartment developments that are coming up; however, I do want to clarify some things with the Bayshore.

As the head of the Collier County Tenants Union, I get emails; I get phone calls; I get pleads for help. And a lot of the help -- or a lot of the pleads for help I'm getting are from the residents that are currently renting in that area that are being displaced because of the redevelopment. Harmony Shores for one. We say that we have affordable trailer parks, and we have affordable rentals down there. Well, Harmony Shores has been given notice to vacate all of their residents because of the redevelopment. Where are they going? Where are all the renters -- once these rentals go up in price because of the redevelopment? They're going to be displaced just like everybody else in Collier County is right now.

So we need to really consider what we're doing and where the impact is actually. It's not just trying to beautify and bring economic development back to an area. But you know what, I will tell you this: Those homeless individuals that are walking those streets down there are going to be sitting in your redevelopment economical buildings, in their parking lots. They're going nowhere. The homeless shelter's down there, and there's not enough affordable housing in Collier County regardless of how you want to paint it. It's not.

You've got two apartment complexes, I believe, that are affordable housing in that area, and that's one by the courthouse and that's, I believe, Wild Pines, and they're already raising their rents.

So what I heard with, oh, there's so much affordable housing down there, you know, there's really not an issue, that's hogwash. I'm done.

CHAIRMAN FRYER: Thank you. Any comments from the Planning Commission with respect to that or anything else?

COMMISSIONER FRY: I do.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: I would just point out, I have a small business, and hiring my technical staff that lives in Naples is a near impossibility for me unless it's someone that's young enough to live with a parent. People come from Estero, Fort Myers, Cape Coral. It presents tremendous logistical issues in the wintertime when they can't get here, as I-75 is a parking lot, 41's a parking lot.

So -- and I say this to Mr. Harney also, I think this is maybe the greatest issue facing us right now, and I believe it has a severe impact on businesses as well.

While this development itself may be not the one where we could impose affordable housing, I do believe it needs to be an ever-present aspect of each new development in order to try to solve these issues, because these are -- these are serious issues. Not everybody makes \$200,000

a year or has millions in the bank to buy those homes, and we need people to fuel our businesses down here.

So I do -- I have -- I will say we've seen some progress on this. We definitely see it coming through, and more and more applications have an aspect of affordable housing, but we have -- I think -- I take what she's saying loud and clear, and I do think we need to escalate and accelerate the process.

Thank you.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: I would simply say that in that regard I think what we're seeing is government having its proper role in negotiating. People have their right as landowners to do what they have the right to do. And when they ask for more, then they have the -- you know, by right to do, then we are looking at what serves -- you know, what we consider and, ultimately, our County Commissioners consider to serve the public interest.

And so I think -- you know, that's really the market. The market is the owners can use what they have, or they can ask for more and negotiate and trade off, and then -- you know, that's exactly what we're doing. We're seeing them willing to add that category of housing.

And I think that is -- I think it's a good balance. You know, there's no reason to comment on it other than just an observation. It's a good balance of -- you know, of the government having a role, but it's the market that is driving, you know, that negotiation, and the government is doing its role in saying, well, we aren't going to expand your rights unless we serve the public need somehow, and I think that's great. I think we're very cognizant of that here on this board, and I think our County Commissioners clearly are, and I think that's a great thing, and we are making progress.

CHAIRMAN FRYER: Thank you, Commissioner.

Anything further from the Planning Commission?

(No response.)

CHAIRMAN FRYER: If not, without objection, we're adjourned.


August 4, 2022

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:33 a.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 9/1/22, as presented  or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF FORT MYERS COURT REPORTING
BY TERRI L. LEWIS, RPR, FPR-C, COURT REPORTER AND NOTARY PUBLIC.