

August 18, 2022
2:00 p.m.

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
August 18, 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 2:00 p.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Edwin Fryer, Chairman
Karen Homiak, Vice Chair
Karl Fry
Paul Shea
Robert L. Klucik, Jr.
Christopher T. Vernon
Amy Lockhart, Collier County School Board Representative

ABSENT:
Joe Schmitt

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

P R O C E E D I N G S

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Good afternoon, everyone, and welcome to the first session of the August 18, 2022, meeting of the Collier County Planning Commission.

Would everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

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

COMMISSIONER FRY: Thank you, Mr. Chairman.

Ms. Lockhart?

MS. LOCKHART: Here.

COMMISSIONER FRY: Mr. Shea?

COMMISSIONER SHEA: Here.

COMMISSIONER FRY: I'm here.

Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER FRY: Mr. Klucik?

COMMISSIONER KLUCIK: Present.

COMMISSIONER FRY: Mr. Schmitt?

(No response.)

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

CHAIRMAN FRYER: Thank you, Secretary.

Next item on the agenda is addenda to the agenda. And for that we'll look to Mr. Bellows.

MR. BELLOWS: Good morning, Commissioner. We have no changes to the agenda.

CHAIRMAN FRYER: Okay. And so the change for this evening's agenda, you'll announce it at that time, correct?

MR. BELLOWS: That's correct.

CHAIRMAN FRYER: Okay. Good.

All right. Planning Commission absences. What -- does anyone know whether he or she will be here being able to participate on September 1st?

COMMISSIONER HOMIAK: Will be here or not be here?

CHAIRMAN FRYER: Will you be here and --

COMMISSIONER HOMIAK: Yes, I will be here.

CHAIRMAN FRYER: Okay. I don't do so well at 2:00 p.m.

COMMISSIONER SHEA: I'll be here.

CHAIRMAN FRYER: I have to try harder, though. Okay.

COMMISSIONER KLUCIK: I'll be here this evening.

CHAIRMAN FRYER: Okay, good. And Commissioner Schmitt's absence is excused.

And then the meeting after that is September 15. Does anyone know -- and I'll ask

it the right way this time. Does anyone know whether he or she cannot attend the meeting on September 15? And that also will be a late starter. We'll start at 10:00 a.m., and then we'll have an evening meeting.

MR. BOSI: No. The 10:00 a.m. is the 9/1.

CHAIRMAN FRYER: My mistake.

MR. BOSI: I think 9/15, I think we're --

CHAIRMAN FRYER: Regular time. Thank you for correcting me. Anyone know whether they can't be here?

(No response.)

CHAIRMAN FRYER: All right. Looks good. Looks like we'll have a quorum, as far as we know, today.

Let's see. Approval of minutes. We have only one set of minutes in front of us today, and those are the minutes of July 7, 2022. Any corrections, changes, or additions to those minutes?

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

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you.

BCC report, back to Mr. Bellows.

MR. BELLOWS: The Board of County Commissioners did not meet since the last Planning Commission, so there's no recap.

CHAIRMAN FRYER: Thank you very much.

Chairman's report, none today.

Consent agenda, also none today.

***Public hearings for this afternoon's session, the first advertised, the first matter of this session is PL20180002660. This is the adoption hearing for the Immokalee Road Rural Village large-scale Growth Management Plan amendment. It's legislative in nature, so we don't need to swear in witnesses or make sure commissioner disclosures, and, therefore, at this point I will call upon the applicant to proceed.

Mr. Yovanovich.

MR. YOVANOVICH: Good afternoon. For the record, Rich Yovanovich on behalf of the petitioner.

What you have before you today is the adoption hearing for a Growth Management Plan amendment. We call them large-scale Growth Management Plan amendments versus

small-scale. You've all seen several small-scale Comp Plan amendments where, 50 acres or less, we only have one hearing in front of the Planning Commission. Because this property is greater than 50 acres, it requires two hearings in front of the Planning Commission. There was a transmittal hearing several months ago -- well, a year plus ago -- at which this commission recommended that it be transmitted to the State of Florida for a review and comment.

CHAIRMAN FRYER: Commissioner Klucik, do you wish to be heard?

COMMISSIONER KLUCIK: Yes, just real briefly: What is your role, sir?

MR. YOVANOVICH: What is my role? I'm the lawyer for the project.

COMMISSIONER KLUCIK: For?

MR. YOVANOVICH: For the applicant.

COMMISSIONER KLUCIK: Who is?

MR. YOVANOVICH: Who is? I'm getting ready to get into all of that.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: This property is -- and Mr. Mulhere will get into greater detail where the property is. But this is a 2,000-plus-acre parcel at the -- on the curve of Immokalee Road heading towards Immokalee as you're going east. You know where it curves and goes past the county's fairgrounds, right in that general vicinity, when you get around the curve, is where this property is located.

The property is requesting a Growth Management Plan amendment and Bob will get into greater detail. But, typically, what happens when we're doing a Growth Management Plan amendment, we bring -- at the second hearing we bring forward the PUD, the rezone that might result from the Growth Management Plan change.

This is a little unique because the state gives us a certain amount of time to have the adoption hearing after their transmittal hearing. We've gotten, I believe, three extensions to that time period to come forward and do the adoption hearing. We continued to extend that time period because, candidly, the economics of whether or not to go forward with the village, we're not certain that it makes sense to go forward with a village. Finding TDRs, construction costs related to certain requirements for villages that don't exist for regular development are all calling into question whether it makes economic sense to go forward with the village. So we're not ready to rezone the property to a PUD to obligate us to do a village.

So we're moving forward with the Comprehensive Plan amendment, because if we don't move forward with the Comprehensive Planning amendment, we have to start the process all over again, and that's another year-plus -- year-plus process. And, candidly, if the Growth Management Plan amendments don't get adopted at this point and we have to move forward starting all over, that will be the decision point to not do a village.

One of the advantages or several advantages of doing a village -- and staff will tell you this -- is with villages you are required to do commercial. With villages you're required to do affordable housing and the whole scheme. And Bob will get into this in greater detail, is with these villages is you change the traffic pattern. You keep people who are out east out east because you're bringing them the services they need.

So our client is interested in still doing a village if the economics make sense, so that's why we've asked staff to put this on your agenda to move forward with the adoption hearing with the hope that the economics will work out, and we'll be able to find the TDRs necessary to do a village.

CHAIRMAN FRYER: You have until December, though, don't you, under the current extension?

MR. YOVANOVICH: Sure. But December will be here before you know it, and the economics -- we're not going to be in a position to make the decision to go forward with the PUD in December, so we've asked to move forward at this point to just find out if we're going to get adopted or not, because if we're not going to get adopted, we can stop working -- we can stop working on the PUD.

So the team is Mr. Schrotenboer, who's the owner's representative; myself as the attorney; Mr. Mulhere's the planner; Norm Trebilcock is our transportation consultant; and Andy Woodruff is our environmental consultant.

We don't -- we don't plan on making any real presentation on transportation because you don't have the PUD in front of you, but Norm is here to answer questions you may have with regard to transportation.

I don't remember -- I don't think Mr. Vernon or Mr. Klucik were present at the transmittal hearing when we did this. So some of this may be new to you. Some of it may be a repeat to you. I know it will be a repeat to several of you already because you were here for the transmittal hearing. So we'll --

CHAIRMAN FRYER: February 18 of '21 is when we heard this transmittal.

MR. YOVANOVICH: So I don't think the two of you were here at that point, but you may have been.

COMMISSIONER VERNON: We were just regular people at that point.

MR. YOVANOVICH: The world's flying by so quickly, it's hard to remember when you two have joined us in this process.

So I'm going to turn it over to Bob to take you through in greater detail where we got to. But keep in mind the reason we're going through this Growth Management Plan amendment is because the current regulations for villages do not work economically for a village to move forward. So the revisions we're requesting are so villages can be a potentially economically viable alternative for this parcel of property.

And with that, I'll turn it over to Bob, and we'll go through our presentation and answer any questions you may have and we'll, at the end, request that you recommend -- that you send it to the Board with a recommendation for the Board to adopt the revisions. Your staff is recommending that the revisions be adopted.

And with that, I'll turn it over to Mr. Mulhere to go through in greater detail our request.

MR. MULHERE: For the record, Bob Mulhere.

Just to add one thing to what Rich said, I was remembering over 20 years ago I worked on the only other submittal for a village in the Rural Fringe Mixed-Use District since the program was adopted, and that was Bonita Bay Group, and they withdraw the petition because this doesn't work from an economic perspective, so -- that's been developed now, but not as a village.

So because I know we have Commissioners Vernon and Klucik who --

COMMISSIONER KLUCIK: I just want to go ahead --

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: I think, if it was February of '21, I might not have been at the meeting, but I certainly was on the Planning Commission then.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: So --

CHAIRMAN FRYER: Okay. Well --

COMMISSIONER KLUCIK: Not that it matters too much, but --

MR. MULHERE: That's okay. No problem.

COMMISSIONER KLUCIK: I mean, just because you referenced it again. I wasn't going to say anything.

MR. MULHERE: We should have looked particularly but, okay, thank you.

I want to just very briefly do an overview, though, if for nobody else other than Commissioner Vernon.

So the Rural Fringe Mixed-Use District is an area, approximately 90,000 acres, that is located in Collier County east of Collier Boulevard, east of Golden Gate Estates but not within the Rural Lands Stewardship Area. Those are two separate areas. When the county had to resolve their issues with the State of Florida, they bifurcated that study into the Rural Fringe Mixed-Use District, which is in a little bit closer to the urban area. Some places immediately adjacent to the urban area. And the more rural lands around Immokalee became the Rural Lands Stewardship District.

So to be clear, we're talking about the Rural Fringe Mixed-Use District here, and both allow villages. So there won't be any confusion, I thought I should explain that.

The Rural Fringe Mixed-Use District, when it was adopted, it created three overlay designations: Sending Lands, Neutral Lands, and Receiving Lands.

The Sending Lands were highest natural resource -- had the highest natural resource value, whether flora or fauna, listed species or wetlands, and those were protected by a regulatory scheme that reduced the density on those lands from one per five to one unit per 40 acres.

They also restricted uses out there and had a significantly high Natural Resource Protection number. It's 80 percent of the native vegetation in most of the Sending Lands and 90 percent if you happen to also be in a Natural Resource Protection Area. So as you can see, those landowners had significant restrictions placed on their lands if they were in a sending area.

And the county adopted a Transferable Development Rights program to provide compensation to those landowners for loss of value. And we'll get into greater detail on that, but that was the mechanism that was going to be used so a landowner could generate Transferable Development Rights, up to four TDRs per five acres under the present scenario, and could sell those on the free marketplace and place an easement or a conservation -- conservation easement over the land. So that was to compensate them for loss of value, which was significant, in the program.

The Receiving Lands had the least environmental value and, for other reasons, located along major roadways or intersections of major roadways, were determined to be most appropriate for development.

And the base density in those Receiving Lands is one unit per five acres, just what it is in all ag lands in Collier County, but you can increase it by buying TDRs from those sending landowners, if you could find them.

So in Receiving you have two types of development you can do. One is a non-village, which at present is allowed to go up to one dwelling unit per acre. You have a base of .2 per acre. The difference between one unit per acre and .2 is attained through TDRs. It's .8 units attained through TDRs. So if you're a non-village, one unit per acre.

If you're a village, you can develop at a higher density, up to three units per acre or even more with the bonuses that are available and also through TDRs. And there are some bonuses, and I'll go over those in just a minute.

Neutral is lands that didn't really have -- maybe it was being used for active agriculture, didn't necessarily have a significant environmental value, and the landowners -- predominantly the landowners came in and said, we don't want to be Receiving. We want to be Neutral. One example is the Corkscrew Island neighborhood which is north of this property, which is large lots, and those folks did not want to have their uses converted, so they became Neutral, which allows one per five, and allows traditional agricultural uses, and there were other areas -- a few other areas of Neutral around the county.

So this is the -- I'm sure you're familiar with that. It's the county's Future Land Use Map. And -- does this thing work? I guess not. I'll just use this. The orange area, if you can see my cursor here, here, here, and a few scattered areas up in here, that's the Sending Lands. The Receiving Lands is what I would call teal, but people always say I have an odd sense of color. So green, blue, I don't know, but that's Receiving.

And the Neutral Lands are these hatched lands that are -- they have no color, but they're hatched, so they're black and white on this map.

And just so you know, these areas -- this area has predominantly already been developed under the normal -- not a village, but just the one unit per acre. Much of this area down -- excuse me, I'm in the -- this area right here has been developed. This area is called the North Belle Meade; it doesn't have a lot of access. This is the Belle Meade. So there's been a little bit of development but not much, and no villages to date.

This is the project location, a larger perspective of the project location. This is a little bit closer perspective. So you see Immokalee Road, as Rich said. As you head north it makes a 90-degree turn heading out towards Immokalee. The Corkscrew Island Neighborhood is here and here on both sides of Immokalee Road. This is where the proposed Bright Shore Village is. This is -- this is in the RLSA, yeah. This is right -- this is in the Rural Fringe Mixed-Use District. The RLSA boundary is right in here. So east of that is RLSA and north of Immokalee Road.

Golden Gate Estates, developing pretty rapidly in this area east of the subject property and south of the subject property and -- in this area, and over here is the CREW Trust, Corkscrew Regional Ecosystem Watershed across -- on the other side of Immokalee Road.

COMMISSIONER KLUCIK: Can I just ask a question?

CHAIRMAN FRYER: Sure. Actually, we've got Commissioner Fry and then Commissioner Klucik.

COMMISSIONER FRY: Bob, I was just -- I was just wondering, does this mean -- thinking of the Sending Lands, does that mean that the value of the Sending Lands is now defined as the value of whatever TDRs they generate for it?

MR. MULHERE: Well, I'll answer that by saying, if I own five acres of sending land and I do what's necessary to create the four TDRs that I can get -- by the way, it's very difficult because one of them is you have to find a public or not-for-profit conservation entity to take that land and manage that land, and they don't really want a bunch of five-acres parcels. So that's really difficult. So you can probably only get three. If I get -- and to get one of them, you have to do a restoration plan, clear the exotics off, which

costs money. But if I decided I wanted several of those TDRs and I sell them, I have to put that into a perpetual conservation easement, at which I really -- it doesn't really have much value. I don't know what the property appraiser or the market would call value, but you can't build a home on it, and you have to maintain it exotic free if you retain it. So I don't think there's any real value. So to answer your question, long about way, but I think, yes, that does apply.

COMMISSIONER FRY: Yes. I mean, nobody -- why would --

MR. MULHERE: It does.

COMMISSIONER FRY: -- anybody buy it if it has no development rights?

MR. MULHERE: Well, you don't have to sell the TDRs. You can develop a single-family on every five-acre parcel or less than a five-acre parcel if it existed at the time that this was created, and there are some of those out there. There's quite a few.

COMMISSIONER FRY: But if you go the TDR route, then you really are -- you're setting the value of the property as the value of the TDRs that you generate?

MR. MULHERE: Correct.

COMMISSIONER KLUCIK: And what's the -- what usage is there once the TDRs are sold?

MR. MULHERE: If you take all the TDRs, there would be no use. It would be put into a conservation easement.

COMMISSIONER KLUCIK: What if you just took the three?

MR. MULHERE: Same thing.

COMMISSIONER KLUCIK: Okay. All right.

COMMISSIONER VERNON: So that's the point. I mean, that's the point is to preserve the land --

MR. MULHERE: It is.

COMMISSIONER VERNON: -- into perpetuity.

MR. MULHERE: But you don't have to do that. And I'm going to get into that in a minute. But if you just think about it for a minute, what's the market rate for TDRs? What's the perception of the value of the land is the question, right? So if I can get three TDRs from a five-acre parcel and they sell for 20,000 bucks apiece, that's \$60,000. And I've got to spend \$10,000 to get them, or more, take the exotics off, am I going to sell my five-acre piece for 50,000 bucks? I don't know. So far, not too many of those small landowners. So that's part of the issue. That's part of the issue that staff is looking at.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Then I'm looking at some of the material. In several of the maps that show this particular corner, it shows across the street from Immokalee Road where it's going north/south --

MR. MULHERE: Yeah.

COMMISSIONER KLUCIK: -- that it jumps -- the receiving area jumps across, which doesn't show up on here, and I'm just trying to figure out -- it seems like it would be the --

MR. MULHERE: Hold on a second.

COMMISSIONER KLUCIK: -- same developer, but I'm just trying to --

MR. MULHERE: No, it's not. Hold on a second. The receiving area doesn't jump across. So this is the receiving area we're talking about, right? And here's

Immokalee Road. And you see here's the turn. So north -- on the north side is neutral.

COMMISSIONER KLUCIK: Okay. So what -- go back to this graphic that you just had.

MR. MULHERE: And I hope my graphic's not --

COMMISSIONER KLUCIK: The IRRVO.

MR. MULHERE: Yeah. Right here, this is the neutral.

COMMISSIONER KLUCIK: Is where?

MR. MULHERE: This is neutral, this is receiving, these four sections.

COMMISSIONER KLUCIK: So it looks like across the street from Immokalee Road --

MR. MULHERE: Up here?

COMMISSIONER KLUCIK: No. To the left of the yellow. Right there --

MR. MULHERE: Okay.

COMMISSIONER KLUCIK: -- is blue, the maps that show receiving area.

MR. MULHERE: It is, but it's owned by the Corkscrew -- it's owned by the State of Florida. They purchased that.

COMMISSIONER KLUCIK: They purchased it, but it has development rights.

MR. MULHERE: No, the county has never changed the map, that's all. Go ahead, Mike.

COMMISSIONER KLUCIK: Okay. So the map that we have is not accurate --

MR. MULHERE: Do you want to --

COMMISSIONER KLUCIK: -- concerning which is blue and receiving and sending areas?

MR. BOSI: The map is accurate. It's owned by the State of -- Mike Bosi, Zoning director.

The map is accurate. The State of Florida owns it so, essentially, the development rights have been stripped from it.

COMMISSIONER KLUCIK: The development rights are there, but the state --

MR. BOSI: The state has no intention of --

COMMISSIONER KLUCIK: All right. I apologize. I was just trying to figure out if something was going on across the street.

MR. MULHERE: Good question. So the exhibit I have on here right now is just to orient you to a 1973 historic aerial, and you can see that the subject property, which the receiving area -- this receiving area is this square here. It's four sections of land. This piece up here is neutral. But the receiving area where the village would go is these four sections. And you can see that the vast majority of that land was impacted even in 1973 with agriculture and the early start of mining operations. And then over here is a more current aerial. I think that aerial's two years old, but it's a more current aerial, and that shows you the current conditions which pretty closely mirror the historic conditions.

So this might help a little bit, Commissioner Klucik. So here's the subject property with the three designations within it depicted. The neutral is this area up here which has a very large 186-acre lake on it. It's only 210 acres, so there's not really that much upland in the neutral area.

The four sections of receiving as part of this process will convert 585.13 acres to sending. The sending is these two --

COMMISSIONER KLUCIK: But right now when we see it as teal, that's the

current designation?

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: And what you're doing is you're --

MR. MULHERE: Creating some sending.

COMMISSIONER KLUCIK: -- rejiggering that. That's the request?

MR. MULHERE: Yes. And we are required to do that as part of a settlement agreement that the county entered into with Dr. Hussey and et al several years ago where he had some land in the south part of the county, or they did, that was all sending. They were able to convert some land to receiving, and we -- and we're part of that settlement, the previous owner, and we're required to convert a minimum of 578 acres to sending on this parcel. So there was an equal switch.

So we were required to convert 578 acres. We're actually converting slightly more than that, as you can see, 585.13. Is that pretty clear?

COMMISSIONER KLUCIK: Yes, thank you.

MR. MULHERE: Okay, great. Thank you.

So this is the actual language, the text. I'm just going to highlight some areas that are probably of interest. As I said, 210.78 acres of neutral lands, 585.13 of sending, and 1,991.36 designated as receiving, which would either be non-village or village.

If we -- if we are to build a village, the maximum density allowed in the overlay is 4,042 units. But we can -- under this Comp Plan, we can either build as non-village or village, which are rights that we have today as well.

COMMISSIONER KLUCIK: So -- Mr. Chairman?

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: So this -- the area that you're converting to sending areas --

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: -- what's the acreage, then -- what are the TDRs that you're getting from that?

MR. MULHERE: I have that in here. I'm going to go over it. It's -- I do have the numbers, if you just let me get to it, because I don't know them -- I don't want to get them wrong off the top of my head.

CHAIRMAN FRYER: Let me ask a question as well that follows that somewhat. I'm looking at the FLUM, and it seems to me as though the Hussey settlement land is all north of Immokalee?

MR. MULHERE: No, the Hussey settlement land is all south of I-75, right, or north -- just north of I-75.

MR. YOVANOVICH: You can go back to the map, and you can show where it is.

MR. MULHERE: I guess. Right in here. Right in here. Yeah, so -- can you see my cursor?

CHAIRMAN FRYER: Not at all. I can't --

MR. MULHERE: Okay. I'm sorry.

CHAIRMAN FRYER: -- but that's my problem.

MR. MULHERE: I can't -- this thing doesn't work.

COMMISSIONER SHEA: No, it's working.

MR. MULHERE: It is?

COMMISSIONER SHEA: He's on his computer. It's working on the screen.

Yeah, I can see what he's saying.

MR. BOSI: Your cursor was working.

MR. MULHERE: It's right in here. So, Chairman Fryer, it's in this sending area. A portion of that has been converted to receiving. It's nothing to do with the petition that you have before you other than, as part of that settlement, the previous owner of this property was required to convert 578 acres of his land to sending and the Hussey property was allowed to create 578 acres of receiving.

CHAIRMAN FRYER: And as sending, it would generate TDRs?

MR. MULHERE: Yes. And I'm going to go over the number shortly.

Let's see. Where was I? So this shows you the 585 sending. I've already kind of pointed it out to you.

So this will help. Anyway, here's the Sending Lands hatched -- excuse me -- right here and right here. So this slide has a lot of words on it. I'll just try to cut to the chase. This tells you in the overlay how you generate -- in response to your question, Mr. Chairman, how you can generate TDRs from the Sending Lands.

Most of these are consistent with how any sending landowner can generate, but there's one difference. So there's a base TDR credit of 0.4, not 0.2, but 0.4, because as you probably are aware, the proposed Rural Fringe Mixed-Use District amendments eliminate the early-entry bonus and increase the base to 0.4, so we did the same.

The environmental restoration bonus is 0.2; however, we added a one-TDR-per-five -- excuse me. We added a one-TDR-per-acre bonus for each acre of farm field restoration in the Sending Lands. And there's -- either the next or the slide after we'll show you that in detail. Then there's a conveyance bonus the same as for anybody else, and that's it.

COMMISSIONER SHEA: Quick question.

MR. MULHERE: Yeah.

COMMISSIONER SHEA: It's probably a dumb question. But this is totally separate from the RLSA.

MR. MULHERE: Yes, it is.

COMMISSIONER SHEA: You can't go into the RLSA area and get sending credits here?

MR. MULHERE: No.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: If you would go back to the previous slide, and you go to the first Section A. So if you just would like to cash in your TDR credits, you get two, and you don't have to do anything. You can sell them?

MR. MULHERE: You get .4 --

COMMISSIONER KLUCIK: Two per five acres?

MR. MULHERE: Two per five acres, yes.

COMMISSIONER KLUCIK: And you don't have to do anything --

MR. MULHERE: That's correct. Well, that's right. That's a base. You don't have to do anything.

COMMISSIONER KLUCIK: You get the extra one if you do the environmentals?

MR. MULHERE: You're exactly right.

COMMISSIONER KLUCIK: And then if you were to do the 2A, you take

advantage of A, the base credits, then what can that land be used for? Absolutely nothing?

MR. MULHERE: Yeah, sending.

COMMISSIONER KLUCIK: Yeah.

MR. MULHERE: There's nothing left. You don't have enough to do a unit because you've given up --

COMMISSIONER KLUCIK: Like, you couldn't have a horse there or anything?

MR. MULHERE: Yeah. If you didn't have to do the conservation easement.

MR. BOSI: Passive agriculture would be allowed by the limited development rights restriction that's placed. Once you establish your base TDRs, once you strip your base TDRs, there's a limited rights development agreement that goes on there. Passive agriculture is something that is allowed.

COMMISSIONER KLUCIK: And what is -- what is in that category, passive agriculture?

MR. BOSI: Very low intensity where you basically -- it's just -- it's pasture, for the most part.

COMMISSIONER KLUCIK: Right. You couldn't build a barn, but you could graze an animal?

MR. MULHERE: Yeah, I think grazing is allowed.

COMMISSIONER KLUCIK: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: So I want to just spend a minute on this because this will -- this is a blowup of a portion of the Sending Lands. Just let me go back for a minute to show you where that is. So this is -- this is the Sending Lands right here, and right in this area there's an impacted area, farm field and a road to the farm field. Here's the road, here's the farm field. That's all in sending, in what we are proposing to designate as sending.

And we -- so we provided a one unit -- one TDR per acre credit, TDR credit, for restoring that. And in working with Florida Wildlife Federation and Audubon of the Western Everglades, Meredith and Brad, they wanted us to agree to restore that to functional native habitat including upland, wetland, and wading bird habitat. And, Andy, I'll probably miss the name, but I think it's seasonal. Hydric prairie, wet prairie, which has a benefit to wading birds. So we've agreed to do that, and we've agreed, when we get to that restoration, to work with them to design that restoration.

Andy Woodruff -- I've only assumed 85 acres. We could probably --

CHAIRMAN FRYER: Yes, go ahead, Commissioner.

COMMISSIONER KLUCIK: On that point that you just made.

MR. MULHERE: Yeah.

COMMISSIONER KLUCIK: What are you required to do? You're just going beyond what's required? Are you required to consult with them and do what they want, or you've just -- you've just chosen to do that?

MR. MULHERE: We chose to do it, because -- we did create a credit for doing it because there's a cost associated. The cost doesn't cover -- the value of the credit we created doesn't cover the cost to do this. I'm going to go over that.

What could we do? We could simply do nothing and maintain that exotic free, that's it, and let it naturally grow back. Now --

COMMISSIONER KLUCIK: And you'd get your bonus credit?

MR. MULHERE: No. We wouldn't get the bonus credit, no.

COMMISSIONER KLUCIK: But by doing -- agreeing to do that, you will get the bonus credit. But my question is, is you involved a third party. Who is that third party?

MR. MULHERE: So Brad Cornell and Meredith Budd represent two environmental groups in town, very active.

CHAIRMAN FRYER: Audubon.

MR. MULHERE: Audubon of the Western Everglades, Brad Cornell, and Meredith Budd is Florida Wildlife Federation. So they have met with us on several occasions.

COMMISSIONER KLUCIK: But is there another way that you could have met that without going to them? Could you have just --

MR. MULHERE: We didn't necessarily have to agree, but since we are -- we are planning on restoring it, there's no harm in trying to restore it to what they --

COMMISSIONER KLUCIK: No, no. And I'm drawing out that that's going beyond what's required.

MR. MULHERE: Yes.

COMMISSIONER KLUCIK: So that's --

MR. MULHERE: So you can see here, we did an -- Andy did a very detailed estimate, and that was provided in our backup, in 2019. As you can imagine, the cost of that has risen since 2019, and presently we're estimating that the cost differential has gone from about 1.6 to 1.9 for that restoration.

Just -- you know, just trying to -- if you look at the current market rate for TDRs that I'm aware of -- and I know somebody that just bought some -- and they paid 18,500 for TDRs. So assuming we get 85 TDRs, the value of that at the current rate is 1.5, and the cost to restore is 1.9. So I just want you to see that it's not a windfall. It doesn't even cover the cost to restore that land.

Again, that's the neutral. This will be an easy slide. We're not making any changes to the neutral, so that's an easy slide.

This is the receiving areas. Again, 1,991.36 acres. Now we get into language that would deal with a future village. When we brought this before you, whenever it was -- you say February of --

CHAIRMAN FRYER: '21.

MR. MULHERE: -- '21, we had two additional uses in the village center, and those were a school site, or right next to the village center, and a county road and bridge maintenance facility. We have eliminated those uses. We did meet with Tom Eastman. I think maybe you were in that meeting, too, Amy, and the school board agreed that they had a site and that they wouldn't necessarily need a site here, so we eliminated that use. And we met with the county, told them we really didn't want those uses in here, and we took them out. And, as far as I know, that was not objectionable.

So you see some limitations in here that I've highlighted in yellow. The village center has to be accessible from the spine road, but it also can have access to Immokalee Road. There are some -- when you do a -- when you do a Comp Plan amendment that deals with uses, you are required to at least establish a maximum intensity and a maximum density, by statute. So you'll see some details in here. You say, why is that in here? That could be in a PUD. But you are required to establish these maximums by statute in your Comp Plan.

And so you'll see that we have a -- and there are certain minimums that are already

required, so we reflect that. So a minimum of 50,000 square feet and a maximum of 250,000 square feet of allowable uses in C-1 through C-4 in the village center. A minimum of 25,000 square feet, and a maximum of 125,000 of civic, constitutional, and governmental uses.

CHAIRMAN FRYER: May I ask a question or make a comment?

MR. MULHERE: Yes.

CHAIRMAN FRYER: Comparing what was said at the NIM versus what showed up in our agenda packet, it seems to me that you are signaling an intent to have less civic, public, and institutional uses because you've gone down from a 200,000 max to 125-.

MR. MULHERE: Yes. Well, the school. The school is out. And we still have the fire district interested, and there will be other civic and institutional uses. And it doesn't necessarily preclude a school, just -- we're just not making that a condition.

CHAIRMAN FRYER: Okay. Another question has to do with -- and maybe this was just wording, but I'd like to have it clarified. At the NIM summary, Mr. Mulhere, you said that there would be a maximum of 375,000 --

MR. MULHERE: Yes.

CHAIRMAN FRYER: -- commercial in the village center.

MR. MULHERE: Yes.

CHAIRMAN FRYER: And then in our materials it says 375K now applies to the entire Receiving Lands.

MR. MULHERE: Well, I'll go over that. I think it, for the most part, still applies -- almost all of that still applies to the village center. It's probably the next slide.

CHAIRMAN FRYER: Okay.

MR. MULHERE: I think. Let's see. So the commercial uses, up to 275-, and the civic uses, up to 125,000 square feet, are only allowed in the village center, but the neighborhood centers may additionally have up to 5,000 square feet of commercial uses. So there could be -- but we still are capped at that 375-.

CHAIRMAN FRYER: Okay. So the delta is going to be 5,000 square feet?

MR. MULHERE: Yeah. If a commercial element is built in a neighborhood center. And I can -- I think that comes up somewhere in one of these other slides.

CHAIRMAN FRYER: Okay, all right.

MR. MULHERE: It's pretty minimal.

Here it is right here. So the total square footage of any of the combination of uses shall not exceed 375-. Now, within a neighborhood -- and it's subject to that same maximum -- the majority of the residential development has to be within a quarter mile of a neighborhood center, amenity center, or the village center. Neighborhood centers may include small-scale retail office uses limited to -- excuse me, small-scale retail and office uses limited to a maximum of 5,000 square feet within any neighborhood center, and 10,000 for the entire village. So it is pretty minimal, but --

CHAIRMAN FRYER: Okay.

MR. MULHERE: -- the code -- the Comp Plan currently allows those to be mixed use, so we wanted to recognize that.

CHAIRMAN FRYER: I got it, thank you.

MR. MULHERE: I know this is a complicated slide, and so I'm going to go over it. The minimum density, if we do a village, is 3,000 units. This is No. C-1. The maximum is 4,000 if we do a village. How do we achieve that density?

COMMISSIONER KLUCIK: Say that again.

MR. MULHERE: Yeah. A minimum is 3,000, which translates to 1.51 units per acre, and the maximum is 4,000, which translates to 2.009 units per acre.

The -- that density can be achieved as follows: We have a base density. We talked about .2 units per acre. So .2 times 1,991.36 equals 398 units. So that's your base density.

You are required to do -- in this case, we'll be required to do 400 affordable housing units. And the Comp Plan presently allows for, and this does as well, a half-a-unit bonus for every affordable housing. So that's another 200 units. So 398, 498, 598.

CHAIRMAN FRYER: And, Mr. Mulhere, is your clients commitment to do 400 whether they go less than 4,000, or is it based on a 10 percent?

MR. MULHERE: No. It's based on -- I don't remember. I've got to look at that. I thought it was based on the size? Acreage? Yeah, it's based on acreage.

Yeah, we will have to do that.

CHAIRMAN FRYER: Okay. So it will be 400 even if you build fewer than 4,000 units?

MR. MULHERE: I didn't want to misspeak, but it's based on acreage. I thought it was --

CHAIRMAN FRYER: Now, does that show up somewhere in the GMPA?

MR. MULHERE: It's in the existing code, the Comp Plan, yes.

CHAIRMAN FRYER: Okay.

MR. MULHERE: So now we're down to TDRs. I think, Mr. Klucik, you asked this question. We're down to TDRs from Sending Lands within the project. It's a total that we can -- under the current, plus our one per acre of restored area that we have included, we can generate 451 TDRs or dwelling units from the existing 585-and-change acres of sending that we're going to create, and you can see how that's done. It's basically three TDRs from Sending Lands, which is 351, and up to 100 from the Sending Lands that we restore. So that's where that number comes from.

So the total, if we restore all 100 acres, from the dwelling units within the -- within the project itself is 1,496. Now, you know, we said the minimum's 3,000. We're not quite halfway. So the balance has to come from outside of the project from Sending Lands.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER KLUCIK: So I'm going to look at D1, and I see the blue numbers, 398, 1,200, 450 --

MR. MULHERE: Don't tell me my math is wrong.

COMMISSIONER KLUCIK: Well, I'm just -- those add up to 1,496?

MR. MULHERE: Let's see. 398 --

COMMISSIONER KLUCIK: Well, I'm just asking you because that's what it -- it would seem like that line where you have the 1,496 should be --

MR. MULHERE: I don't have my calculator out.

COMMISSIONER KLUCIK: -- a total of those four numbers. So I'm just trying to follow your logic.

COMMISSIONER FRY: 1,200 is a misprint, correct? It should be 200.

MR. MULHERE: Yes. That's what it is.

COMMISSIONER KLUCIK: All right. Well, that solves that.

MR. MULHERE: Thank you.

COMMISSIONER KLUCIK: So the 1,496 is A through D added up?

MR. MULHERE: Yes, yes.

COMMISSIONER KLUCIK: Okay.

MR. MULHERE: So the balance has to come -- as I said, the balance has to come from outside. If you're looking at the minimum of 3,000, that's a little over 1,500 units from outside of our own property, my client's property.

COMMISSIONER KLUCIK: And I'm trying to figure out the relationship between DUs and TDRs because they're both --

MR. MULHERE: Once you've acquired them -- every TDR or TDR credit is a DU once you've acquired them.

COMMISSIONER KLUCIK: Okay.

MR. MULHERE: They count as one.

COMMISSIONER KLUCIK: So you're at 1,496, and you want to get to where?

MR. MULHERE: Well, the minimum for a village is 3,000.

COMMISSIONER KLUCIK: You need at least 1,504?

MR. MULHERE: Exactly, and for the maximum, 2,504.

COMMISSIONER KLUCIK: All right. But down below it says 1,252 and --

MR. MULHERE: Well, I'm going to -- well, let me go over that.

COMMISSIONER KLUCIK: So I'm just saying, if we wanted to get to 4,000, and then you need 2,500 --

MR. MULHERE: Yeah, I'm going to -- exactly, but I haven't told you that there is another bonus.

COMMISSIONER KLUCIK: Okay.

MR. MULHERE: So when you acquire a TDR, any TDR, and you do a village, you get a bonus TDR. So from our own lands or somebody else's lands, we get a bonus. So I'll just cut to the chase.

COMMISSIONER KLUCIK: Mr. Chairman, I just want to --

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER KLUCIK: Please hold that thought. And I'm assuming the reason for the bonus, and maybe staff can tell me, is because what you're doing is you're putting all your density in one spot, which is desirable, so that's why the village maximizes that density concentration, and that's why they get the bonus?

MR. BOSI: The bonus is because they are doing a village as --

CHAIRMAN FRYER: Smart growth.

MR. BOSI: As it was started off, we have not had a village yet developed within the almost 20 years that it's been available. And the village provides for goods and services, internal capture, as the Chair says. It's the strategy. It's the smart growth strategy to keep -- to try to keep more and more of the population and have their goods and services satisfied by the commercial provided by that village instead of having to go into the transportation network to get to those goods and services.

COMMISSIONER KLUCIK: And so what you're saying is, for instance, the 752, then, gets doubled because you're doing a village.

MR. MULHERE: Yeah, it's -- you're getting -- for each seven -- for the 752 you buy outside of our own lands, you receive 1,504.

COMMISSIONER KLUCIK: Which added to the 1,496 gives you the 3-?

MR. MULHERE: Gives you the 3-. And then the other one for 4,000 is 500 more TDRs, which is why you've 1,252 there.

If you were to do a non-village, in the example of a non-village, you had a maximum one unit per acre. You still need to acquire 1,142 TDRs from somewhere. There's no bonus there, so you've got to find those.

So I know it's a little bit complicated, but I -- so now we'll move on to some of the other changes that have been proven to be problematic in other -- in the one other --

CHAIRMAN FRYER: Commissioner Klucik.

MR. MULHERE: I'm sorry.

COMMISSIONER KLUCIK: And just in general -- I know I should have asked this question in the beginning. But what you're proposing is, under the rules that exist -- under this -- what is the -- this scheme called?

MR. MULHERE: Rural Fringe Mixed-Use District.

COMMISSIONER KLUCIK: Rural fringe. Under the rural fringe scheme, you can do all of this. And so what you're doing is you're now just ringing that bell and saying, we're going to take advantage of what we have a right to do under this program, having -- once we acquire the right number of TDRs. And so all we're doing is, then, codifying that because you're changing?

MR. MULHERE: Some things, yes. And I'm going over the things that we're changing.

COMMISSIONER KLUCIK: Unless you're changing something, we wouldn't need -- this wouldn't be legislative.

MR. MULHERE: That's correct.

COMMISSIONER KLUCIK: Okay. But -- so we haven't gotten to that part yet?

MR. MULHERE: Oh, I showed you some of them. The bonus credit for restoring the farm fields, that doesn't exist. We're putting that in there.

COMMISSIONER KLUCIK: Okay.

MR. MULHERE: The re-creation of the Sending Lands, that doesn't exist today; we have to do that for this process.

And so this is the greenbelt, landscape buffers, native vegetation. We worked diligently with staff. So the greenbelt has to be minimum of 200 feet in width except adjacent to the village center along Immokalee Road, where it can be 100-foot in width, and along the eastern perimeter of the village adjacent to the 120-wide public roadway where it can be 120 feet in width.

Now, you don't have the PUD in front of you, but the reason this is in here is because there is a requirement, if we do a village, to create a connecting road through the project. And there's a big lake that can't be filled in, and there's only so much width to include a greenbelt and a roadway, a potentially four-lane roadway. Not in the Neutral Lands. Hold on a second. In the Receiving Lands. So if we're going to do that, we needed some exceptions from the greenbelt. Staff agreed.

We're providing an enhanced 25-foot-wide perimeter landscape buffer within the greenbelt, which is, you know, more than what the code would require, but we feel that's appropriate and important for the project.

I'm just seeing -- the Utilities Department wants a number of, quite a few, raw water wells, a raw water line along the perimeter of the south and the east of the project, and so we've included those as allowable uses, specifically allowable uses within the greenbelt. The county wants them. The county feels they need them. If we go with a village, there's a mechanism for them to get those.

COMMISSIONER SHEA: When you say "raw water wells," you mean to provide potable water?

MR. MULHERE: Yes.

COMMISSIONER SHEA: Okay.

MR. MULHERE: And this is -- we're getting to the end here. This is -- so when these Rural Fringe Mixed-Use District requirements were created, I was around. I worked for the county. I'm not an environmental specialist; I'm a planner. But there was a requirement for a 30 percent littoral planting in all lakes within the Rural Fringe Mixed-Use District. Now, nowhere else is that a requirement. Everywhere else in the county, including the Rural Lands Stewardship Area, it's 7 percent. And we didn't have any practical experience until more recently in trying to apply a 30 percent littoral planting requirement, and it has the effect of requiring consumption of a lot more land because you can only do a slope of 8 to 1 for your littoral plantings, and it's based on the surface area of the lakes, 30 percent of the surface area of the lakes.

So we asked for a reduction, which was approved at transmittal, to 15 percent, which is still more than twice of what's required everywhere else in the county.

But I will point out to you that --

CHAIRMAN FRYER: Commissioner Vernon?

COMMISSIONER VERNON: What's littoral mean?

MR. MULHERE: Like a shelf. Okay. A littoral area is a shelf that, you know, can't -- it can only be an 8-to-1 slope that you plant native vegetation that can live in wet and dry conditions, and it recreates habitat for wading birds and probably some other species.

COMMISSIONER VERNON: Okay.

MR. MULHERE: And so --

COMMISSIONER KLUCIK: It also keeps it from eroding, right?

MR. MULHERE: Yeah. I imagine it can keep it from eroding. It probably has some other benefits to the water quality as well, but I'm qualifying that I'm not a scientist.

CHAIRMAN FRYER: On the point, comparing the RLSA and the RFMUD language -- I've thought this before -- it's almost as though different people drafted them.

MR. MULHERE: They did. I was on both of them, but there was a whole -- so, remember, the Rural Lands Stewardship Area was created by a group of landowners. It was a public process, but they hired their own consultants approved by the Board and through a public process, and they created that. So when I was with staff as the planning director, my role was to review that and make sure that it was appropriate, but I didn't create that language in the Rural Lands. I and a whole team of county staff back in two thousand and -- well, I don't know -- before 2000 through 2002, went to about 50 or 80 public meetings with the committee in charge of creating these Rural Fringe Mixed-Use Districts and, ultimately, wrote the language -- the staff ultimately wrote the language.

CHAIRMAN FRYER: Well, I come away thinking that the RFMUD is more restrictive to developers than the RLSA, such as the use of the word "encourage" in RLSA becomes a hard-and-fast requirement in RFMUD.

MR. MULHERE: It's very fair to say the Rural Land Stewardship program is an incentive-based program, and the Rural Fringe Mixed-Use District is a command and control program. It's got "thou shalt."

CHAIRMAN FRYER: Well -- and the reason -- and there is a reason why I was

asking about the comparison is because, historically, if you know -- and I can ask staff if you don't. Why were the littoral requirements more restrictive here than anyplace else in Collier County?

MR. MULHERE: I haven't found a reason other than, you know, to try to create more habitat or a more rural kind of feel. But this is a village, so...

CHAIRMAN FRYER: I understand. Well, when it comes time for staff, I'm going to ask that question, so --

MR. MULHERE: You know, I did look at it, and I didn't really find -- you'd have to probably, in the archives, go back, but I tried.

CHAIRMAN FRYER: Commissioner Fry.

COMMISSIONER FRY: Bob, so littoral means plantings within the water itself, not along the edge on the dry land, but within the water.

MR. MULHERE: Both.

COMMISSIONER FRY: So it is both?

COMMISSIONER SHEA: Both.

MR. MULHERE: Yeah, because what happens is --

COMMISSIONER FRY: I know the water rises and falls.

MR. MULHERE: Exactly.

COMMISSIONER FRY: Is it, like, up to a high-water mark? Is that considered littoral, or is it even beyond on the bank that will never be wet or expected to be wet?

MR. MULHERE: It's expected to be wet.

COMMISSIONER FRY: It's expected to be wet, okay. So it's all within the areas that are expected to be wet?

MR. MULHERE: The big challenge with littoral areas is maintaining a healthy littoral. It's a difficult thing to do with the seasonal fluctuations. And if it's -- the bigger the lake, the more wind and wave action you get, the harder it is to maintain a littoral planting.

COMMISSIONER FRY: Okay. And we'll hear from staff that they're okay with the 15 percent, I'm sure, because we already approved that in the transmittal.

MR. MULHERE: Well, I did want to point out to you, just if you'll look at this example that I have on the screen, the total lake area based on our current South Florida Water Management District permit -- I mean, some things could change. We're not through that process, but it wouldn't be substantial, but some things could change -- is 265.53 acres, excluding the mine -- the mine lakes. And if you look at a littoral planting area of 15 percent, that's 39.83 acres.

Now, if we restore 50 percent of the 85-acre restoration that we discussed earlier, 50 percent of it being wetland habitat, that's -- that yields 82.33 acres in the littoral plantings and the restoration area of wetland habitat. That exceeds the 30 percent, which would be 79.67 acres.

So I think we are more than making up for that reduction from 30 to 15 percent by agreeing to restore, you know, the 85 acres of farm field -- and it could be 100, but -- because, you know, there's other areas around that that are impacted that could also be restored. And we've already agreed that we're going to recreate wading bird habitat and wetland habitat, but it also says upland habitat. So I only assumed 50 percent of it for this example.

COMMISSIONER KLUCIK: Does that become binding?

MR. MULHERE: It will be in the PUD.

COMMISSIONER FRY: I had another question.

CHAIRMAN FRYER: Go ahead, Commissioner Fry.

MR. MULHERE: That's concludes my presentation.

CHAIRMAN FRYER: Okay.

COMMISSIONER FRY: So in the RLSA -- just correct me if I'm wrong -- there is no designation of a town in the RFMUD that we have in the RLSA?

MR. MULHERE: No.

COMMISSIONER FRY: To me the village in the RFMUD is more akin to the town in the RLSA.

MR. MULHERE: Certainly in this case because of the size of it, I would say, because of the --

COMMISSIONER FRY: And the mix of commercial and institution. Kind of -- it's a -- much more of a mixed bag of uses than the village, or at least the villages that we heard.

MR. MULHERE: Yes. Villages, use-wise, is more restrictive in Rural Land Stewardship. I just wanted to point this out because you raise a good question. So this is where we are, right? And this area, as I said, has mostly been developed. You will not see a village here. There is no land left to do a village in this receiving area.

This receiving area could have a village. It's got special regulations, but that's not going to happen until Wilson Boulevard or some roadway is extended there. There's no access. It's just not going to work -- adequate access. That could be 20 years from now; I don't know. This is the largest of the receiving areas, and certainly -- this is the Belle Meade -- could ultimately have a village. So in my opinion -- this is just my professional opinion. I'm not -- the most you're going to see is, likely, two and maybe sometime in the future you could have a village here if this ever has good access.

If you look at where these receiving areas are located, particularly these ones, so this is designed to serve the surrounding Golden Gate Estates community. This one can serve, if it had -- but it's close to this activity center, so they get their commercial right there. This one could serve all of this Estates there, because there's very few services out in the Estates.

So there was some thought in where they were located when I said before it was based on the lack of environmental but also where are they? There's a limit. I think you can have no more than three villages. Okay. One?

MR. BOSI: The current regulations allow -- or restrict it to one village per receiving area.

MR. MULHERE: So we know --

MR. BOSI: So each one of these blue areas could only have one village. Now, we are proposing the Rural Fringe Mixed-Use District amendments to eliminate that, and you could have as many villages as the market would like to bear, because we -- because there are benefits to a village and the diversity that's associated with it.

MR. MULHERE: But those would only be either here or here, because you'll have -- if this goes forward, you'd have one here and zero there.

MR. BOSI: Yeah.

MR. MULHERE: So I just wanted to point that out.

CHAIRMAN FRYER: Okay. And you've called for questions. I'd like to start, if I may.

MR. MULHERE: Yes.

CHAIRMAN FRYER: And that -- my question has to do with affordable housing and, unfortunately, for me, I have acquainted myself as thoroughly with your PUD filings on CityView as I have with the GMPA, and I can't recall where I saw what. But it's clear that the 400 number is going -- is in the GMP already, so that will be there.

I also saw a reference, though, to 80 to 120 percent. Is that only in the PUD?

MR. MULHERE: It is.

CHAIRMAN FRYER: There's no reference to what class --

MR. BOSI: Chair, I'm sorry. I'm sorry to interrupt you. In the proposed Exhibit A to the Future Land Use Map, this proposed amendment, if you look at Page 4, which is the second part, 4 of 7, affordable housing, it has your minimum two units per acre shall be for affordable housing, which one unit per acre shall be workforce housing. It does reference the moderate income range established in the LDC of 80 percent to the 120 percent of the AMI.

CHAIRMAN FRYER: Thank you. So that's before us right now.

MR. BOSI: That's Page 4 of Exhibit A of the actual GMP amendment.

MR. MULHERE: That's the text.

CHAIRMAN FRYER: Thank you. Okay. Well, that's important to me, because I'm very much in favor of providing for affordable housing in that area, but I want to be sure that it meets the actual need and would like to have a conversation before we have a vote on this as to whether we could nail that down to certain percentages of the 400 being set out for, say, 80 percent and another group for 100 percent.

MR. MULHERE: I got it.

COMMISSIONER SHEA: Where's the 400 come from? Is that --

CHAIRMAN FRYER: That's already in the GMP.

COMMISSIONER SHEA: That's the minimum that they have -- it's not a lot -- for a village that's creating a lot of jobs. It seems like there should be a lot more --

MR. BOSI: Per the LDC, per the current regulations, there is a requirement for .2 -- or .2 units per acre, and if you multiply the 1,997 times, you know, .2, you get 400. So that's what's required by the code as it exists.

CHAIRMAN FRYER: So my question for Mr. Yovanovich, I guess, is the applicant willing to have discussions about being more specific with respect to those 400 units and matching them up to median annual income?

MR. YOVANOVICH: If we go back to when I started our introduction to why we're here, we're struggling now with deciding whether or not to do a village or not.

CHAIRMAN FRYER: Well, I understand.

MR. YOVANOVICH: So what I'm saying --

CHAIRMAN FRYER: If you did the village.

MR. YOVANOVICH: No. What I'm saying is if you impose restrictions on me now on the village that I don't know whether I can do it or not do it until I get to the PUD stage, you're probably putting me -- we're -- I forget that thing when we're in the playground. Remind me what that is.

COMMISSIONER SHEA: Teeter-totter. Seesaw.

MR. YOVANOVICH: Seesaw. You're probably putting me on the I'm not going to do the village because the more -- it's hard right now. The cost of doing this -- of doing a village with all of -- affordable housing, the road that we're required to build that will

connect Immokalee Road to Immokalee Road, all of those expenses that go into this project, believe it or not, the requirement to do commercial and retail and office, the risk of that actually making economic sense makes it much more difficult to say I'm going to go do a village.

So I'm asking you not to do that at this stage in the Growth Management Plan. When we come back at the PUD, we could talk about that issue. But if you put that in -- if you put that in the Growth Management Plan now, my guess is my client's going to tell me at some point, let's just do what we can do today under the rules, which is a 2,000-unit project, go buy the TDRs, and not be subject to any further public hearings.

CHAIRMAN FRYER: Commissioner Vernon?

COMMISSIONER SHEA: But we will be able to have the dialogue --

MR. YOVANOVICH: At the PUD. I'm asking you, don't do it -- don't do it at this stage.

MS. ASHTON-CICKO: Well, right now you're locking it into the moderate income between the 80 and the 120. So if you go with that, it will be difficult to make it more restrictive with the current language when you come back with the PUD. Now, if you want to change it and say they're going to provide low and moderate income or very low, you know, which will be determined at the time of the PUD, I mean, that would work.

MR. YOVANOVICH: We're not going below 80. So if -- and I forget the numbers, what low is. I forget. There's a 50 percent category. There's an 80.

MS. ASHTON-CICKO: Well, then whatever it is --

MR. YOVANOVICH: What I'm saying is we're okay with the 80-to-120 range.

CHAIRMAN FRYER: Yeah. But right now you could do it all at 120.

MS. ASHTON-CICKO: Correct.

MR. YOVANOVICH: What I'm saying -- what I'm saying, Commissioner Fryer --

MS. ASHTON-CICKO: In the PUD.

MR. YOVANOVICH: -- when we get to the PUD stage, if we could discuss how to break down that 400 between the 80 and 120 category. I'm not prepared to do it today.

MS. ASHTON-CICKO: If you want to go that route, if you want the flexibility for the PUD, we need to revise the language.

MR. YOVANOVICH: Well, right now it says somewhere between 80 and 120.

MS. ASHTON-CICKO: Yes, which is moderate, and that exact text will go in the PUD 80 to 100. And I think what they're saying is they don't necessarily want just moderate. They might want one -- you know, like, the 100 percent AMI like we're doing with the PUDs. I don't think they want to be locked in to going up to 120 is what I think I'm hearing.

CHAIRMAN FRYER: That is exactly --

COMMISSIONER SHEA: Exactly.

MS. ASHTON-CICKO: Yeah. So if we can draft language that will give them some flexibility to determine the units and what they're assigned, whether it's 100 percent AMI or, you know, can be determined, we would have to put that in this language here; otherwise, I don't think you have the flexibility.

CHAIRMAN FRYER: Thank you.

Mr. Bosi.

MR. BOSI: And because I do think they do have flexibility because this says 80 to 120 percent, I think if you take out the moderate, you can leave it. Then you could

suggest -- at the PUD, you could suggest half of those units being allocated to 80 percent of AMI and half of those units dedicated to 100 percent, which has been -- of AMI, which has been our current course of what we've requested.

I think if you remove that moderate income range and just leave the 80 to 120 percent, that would give you that flexibility to be able to determine within the PUD that 80 -- that half of them will be at 80 percent of AMI, and half of them will be at 100 percent.

MS. ASHTON-CICKO: I think if you took out the "moderate income" and you said "with the percentages to be determined at PUD," then it would work.

COMMISSIONER SHEA: I like that.

CHAIRMAN FRYER: I think that's what we're looking for.

COMMISSIONER SHEA: I like that.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I really was just going down the same path.

MR. YOVANOVICH: I'm going to tell you, I don't like that because I don't want to have to argue that you can make me go to 50 percent.

MS. ASHTON-CICKO: No, it's going to be between 80 and 120.

(Simultaneous crosstalk.)

MR. YOVANOVICH: It doesn't say that. What I heard -- now maybe I misheard what was said. I think what you need to leave in there is, I think, frankly, with the range of 80 to 120, when I come back at the PUD stage, you could tell me X percentage is 80, Y percentage is at 100, and Z percentage is at 120. I think that that language says that. I may not agree to it.

MS. ASHTON-CICKO: No, but I don't think --

COMMISSIONER SHEA: But you're going to do your financial on 120 percent.

MR. YOVANOVICH: We're going to do our --

COMMISSIONER SHEA: Then when we ask you to get lower ranges, you're going to say I can't do it.

MR. YOVANOVICH: And I may say that to you, Commissioner Shea, because in order for the economics to work, I may have to be at the 120. I don't know the answer today. But I can tell you, if you tell me they've all got to be at the 80 percent, we're probably walking away.

MR. MULHERE: I just want to add one thing because, actually, Don Schrotenboer just reminded me. This is another potential flaw. I talked to Mike a little bit about it in the -- the idea of incentivizing someone to do affordable housing. I'm not sure you realize this, but -- yeah, we get a -- we get a half-a-unit bonus for every unit of affordable housing. We're required to do 400, so we get 200 units, but we have to buy TDRs for those 400 units. So we're not having them -- so divide that by two, because we're getting the bonus. That's 200 units that we really have to go out and buy. Right now, at the current -- I just wanted you to know this. At the current value for TDRs, at 18,500 times 200 is 1 million 800.

COMMISSIONER FRY: Two million.

MR. MULHERE: It's a lot of money. That's before we build affordable housing. So we might want to look at when those RFMUD amendments come forward, because we can take advantage of any, you know, TDR changes that you make.

CHAIRMAN FRYER: All right. I want to ask the applicant to suspend further comments right now until Commissioner Vernon has a chance to speak.

COMMISSIONER VERNON: Thank you. Thank you.

I -- it's the same road I'm going down, but it just feels -- I feel a little like we're having an argument we don't need to have. As I understand what you're saying is you're okay with us bringing this up at the PUD level, and you're okay with making sure the language, which I would think two lawyers can figure out with the help of Mike, to make sure that we protect our rights to request that, and you have the power to say, well, we're not going to do the project, and we can have that type of discussion at the PUD level. But you're not looking for us to lose any right to have that discussion down the road, correct?

MR. YOVANOVICH: Correct.

COMMISSIONER VERNON: So I don't -- I mean, I don't know that we have to come up with the right language, but I think, you know, between our lawyers and Rich we can come up with that language.

CHAIRMAN FRYER: I want to ask Ms. Ashton to repeat that language that you had, because that sounded right to me, and it sounded like it would be okay with where Mr. Yovanovich is right now.

MS. ASHTON-CICKO: Well, I thought you were going towards work house -- workforce housing shall be determined as housing that is reserved for households whose income falls within the income range of 80,000 to 120,000 [sic] of the county's AMI with percentages to be determined at PUD.

MR. YOVANOVICH: I didn't hear the 80 to 120 before.

CHAIRMAN FRYER: Yes, she said it before.

MR. YOVANOVICH: I didn't hear it. Okay. Obviously, I misheard it.

CHAIRMAN FRYER: I know.

MR. YOVANOVICH: I'm fine with what she just said.

CHAIRMAN FRYER: Okay, good. Done. Done. Done.

MR. YOVANOVICH: I didn't hear the 80 to 120 before. That's all I'm saying.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER SHEA: You didn't mean 80,000. You meant 80 to 120 percent?

THE COURT REPORTER: Sorry, guys. I can only get one at a time.

MS. ASHTON-CICKO: Yes, I'm sorry. Did I say thousand?

COMMISSIONER SHEA: You said 80 percent --
(Simultaneous crosstalk.)

MS. ASHTON-CICKO: No, 80 percent to 120 percent of the county's area -- annual median income.

COMMISSIONER VERNON: So we're good. We're all good?

MR. YOVANOVICH: We're all good.

COMMISSIONER VERNON: I thought we were all good.

CHAIRMAN FRYER: Okay. All right. Anything else, Commissioner?

COMMISSIONER VERNON: A conceptual comment that, you know, it's interesting -- I guess, maybe a question -- is why do you think there's been no villages developed over a 20-year period?

MR. YOVANOVICH: Because of all of the requirements that we're talking about now that you have to do for a village to go forward. And what you don't also know is there's going to be a DCA that comes along as part of the PUD where there's other public improvements that are going to be required as part of the PUD, the dedication of road

right-of-way, the construction of other improvements. All of those costs go into the pro forma, and everything you've got to spend to get to a point where you might be successful on a village makes it too risky.

COMMISSIONER VERNON: Well, you might not be able to answer -- go ahead, Mike.

MR. BOSI: I was also going to say, the acquisition of TDRs, because of the fragmentation of ownership within the Rural Fringe Mixed-Use District, there's a -- there would be a -- it's hard -- there's not one landowner probably that's going to have the 1,420 TDRs that they would need for a village, so that means that you have to go have transactions with a number of different smaller landowners who hold TDRs, and each number of transactions increases the cost of administration and all the things that happen. So I think all those costs, with that, have been the heaviest burden in terms of why we haven't seen it.

COMMISSIONER VERNON: Okay. But back to -- I'm going to shoot it back to you, Rich. You said "all those regulations," and he pointed out one specific.

MR. YOVANOVICH: That's the --
(Simultaneous crosstalk.)

COMMISSIONER VERNON: If you had to -- okay. You just answered my question. That's the number-one problem.

THE COURT REPORTER: Rich, I didn't hear what you said.

MR. YOVANOVICH: That's the biggest problem, finding TDRs, because what you have -- unlike the RLSA where you are dealing with, I think, nine property owners who owned thousands -- hundreds of thousands of acres, we're dealing with I don't know how many --

MR. MULHERE: Thousands.

MR. YOVANOVICH: -- thousands of property owners where all the big pieces are gone, all the big Sending Land pieces are gone.

So now you're dealing with the smaller five, 10-, 20-, 40-acre pieces, and that's a lot of work to find them, convince someone that it's worth selling that piece of property to you -- because Bob did the math for you earlier. You've got two credits right now that you can count on when you're buying a five-acre piece. The "by right" and the "early entry," which is the two units per five acres, so it's going to just be the "by right" is going to go to two units per acre. The third one you've got to spend money to clean it up, and the fourth one you've got to hope you can find an agency that wants the land, which we're not finding. So you're really only getting two. So if the market is 18,5- a TDR, are you going to sell me your five-acre piece of property for \$37,000? You're not going to. You're not going to do it.

COMMISSIONER VERNON: Well, I'll just wrap up with this in discussion for another day, but it seems like you've got a developer's attorney and you've got a county leader in this area basically identifying one number-one problem. And maybe there's no solution to it, but it seems to me that maybe that's something that the staff can look at or we can talk about if we want to be a proactive board, and we can say maybe there's a solution to this which may be good for the economy and good for the ecology.

MR. YOVANOVICH: You've got to work on the supply side of TDRs.

COMMISSIONER VERNON: But I'm saying, we've identified -- both sides have identified one specific problem that maybe at some point in the future we can tackle as a

big-picture item.

MR. BOSI: As part of the Rural Fringe Mixed-Use District amendments that are coming forward that we were requested to do by Commissioner McDaniel and the Board of County Commissioners was update credit analysis and expenditure worksheet which was an estimation of the number of credits that we would expect to be demanded within the program at full buildout compared to the number of TDRs that would be -- that could be created based upon existing code and what's being proposed.

He wants to see if that relationship could -- the supply could get a little bit closer to the demand, because right now it's almost a -- it's more than a two-to-one outsourcing of the actual demand compared to the supply.

And another aspect that Mr. Mulhere was speaking about, the proposed amendments to the Rural Fringe Mixed-Use District, if it is dedicated to affordable housing, if it's income restricted, it will not require the consumption of affordable -- or TDRs. Affordable housing -- as we transmit it to the state, affordable housing in these villages will not require the utilization of TDRs.

So that's one area where we recognize if that's a commodity we want, we can't go into an already limited supply and say you need to expend it even at half of a TDR. So that's one area of fixing the problem. But I agree with you, and we will focus on that. When we bring the Rural Fringe Mixed-Use District amendments to you, which we -- November or December of this year, we'll have those discussions. But that's where our focus is going to be is the supply-and-demand balance and where we can make some tweaks to that.

MR. MULHERE: If I could just add, briefly. On top of all that, there are some landowners out there that do have some number of TDRs. There are some landowners that have, you know, available TDRs. They are not going to sell those TDRs while they're waiting for the county to find out how many more they might get from the Sending Lands, if you can understand that.

COMMISSIONER VERNON: I do.

CHAIRMAN FRYER: Commissioner Fry, then Commissioner Klucik.

COMMISSIONER FRY: Bob, you alluded to a property owner that was successful in buying TDRs. Was that the Ventana Pointe or --

MR. MULHERE: No. That was -- a few years ago he bought those, three or four years ago, and I don't remember what he paid. I think it was around 15- -- 14- or 15-. The price has gone up, obviously, because the demand is still -- for smaller numbers -- this was a small number. It was only about a half a dozen TDRs that somebody bought. And I received a call from the realtor who told me what the price was.

COMMISSIONER FRY: Was it called Ventana Pointe?

MR. BOSI: That was Ventana Pointe.

COMMISSIONER FRY: Ventana Pointe. So we had a lengthy discussion at that time about how the TDR program really hadn't generated the results that we'd hoped for, and he expressed the same concern with the supply-and-demand side of this. Have they been successful at acquiring their TDRs?

MR. YOVANOVICH: Yeah, they got their TDRs, but it was a small number.

COMMISSIONER FRY: Small number.

MR. YOVANOVICH: Here I'm talking a thousand plus. I forget that number, 40, 50. It was 80. I can't remember. It was in that range of what they needed. It was not a

really big number.

COMMISSIONER FRY: Mike, are you saying for this -- Bob said they have to get TDRs even for the affordable housing, at least some number. Are you saying that will be waived as part of this adoption?

MR. BOSI: As part of this being proposed, no. As part of what is moving forward within the Rural Fringe Mixed-Use District amendments that are going to come back for adoption, there will be no requirement for TDRs --

COMMISSIONER FRY: Will that --

MR. BOSI: -- for affordable housing.

COMMISSIONER FRY: Will that help them on this?

MR. BOSI: Yes, because they've got a provision that says any modifications to the program, their village would be able to take advantage of that.

COMMISSIONER FRY: As it should.

MR. BOSI: And just to let you -- let me -- to point this out. And we don't -- we haven't utilized or brought the updated Collier Interactive Growth Model, one of the population projections and land-use projection models that we utilize as a supplemental planning tool, but we've always said the last area that we expected for development, for buildout was the Rural Fringe Mixed-Use District which is odd, though, because that's the center of -- if you think of the eastern development edge of where development can eventually go to, that's the RLSA.

In the middle between the urbanized area and the RLSA and the Estates is Rural Fringe Mixed-Use District, and the reason why that has been long held as truth is because of the fragmentation of ownership and the acquisition cost of TDRs, and some of the -- some of the price components, I think, that Rich has alluded to. And I have to only believe them based upon the fact that the most limited activity that we've seen has still been the Rural Fringe Mixed-Use District.

So we will -- we'll put that focus when we bring the Rural Fringe Mixed-Use District amendments back to the Planning Commission, and we'll have those discussions in a little bit more of a wholehearted manner.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik, and then Commissioner Shea.

COMMISSIONER KLUCIK: Yes, thank you.

So Mr. Mulhere, Rich, Mr. Yovanovich, either one of you, but actually I think this is a question for Mike.

COMMISSIONER FRY: Anybody? Ray?

COMMISSIONER KLUCIK: You can probably answer it, but it's probably for Mike.

COMMISSIONER VERNON: Is there an Option D or just --

COMMISSIONER KLUCIK: Would you like to answer this question, Mr. Chairman?

COMMISSIONER FRY: Would anyone in the audience like to answer this question?

CHAIRMAN FRYER: We'll throw it out there and see who bites.

COMMISSIONER KLUCIK: So we have the RFMUD and we have the RLSA, and with the RLSA we have the Stewardship Sending Areas and the Stewardship Receiving Areas. And those are future determined whereas it seems as though the RFMUD, it's

predetermined, and then you have to go find the TDRs, and that's the distinction?

MR. BOSI: Correct.

COMMISSIONER KLUCIK: And that seems to be why the RLSA is working, because it's kind of more free market. I mean, what you don't get to do is you don't get to designate exactly where the development is going to happen, but you have given more credits to try to -- for different types of land which sort of does do that.

MR. BOSI: The environmental condition --

COMMISSIONER KLUCIK: You hope the market will do that?

MR. BOSI: The environmental conditions of the -- of the underlying ground basically dictates where sending areas and receiving areas fall out. The Rural Fringe Mixed-Use District is predetermined.

COMMISSIONER KLUCIK: I just wanted to make sure I was understanding the program. They're similar, but they're also different in many ways.

MR. BOSI: Absolutely.

MR. YOVANOVICH: I think the reason the RLSA works is you're dealing with basically nine property owners, and that's why it works.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: A dumb question for Mike. Why did the sending areas have to come from that geography? Why can't you get them from outside that geography, say, the RLSA, which may --

MR. BOSI: It had to be a closed -- it has to be a closed system so the calibration -- it was an estimation when it was created of how many TDRs could be created, so the expenditures were based upon -- and how the rules were set up were based upon what would be the expected by the number and the acres of Sending Lands, how the -- how the TDRs are generated from the early, from their base, from the restoration, and from the conveyance. So it had to be -- it has to be a closed system for it to work. Any traditional TDR program is normally confined to the geographic area that it was intended to cover.

CHAIRMAN FRYER: Any other comments, questions from the Planning Commission?

(No response.)

CHAIRMAN FRYER: Anything further from the applicant?

MR. YOVANOVICH: I don't think so.

CHAIRMAN FRYER: Okay. It's 3:20. I think this is a good time for our midafternoon break. We'll be in recess until 3:30.

(A brief recess was had from 3:20 p.m. to 3:30 p.m.)

MR. BOSI: Chair, it's 3:30.

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

I've been asked -- if the planning commissioners would please take their seats, I would be most grateful.

And I have been asked to remind everyone, including myself, that the court reporter cannot record what more than one person is saying at once. So we all, including me, need to focus on not speaking over someone else.

And from -- on this side of the dais, I would remind all planning commissioners to please signal if you want to speak before doing so, and that will help a little bit. And I'll try to do my best to see when people are signaling.

With that, I would go to staff, and the Chair recognizes Mr. Sabo.

MR. SABO: Thank you, Mr. Chairman, Commissioners. James Sabo, Comprehensive Planning manager for the county.

A lot of my thunder has been stolen, so I'm going to get to the end of my presentation.

So a couple of things changed since transmittal. The Hussey settlement was identified, as Mr. Mulhere had mentioned. They provided an either/or option. They're either going to develop under the LDC plat provisions or the Immokalee Rural Village. The new document identifies that the affordable housing is dispersed. So but -- basically I laid out the differences between a standard plat and a Rural Village.

So they -- the base density's one per five acres. They can buy TDRs to go one for one. There's no neighborhood center. There's no internal capture. It's a longer drive to goods and services. No spine road. That diagonal road from southwest connects those portions of Immokalee Road, and it's a reduced contiguous open space.

With a village, you have a neighborhood center, goods and services are within a quarter mile of residential, the TDR bonus up to three dwelling units an acre applies. There's internal capture. You can have shorter rides, more contiguous open space, and then the spine road.

So, basically, we are recommending to adopt and transmit to the DEO. So I won't read all these out, but they're in your packet.

If a PUD is submitted, they need a DCA, details for the buffer, location of the 400 units, addressing concerns from the Florida Wildlife Federation regarding panther and wildlife conflicts, and then the changes to the littoral shelf.

If you're interested in seeing those, we just tied the changes to the littoral shelf -- we're okay with the reduction, but we tied those to implementation of a Planned Unit Development rezone or a Land Development Code amendment. And I'll entertain any questions.

CHAIRMAN FRYER: Thank you. Are there questions of Mr. Sabo, for staff?
(No response.)

CHAIRMAN FRYER: One thing I'll ask for, sir, to have confirmation that staff accepts Ms. Ashton's slight revision to the language about affordable housing.

MR. SABO: Yeah. We have no issue with that. That sounds acceptable.

CHAIRMAN FRYER: Thank you.

MS. ASHTON-CICKO: And if I could just make a comment on what Mr. Sabo said. The initial language that you saw at transmittal was contemplating a companion PUD amendment, and so that's why staff is making the change, because there is no companion PUD amendment. And so if you adopted it as-is, then it would automatically apply whether a PUD was adopted or not, because -- okay.

CHAIRMAN FRYER: Thank you.
Commissioner Fry.

COMMISSIONER FRY: So, James, by approving this, we're basically rubber -- I'd say green-lighting up to 4,000 units going in an area, quite a bit of development. In your assessment, this is a win for the residents of Collier County versus the option if we do not approve it?

MR. SABO: Yeah, we -- from a land-use planning perspective it's, you know, a little bit more dense, having better conservation areas, and goods and services located near where people are. That's always better than spreading everything out. So yes is the

answer to your question.

COMMISSIONER FRY: I just wanted to hear you say it.

MR. BOSI: I would also add that if this was denied, and not meaning this couldn't be done, but we will be required -- staff will be required to go through a GMP amendment to redesignate the Hussey settlement. We're obligated by that settlement to make this exchange. This was the vehicle we identified to do it in. We would be back before the Planning Commission and the Board of County Commissioners if this does not go through to have to basically perform that 578 Sending Land to Receiving Land exchange.

CHAIRMAN FRYER: Thank you. And that segues into a question I had also for purpose of making a record, because I got the answer to my question in my meeting with staff from Ms. Cook, but -- who said that the land that is being converted in the Hussey settlement from receiving to sending is, indeed, very high-quality land and meets the standards that we would expect for Sending Land. It's not something that was being done as a result of some horse trading or compromising. It really is genuine Sending Land. Ms. Cook.

MS. COOK: Good afternoon, Commissioners. Jaime Cook, your director of Development Review.

I was out on the site with the environmental consultant, so I've actually been out on the site. The northern portion is a mixture of upland and wetland habitats. It's mostly pretty low exotics, especially in the upland areas. The southern portion is actually gopher tortoise habitat, and we did observe a significant number of gopher tortoise actually on the property, so it is land that we would like to see preserved.

CHAIRMAN FRYER: Thank you very much.

MS. COOK: Including with the farm field restoration activities.

CHAIRMAN FRYER: Thank you, Ms. Cook.

Any other questions or comments for staff at this time from the Planning Commission?

(No response.)

CHAIRMAN FRYER: No one is signaling. Now someone is. Commissioner Vernon.

COMMISSIONER VERNON: I'm assuming the applicant is okay with these staff recommendations?

MR. SABO: Well, you'd probably have to ask them.

MR. MULHERE: Yes, we are.

CHAIRMAN FRYER: Okay. Thank you. All right. So now, having heard from the applicant and heard from staff, it's time for us to ask Mr. Youngblood about members of the public. Do we have any registered speakers, sir?

MR. YOUNGBLOOD: Mr. Chairman, I have four registered speakers with us today. First one is going to be Mona Raux followed by Randy Mills.

CHAIRMAN FRYER: Thank you. Ms. Raux.

MS. RAUX: Hi.

CHAIRMAN FRYER: Use one of the mics and introduce yourself, and then you have the floor.

MS. RAUX: Hi, I'm Mona Raux. I own one of the properties that runs along the canal where the Big Island Lake is.

My concern is the road that wants to go from that development to go to Immokalee

Road on the north end. I have a canal right behind me, and I own on top of the canal, which butts Big Island Lake.

The problem I have with the road -- there's a couple concerns. One, I own to the other side of that canal; therefore, I have the right of an easement off my property line. I also -- there's not a lot of room there. When I did the measurements on the county website, there's 33 feet left for your road. Then you have to do littoral planting. Don't know how that's going to all fit. It doesn't make sense to put a road there.

Also, I don't want a road in my backyard. Why should I put up with all that traffic that has nothing to do with Golden Gate Estates?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Could you explain where your property is, ma'am.

MR. MULHERE: Could I bring up the aerial for you?

MS. RAUX: Sure, yes. Thank you.

MR. MULHERE: Oh, I've got to find my presentation.

MS. RAUX: And my address is 2310 70th Avenue Northeast, so you can pull it up.

MR. MULHERE: I'm going to pull up the aerial. It's a little easier for them to --

MS. RAUX: I tried to print it. My printer wouldn't print it.

MR. MULHERE: Here is it. This is probably the easiest one. And if you use this here, you can point out.

MS. RAUX: Yeah. Okay. So this is 72nd, and this is 70th. You see that lake right next to the big yellow spot right there? That's Randy, my neighbor, and I'm right there.

CHAIRMAN FRYER: Okay.

MS. RAUX: Now, I own all the way on the other side of that canal. My marker, my survey marker is on the top bank of that canal. So, technically, I am entitled to an easement from my land marker.

If you use that easement, when I measured it, there was 33 feet left to put a road. I can't see how you could put a road with 33 feet left and doing littoral planting and then, on top of that, me having lights of cars coming down through my house. I have a problem.

Also, the fact that this is Big Island, the lake's 45 feet deep, maybe deeper in some spots, there's no true bank on it, meaning it falls pretty steep. So any kind of improvement to make the road wider is not even cost effective, because you're going to fill in 45 feet of water. Also, when we do have bad storms, my lake has blown up on the canal before, and it was the size of my pickup truck. I could fit it between the canal and my lake. What makes you think that that one won't ever blow up?

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner Klucik.

COMMISSIONER KLUCIK: Could we call up Google Maps so that we can see exactly where she's talking about.

CHAIRMAN FRYER: Yeah, if we have it.

MS. RAUX: Yeah, see, it's right here.

MR. SABO: We need the Property Appraiser.

Pardon me, Ms. Raux.

MR. YOVANOVICH: What was the address again?

MS. RAUX: 2310 70th Avenue.

CHAIRMAN FRYER: That's pretty good.

MR. MULHERE: Hold on one second. I'll make it even a little bit bigger.

MS. RAUX: Okay. So I'm right here where this lake is. This is my property right here. So if you look, I own to the red line. So I'm at the top of the bank of the canal on the other side of that canal. So, technically, I --

COMMISSIONER KLUCIK: On the west side of the canal?

MS. RAUX: Correct. So, technically, I do own property on that canal. And to respect my rights, I believe I have the right to a 30-foot easement from my survey stake. So if I have that right of 30 feet easement, that doesn't leave a lot of room for a road.

CHAIRMAN FRYER: I'm going to ask the applicant to respond to that before we go to further questions.

MR. YOVANOVICH: I'm assuming he wanted a legal answer to that one.

I'm not aware of any easement that she has from her property line onto my client's property. Yeah, I'm not aware of any easement that you have on our property. Obviously, I am aware that you own -- that the canal's on your property, and there's an easement for the canal. But I'm not aware of another 30 feet to the west that she has any rights to my client's property.

CHAIRMAN FRYER: Ms. Raux, is this the first time you've let the applicant know about that?

MS. RAUX: No, I've never talked to the applicant.

CHAIRMAN FRYER: Okay. Commissioner Klucik.

Hang on.

MR. MULHERE: Mr. Chairman, we're not approving the roadway through this GMP, but I just want you to know that.

CHAIRMAN FRYER: Who is this person?

MS. ZURITA: Just my neighbor.

MS. RAUX: Yeah, she's my neighbor.

MS. ZURITA: I'm just giving her the stuff.

CHAIRMAN FRYER: What's your name, neighbor? What is your name, ma'am?

MS. ZURITA: Marcella Zurita.

CHAIRMAN FRYER: Okay. Yes, I spoke with you on the phone.

MS. ZURITA: This is the record from 2019 that -- one of the neighbors did brought it up to the county and the developer telling them that there is -- that they were going to have a problem because the west side of the canal is privately owned.

This is the public record which you guys have the records from 2019 and the -- one of the neighbors did brought it up. You guys stated that you guys were not told that -- on 2019 --

MS. RAUX: Talk on the microphone.

MS. ZURITA: You can actually play -- it is on the record, the 2019 NIM that we had when the neighbors brought up to the attention of the applicant and the county as well. And the applicant stated that, you know, they didn't have -- they know -- they were aware that the county owns it. That was their reply.

And I mean, correct, there is -- I know there is an easement for the drainage, but there's only two, but what about the side of the west canal?

CHAIRMAN FRYER: Okay. I'm going to ask -- I don't want to hear from anybody right now except Ms. Ashton. What are we doing here? What --

MS. ASHTON-CICKO: They are referring to a roadway, I believe, which may

have been part of the proposed Planned Unit Development. What they're proposing today is just the Growth Management Plan amendment that allows them either to just proceed under the current LDC for the Rural Fringe Mixed-Use District or proceed under the development scenario that they've shown in the overlay, which does not include the road that they're speaking of, so...

CHAIRMAN FRYER: Okay. All right. Now I want to hear from Mr. Yovanovich.

MR. YOVANOVICH: Yeah. We are aware that the canal -- and this was after the NIM. She's absolutely correct, someone brought up who owns the land in which the canal is built. We are aware that the canal is on private property and is there by easement.

The canal is not on our property and nor are there any easement rights on our eastern boundary for anybody else with regard to the canal.

And I also agree with Heidi that it has nothing to do with what we're here today to discuss. If a road is ever discussed or is ever to get built, it will be discussed as part of the PUD should we elect to bring a PUD forward, and then we could get into whether or not there's enough land there to actually build a road, what type of buffer should be in place to address the concerns that the first speaker spoke -- and I know -- there you are, sorry. And I know you're going to hear the same thing from another speaker about the very same concern about that road.

But it's not this hearing we should be discussing it, but I've told them to go ahead and bring it up, I mean, because it's a concern. But it will be heard -- it's really more proper for the PUD.

CHAIRMAN FRYER: Commissioner Klucik and then Commissioner Vernon.

COMMISSIONER KLUCIK: Yes. So I would like to know -- you know, right now, we're looking at this image. Where would you envision the entrance -- this road that you have to build and the entrance road -- I'm assuming it's the same one. Where would you envision that it would be?

MR. YOVANOVICH: It's going to come right, you see, to this side of the red line. Now, remember, this is the Property Appraiser's line that, you know, you can't bank on them. So it will be on this -- if you see this line, Mr. Klucik, it's going to be on this side of the line, and then it's going to come down, and this obviously isn't the entire piece.

COMMISSIONER KLUCIK: It's going to go right where she's --

MR. YOVANOVICH: Right here.

COMMISSIONER KLUCIK: So it's going to go right in the area where she's concerned?

CHAIRMAN FRYER: I'm going to ask people not to speak on top of one another. With all due respect, it creates a real problem for the court reporter.

Commissioner Klucik, you have the floor.

COMMISSIONER KLUCIK: Yes. So, you know, I understand that it would come up at -- the specifics of that would come up later if you were to ask for a PUD, I get that. But you're already -- you know, we already know that it's an issue, so I don't know why we wouldn't consider it and what we could do at this point to -- you know, to try to address it if -- you know, at least discuss whether it's appropriate to address at this time or not, because if we're already hearing that that's exactly where the road is going to be, I think it's a legitimate thing for us to be concerned about at this stage.

CHAIRMAN FRYER: Let me, if I may, ask a question. Is it -- I mean, the

applicant is going to build its road west of whatever the Raux property line is; is that correct, which may be west of the canal?

MR. YOVANOVICH: It's definitely west of the canal and, yes, it will be west of their property.

CHAIRMAN FRYER: All right. Now, let me ask Ms. Raux to come back up. Is it your position that you have an easement over land that is west of your property line?

MS. RAUX: The general idea is usually when there's a road, you usually have an easement from the property line, meaning you can't put that road right next -- right on the edge of my property line. Any road usually has a 30-foot easement. That's where I'm getting the 30-foot easement from.

CHAIRMAN FRYER: I see. All right.

COMMISSIONER KLUCIK: So it wouldn't be an easement to you. It would be -- there has to be land between the road and --

MS. RAUX: Correct.

CHAIRMAN FRYER: Right-of-way easement.

MS. RAUX: Correct. And my other concern, like I said, it's a very narrow space of land, and the lake is very deep. I know who dug the lake. It was Bill McDaniels [sic] and James Ivy. I know the people. I've worked for Earthworks of Naples, and we were involved with the digging or -- we know them very well. We know how deep that lake is. It's 45 feet at least. And it's a very steep (indicating) drop. So I don't know how you're going to do, one, your littoral planting, because it's -- obviously, the littoral planting will be an issue for this lake.

CHAIRMAN FRYER: Okay. My question for Commissioner Klucik. You mentioned that this is an appropriate subject for discussion today. Whatever we decide is appropriate is appropriate.

COMMISSIONER KLUCIK: Right.

CHAIRMAN FRYER: So my question, I guess, is, is this going to -- the resolution of this issue going to determine the outcome of how you vote?

COMMISSIONER KLUCIK: Well, maybe, but I guess my thought is, I mean, you're going to -- I can understand as a property owner there you're going to have a road and so regardless of whether it met the requirements or not, you're still going to be frustrated by the fact that there's a road there.

MS. RAUX: Absolutely. I'm going to have 4,000 units with headlights coming down my --

COMMISSIONER KLUCIK: Right, right, but it's also -- it's also zoned they can put a road there.

MS. RAUX: Oh, absolutely, and I understand that, and hopefully they would put some kind of a buffer where they would at least please us not to have those lights coming in our houses. But I tell you what, I own 21 acres out there, and if that happens, I'm out of here.

COMMISSIONER KLUCIK: Yeah. My main concern for bringing it up now is just so that we don't throw it down the road and then have -- you know, we realize we should have done something at this stage. Like I said, I'm not sure if there's anything to do.

MS. RAUX: Can I add one more thing? Why can't they make the road tie into Friendship Lane, an existing road, or where their development's going to be do a big U and come back out on Immokalee Road where their development is going to be?

CHAIRMAN FRYER: That probably is something that would come up at the PUD hearing.

MS. RAUX: And I think that would be a better answer.

CHAIRMAN FRYER: Yeah. Does any other planning commissioner want to be heard on the question --

COMMISSIONER KLUCIK: I'm fine. I don't -- for me, I don't think I have any more questions.

CHAIRMAN FRYER: Mr. Bosi first.

MR. BOSI: I just wanted to point out that, one, this is a PUD issue. Two, that road and that location of the road was requested for a public benefit. It wasn't requested by the applicant. The applicant agreed to it. This was something that we wanted to divert traffic away from the curve of Immokalee Road as it turned -- as it heads north, turns east, because of the environmental sensitivity of that area. This was a road that was requested from the government, not the applicant, which is I think -- it seemed like there wasn't a distinction or clarification of that.

CHAIRMAN FRYER: That's -- thank you for making that point.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I think that if I understand Heidi correctly, what we vote on here, what's before us today will not infringe upon this woman's rights, and if that's the case and we approve what's before us today, I suspect there will be some conversations between the developer and this property owner and may bear fruit, and if it doesn't bear fruit, that she'll have the opportunity to oppose it if and when there's a PUD; is that correct?

MS. ASHTON-CICKO: Correct. The adoption of the GMPA by itself does not impact her rights. There's also a greenbelt around the project. So I don't know what the greenbelt looks like in this location, but maybe Bob can address that if that gives her any comfort.

CHAIRMAN FRYER: Well --

MR. MULHERE: I can.

CHAIRMAN FRYER: -- buffering -- if I may. Buffering is going to be a PUD subject, and we're going to deal with, you know, how we -- how we protect the privacy that you have and make it aesthetically pleasing at that time.

MS. RAUX: And one more thing I'd like to add: It will depreciate my property value.

CHAIRMAN FRYER: Well, I'm not an appraiser, so I can't comment on that.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah. I just wanted to say that -- Mr. Chairman, that I'm satisfied. What I wanted to do is make sure that we're hearing what she says, and if it makes sense to take action now or deviate in some way from what we were thinking of doing because of what she's brought up, that we at least make sure we've been very thoughtful and obvious about -- and, you know, for you, so that you understand, we're taking what you're saying very seriously.

MS. RAUX: Sure.

COMMISSIONER KLUCIK: But I agree it's not -- at this point it's not something for us to consider in what's -- what the applicant has asked us to approve.

CHAIRMAN FRYER: Thank you.

No one else is signaling at this point.

Thank you, Ms. Raux.

MS. RAUX: Thank you.

CHAIRMAN FRYER: Who's our next speaker?

MR. YOUNGBLOOD: Our next speaker is Randy Mills. He will be followed by Rae Ann Burton.

MR. MILLS: Hi, I'm Randy Mills, 2330 72nd Avenue Northeast. I'm here to attack the road issue again, which is not our issue tonight.

But just one thing to think about other than that road is going to be about a mile straight. I live on -- just north of Mona, and on the east side of that lake. It's very narrow there. I have the canal. The headwaters of the canal, according to the Water Management District that I've always cooperated with to clean out that headwater to keep it going, they've told me that canal goes -- is one of the main drainage canals in that area. So it's on my property.

My surveyors have never been able to get on the other side of that canal to get my exact location. They're estimating I own about four acres over there. I own 16 acres total.

So we don't even know where our property line is on that side, so I can't -- I spoke when this first came out, maybe back in '19 we went to the meeting, and the -- one of the people involved -- and I don't remember who it was. I called and I said, hey, you know, in your diagram here you've got a road running right alongside that lake, and he said, yes. And I said, you know, that road could be on my property. He said, I know.

I said, well, why'd you put the road on my property? He said, that's what the county wanted.

So I'm here to oppose the road. I know it's not what we're going to talk about now. But one other thing to think about is the abundant amount of wildlife in that area. I sit on my back porch and look at my seven-acre lake, and it's beautiful. It's 45 feet deep as well. On the other side of that comes bears, deer, otter, are all crossing my property, in that canal, and going up the other side. A lot of alligators. The road is going to be filled with dead wildlife, unless there's some way to keep them off of it.

The other thing is that would be a complaint is traffic, not just from cars but from those four-wheelers that roam that whole area all hours of the day and night are going to use that as a drag strip unless the county somehow comes around and changes the way they enforce that.

CHAIRMAN FRYER: These are all good issues, and they will be addressed at the appropriate time.

MR. MILLS: Thank you for your time.

CHAIRMAN FRYER: Certainly no one is -- no one is going to take your property without just compensation. So at some point there will need to be a survey, and my assumption is that the applicant would agree to allow you to conduct a survey even if it meant being on their land in order to do so.

All right. Who's our next speaker?

MR. YOUNGBLOOD: Mr. Chairman, I want to encourage all of our speakers, they're welcome to use both podiums as well.

CHAIRMAN FRYER: That's a good point.

MR. YOUNGBLOOD: Rae Ann Burton. She is going to be followed by Marcela Zurita.

CHAIRMAN FRYER: Ms. Burton, identify yourself, please, ma'am, and you have the floor.

MS. BURTON: You don't know me by now?

CHAIRMAN FRYER: I know you.

COMMISSIONER HOMIAK: Spell your name.

MS. BURTON: Good afternoon. I think it's still afternoon. Rae Ann Burton, Rural Golden Gate Estates, 2530 31st Avenue Northeast.

Now, I'm not in the impacted area, but if you build in that area, you're coming into my backyard.

To create Immokalee Road, Rural Village, Collier County Growth Management Plan Ordinance 89-05 -- can't find the documentation -- needs to be amended so that this village can have -- 3,000 to 4,042 dwelling units can be built. One, it's against the GGAMP vision statement for Rural Golden Gate Estates. Quote: The Rural Golden Gate Estates is an interconnected low-density residential community with limited goods and services and neighborhood centers defined by rural character with appreciation for nature and quiet surroundings, unquote. This village does not qualify if an ordinance has to be changed for it to be built.

Two, the village will create traffic congestion and more accidents on Immokalee Road, which is already failing. Widening will not help traffic flow when traffic lights are added to provide access.

Immokalee Road has recorded panther kills, and this development is within panther roaming territory.

Surveys were done in 2006. The last one was done in May 2007 on endangered species due to loss of habitat because of development. The Red Cockaded, sorry about that, woodpecker inhabits the pine forest, their key species. Cavity nesters creating cavity homes for a host of species. Report stated none of the woodpeckers were found in the area. This is 2022. Has the area been checked lately?

The land was a mining operation, cattle pasture, and cow ponds. How toxic is the land? Was it tested? How safe is the land to build homes?

Five, it is in a flood zone. What will that affect water, sewers, and stormwater flow? The Estates is still suffering with flooding from rain over a week ago. Some caused by new developments. If you don't believe it, come out to my property.

Six, 356 letters mailed. Only -- only 164 were actual addresses of Naples residents, leaving 192 nonresidents. One property's out of the country, if you believe it, Bolivia. One is a power and light. Eight addresses for Lord's Way. Now, is that not a church? Two for the TTFE board TRS Florida Department of Elementary -- environment, a little upset here. Rest are trust funds, developers, Collier entities, or businesses. So who is really benefiting from this village?

Seven, the ordinances were created to prevent destruction of Rural Golden Gate Estates' quality of life, the rural character with appreciation for nature and quiet surroundings. Please do not amend this Ordinance 89-05. It will create congested traffic, traffic pollution, increasing waters, and sewer usage. We don't need more communities. We need cell towers. It took me 40 minutes to leave my house at 8:05 on a Monday to get down to Golden Gate Community Center, and that's only 40 minutes regularly.

Don't pass it, thank you.

CHAIRMAN FRYER: Thank you very much.

Ms. Cook, did you want to be heard on that?

MS. COOK: Again, Jaime Cook, for the record.

I just wanted to make you all aware, I'm sure you are, but when this comes back in for a Site Development Plan or a plat, an updated listed species will be required as well as any permits from federal or state agencies for any impacted listed species.

So if they come in to only develop one portion of the site, that will have a listed species survey, an updated one. If they come in down the road for another one, that will have an updated one. So we do continue to update the listed species surveys throughout the development process.

CHAIRMAN FRYER: Thank you very much.

Any questions at this point from the Planning Commission?

(No response.)

CHAIRMAN FRYER: All right. Thank you, Ms. Burton. Next speaker, please.

MR. YOUNGBLOOD: Our next is going to be Marcela Zurita. She has been ceded time from Michael Tanguay.

CHAIRMAN FRYER: All right. And Michael Tanguay is here.

MS. ZURITA: Is it okay to give this to the presiding official for official record?

CHAIRMAN FRYER: Certainly. Is that microphone on? Tap that mic for me, ma'am.

MS. ZURITA: I'm short.

Good afternoon. My name is Marcela Zurita. I live on the east side of the proposed development. I'm one of the residents who will be adversely affected by the proposed development of Immokalee Road Rural Village.

I should be at work, but I'm here. I understand the concept and the importance to protect natural resources, water quality, air quality, noise pollution, et cetera, because it all relates to our health. When the pandemic started in 2020, I learned that you can't buy health, and that's why I continue to speak up and voice my concerns that will impact my future and future generations.

Immokalee Road Rural Village project is located in the sensitive areas of the Florida panther and other listed species habitat and are proximate to conservation lands as it lies between the bird rookery swamp and other important wetland areas.

FWC staff has -- I did get the record for -- the applicant is requesting a 404 permit. I did get a record of the FWC staff, and has determined that the project may affect the wood stork, eastern indigo snake, Florida panther, Florida bonneted bat, and Audubon crested caracara.

We also have not just the -- we also have the plants, the Collier County rare -- and rare plants that may occur on the SRA 46 project. We have, as a rare, we have a cowhorn orchid, Florida clamshell orchid, ghost orchid, and the less rare, we have the butterfly orchid, giant wild pine, inflated wild pine, the stiff leaf wild pine, twisted air plant, and some of them have been found, like the butterfly orchid, giant well pine, on the site, cardinal air plant, the Norton needle lift.

Although they say that it might affect -- usually these agencies as the U.S. Fish and Wildlife, they don't usually use the term "jeopardy" because it will interfere with most development.

I'm deeply concerned of the impact and burden Immokalee Road Rural Village will bring to these sensitive areas, the surrounding communities, environment, increased traffic,

noise pollution, and that it will alter the character of the area. There's nothing special about this project. It is clearly an example of urban sprawl in sensitive areas in South Florida. Urban sprawl also increases demand for local energy and water. Ecological systems are being threatened by sprawling development, like Immokalee Road Rural Village, throughout Florida.

The applicant submitted a 404 application with the state to destroy wetlands and other surfaces. The proposed project will result in the discharge of 159,091 cubic yards of fill material into 32.87 acres of wetland, and one million, hundred forty-two thousand, one hundred ninety-five cubic yards of fill material into 264 acres of other surfaces water.

The proposed project will also excavate 179,241 cubic yards of material from 11.11 acres of wetland. We have a problem with the state managing these permits. They have admitted that they have understaffed and that they have received applications more than expected, with over 500-plus just in Collier County alone.

Developers know this is the opportunity to get these permits, and we ask the county to take into consideration the long-term impact this project will have for future generations.

Therefore, I'm opposing to the amendment request to reduce the littoral shelf planting from 30 percent to 50 percent of the wet detention pond surface area because of the sensitive areas where the project is located. The whole purpose of a littoral zone is to provide the water and maintain balanced aquatic ecosystems. All the scientific agencies dealing with lakes agree that healthy lakes in Florida are covered 30 to 50 percent with aquatic plants.

Another thing I want to bring to your attention is that my neighbors were looking forward to the neighborhood meeting for the PUD rezone that was scheduled for April this year, but it was canceled. The initial neighborhood meeting in 2019 was very limited, and there was no material for the people to take home in regards to project.

I contacted Mr. Sabo with the county in regards to the meeting, and I was told the applicant has withdrawn the PUD rezone application. So I stopped looking at the PUD application and tried to review the application for the Growth Management Plan amendment. I noticed that the PUD application is still showing under review.

Mr. Sabo's response was that it was still active. I went to the city portal to look, and the last review -- staff review comment letter was 2020. Only one document was uploaded for 2022 under this -- the current application.

I called the county to ask when I can come and access to those records of this application. I was told I need to speak to the zoning manager, Mr. Cormac. I left a voicemail for Mr. Cormac on August 4, '22. I send another email asking another question to Mr. Sabo in regards to the DCA agreement and the two companions going together prior to be scheduled for the public meeting and have not received to this day a response to my question.

To this date, as well as I have not had access to public records. I had a -- I had a faster response from the White House regarding the Eastern Collier Development than getting a response back from my local government.

I'm asking the county to work with the public when requesting to see public records for an application, as we have the right to know everything that has been submitted since we're the affected parties.

The reason why I was asking for records is because -- the same thing about the road. We only see the drainage easement connected to the Immokalee to the canal. It is

important to bring it in now because when we're doing amendments to the Growth Management, we have to look as a whole, not just parts of it. And my confusion is if -- you know, on the staff it says, if a PUD rezone application, if they're going to submit, then -- you know, then the DAC [sic] agreement will apply, and they -- you know, the consents [sic] with the wildlife corridor and so on.

And that's a question: Do we have a PUD rezone submitted, yes or no? Because when I go to these applications, this is from the city portal, it says here clearly, this petition should not be approved -- this is from the public utility planning -- under conditions. The petition should not be approved without an executed developer contribution agreement outlining all business points related to potable, wastewater, IQ water services.

Another condition, condition of approval, a companion developer agreements require [sic] must be approved with this condition to be found consistent with the GMP and approved by Transportation Planning staff.

This is the other one. This is also another thing that they were -- that there is going to be required for a new -- that they do a consultation on the North Collier Fire Station No. 12, and it says that this will be address. They stated that it is -- they won't be able to cover -- to serve the proposed development and that this station with [sic] process development will be necessary, and those details were supposed to go in a transaction with the -- addressed with the DCA.

So if they chose to go under the DCA and not the PUD rezoning, so are they still going to be required for the agreement to the DCA since this is only going to come when there is a PUD rezoning? That's was one of my questions.

And so all this stuff that I was trying to request and have access to the stuff that I don't see on the portal, you know, I -- is the reasons, because we have questions, our neighbors have questions in regards to canal. It's important, because any amendment on the grow [sic], like I said before, it should be -- you know, keep in mind that it's not just that we just focus on one part of the growth management amendment, but it should be revised as a whole because at the end, the project itself is going to impact everything. You know, it's not just part of it. We can't just say today we just -- I know they came just for that, but, you know, take into consideration, you know, my neighbors, that they're concerned as well in regards to rezoning -- I mean, in regards to the road, and that's it.

Thank you.

CHAIRMAN FRYER: Thank you very much. I will say that I share your earnest concerns about the fact that we don't have a PUD application in front of us at this time. It's awkward. It makes our job much more difficult. We've got to have long memories, because these two things have been bifurcated and, eventually, if they decide to go the rural village route, a PUDA will -- PUDZ will be coming before us, but -- and I looked -- I looked carefully to see if there was some ordinance that required that they be companions at this time, and I could find none.

The problem is is that what's before us now is not the rural village. What's before us is the subdistrict, and if a rural village is brought forward, that's when a PUD is required.

So we're kind of -- we're kind of hamstrung by the ordinances, and it makes our job very, very difficult. And it may not be completely unprecedented, by it's darn near unprecedented for a GMPA to come forward to us for recommendation on adoption without a companion PUD. But I personally couldn't find a requirement.

MS. ZURITA: But the PUD application -- rezoning application was submitted.

CHAIRMAN FRYER: Oh, yeah. The paperwork is all there, and I have fully acquainted myself with it, but it's just not before us today.

MS. ZURITA: Okay, okay.

MR. SABO: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Mr. Sabo, please.

MR. SABO: James Sabo, Comprehensive Planning manager.

Ms. Zurita did call me. I returned her call two times. She did send me an email that she said she would rather correspond by email. So I sent her three or four emails back explaining to her that the PUD application is a valid application. It is just not before the Board, the Commission, as part of this project. I explained to her that it is unusual and that this doesn't usually happen but, you know, they have amendment -- they have rights under the Florida Constitution and the U.S. Constitution to bring their petition forward. But I just wanted to clarify that, too, so...

CHAIRMAN FRYER: Thank you.

MS. ZURITA: Okay. Just to the email.

CHAIRMAN FRYER: You've got about one more minute, but go ahead.

MS. ZURITA: Okay. Just to the email, just to clarify, the confusion was that initially he told me that they withdrawn the PUD application, and when I print-screen it, it was still showing as an active. So I wanted to ask you -- because, like I said, the documentation that is uploaded under the -- for the GMP, it's very -- it doesn't have much of information, and that's what I asked you, and you said it was withdrawn. And then when -- after I print-screen it, you said to me that, yeah, it is still active. So there was a confusion, you know, of whether it is or it's not, because we keep going back.

MR. SABO: Right.

MS. ZURITA: And, you know, I can't be on call, on the phone --

MR. SABO: I understand.

MS. ZURITA: -- due to the type of work that I do. That's why I request the emails. And I did submit the exchange of emails that it was between us as part of the record because of the confusion and everything, because this could be eliminated if you -- if someone from the county would have just called me back and let me see those documents.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Fry.

MS. ZURITA: Thank you.

COMMISSIONER FRY: I just want to commend you for all the research you've done. That was an amazingly information-packed presentation you gave. You did ask one question that I think we should clarify. You asked about the timing of the DCA, the developer agreement. And I think that's part of the PUD as is stipulated by the staff's conditions.

MS. ZURITA: Yeah, when you look at the agent -- agenda package, it says there, if a PUD is submitted, because if you guys approve the amendment, are they going to require to go through -- build through the LDC, or is they going to, you know --

CHAIRMAN FRYER: They have the choice. They can either go for a Rural Village or they can go under the current zoning.

MS. ZURITA: Okay. If that's the case, is the DCA still going to apply for either one?

CHAIRMAN FRYER: I don't know.

MS. ZURITA: Because I think the impact fees were based on the agreement, too, that you guys will cover.

MR. BOSI: The DCA will only be brought forward if there is a PUD that is at the -- a petition before the Planning Commission.

CHAIRMAN FRYER: Thank you. Thank you.

Thank you, ma'am.

MS. ZURITA: Thank you.

CHAIRMAN FRYER: All right. Do we have any other speakers, Mr. Youngblood?

Oh, Commissioner Vernon wanted to be heard. Sorry, Commissioner.

COMMISSIONER VERNON: Yeah. I think that's the last speaker, right? Oh, go ahead.

MR. YOUNGBLOOD: Our final speaker is going to be Michelle Marchisello.

CHAIRMAN FRYER: And, ma'am, I'm going to ask you to spell your name for us, if you'd please, your last name.

MS. MARCHISELLO: Sure. Michelle Marchisello. Last name is M-a-r-c-h-i-s-e-l-l-o.

CHAIRMAN FRYER: Thank you.

MS. MARCHISELLO: Thank you. Thank you for the opportunity to speak. Good afternoon.

I realize that the issue of the road is not something that we're really discussing today, and it's going to be something for a later time, but -- so thank you for the opportunity to speak on it.

I actually will be impacted regarding this road. I am Mona's neighbor. I live to the east of her, 2380 70th Avenue Northeast.

And receiving news of this project, I do want to say I was deeply saddened. I was born in Florida. I grew up here. Thirty-one years of my life here. For the last 12 years, I've been in California. And if any of you are aware of what's going on in California, I can tell you it's worse.

I've picked up my family to move back to my home, and it took me three years to narrow down -- I could have moved anywhere in the country. I chose Naples because I grew up knowing that Naples was a hidden gem. And because it was a low population, there was a pride in the people, there was a friendliness, and there was a population of decent people, and that's why I came here. That's why I chose to bring my son here. Sorry.

CHAIRMAN FRYER: That's okay.

MS. MARCHISELLO: I do not want Naples -- I do not want my community to turn into California. Trust me, and you can hear the emotion in my voice, it's not somewhere where you want to live. None of you.

CHAIRMAN FRYER: Amen to that.

MS. MARCHISELLO: So I'm asking you, please, keep the community's considerations at heart when you're thinking about your decision.

CHAIRMAN FRYER: Thank you very much.

MS. MARCHISELLO: Thank you.

CHAIRMAN FRYER: Anyone else from up here want to be heard?
(No response.)

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just feel compelled to speak to these two homeowners specifically. And, you know, I think, especially with Commissioner Klucik's comments, you were heard. But the -- and in a perfect world, you were heard, and everybody will take it from there. But the reality is, everybody up here, we've got 20 other commitments, and the developers, they've got 40 things to deal with, and the staff is so busy they can't see straight.

So I would just suggest that, you know, don't wait until the PUD to attempt to have some productive discussions with whoever you think you should to see if you can make some headway on this issue. That's just -- I felt like I ought to say that to you.

CHAIRMAN FRYER: I second that.

COMMISSIONER FRY: I'd like to add that I moved here from California myself, and I moved because of the density and the small properties and the lack of space, and although there were some beautiful areas there, I think it's accurate to say that 70 percent of Collier County can never be built on; is that correct?

MR. BOSI: It's a good estimate, yes.

COMMISSIONER FRY: So the reality is that Collier County is not a hidden gem anymore. It's -- the word is out. People are coming. They're going to move here. The master plan has this master plan of the Eastern Lands under the Rural Land Stewardship Area and these Intermediate Lands under the RFMUD, which is part of this program.

So this is not -- this land was, you know, going to be developed. And I think -- I'm in this room. I came from a board, a neighborhood board, so -- and I know that in my neighborhood, you know, we were often surprised by not knowing what was coming or what was going to happen in the lands that were next to us. And I think there's always that element of surprise.

I think my comment for the county and for people that are homeowners here is that I wish there was an easy way -- and you're going to say that there is, but I disagree -- an easy way to know, to be able to look and say, okay, here's this land that's behind me or it's beside me or this giant chunk of land, you know, what is going to happen to that land or what can happen to that land in an easy-to-understand manner.

So I think we have a lot of people that come in. And while this probably is not a surprise to the staff that this was going to be developed and that it would be either a village or PUDs, but it's a surprise to homeowners, as I know in my neighborhood the same thing happens.

And so I just wish there was a mechanism where it was easy to check and find out what might happen to the land or near the land that you're going to buy or that you already own.

CHAIRMAN FRYER: Well, the Future Land Use Map is out there, but it's pretty complicated.

COMMISSIONER FRY: It's insane.

CHAIRMAN FRYER: But it is out there, and it is annotated to show exactly, you know, what the potential is, and certainly the text of the FLUE makes it clear, you know, what the future of the agricultural lands is likely going to be. But it's -- it's a real challenge for regular people to get the answers to those questions. Even though the material's out there, it's very difficult to get, and it's very difficult to understand once you get it.

COMMISSIONER FRY: And even though there is a large development of some

kind going on this property, there also is a significant amount of land that is being preserved, which I think separates it from California, at least my experience from California, in a lot of ways. And I think -- I agree -- Commissioner Vernon, I think hit the nail on the head, start now, have a dialogue with the developers, make your concerns known. I think they're publicly known now. And if that road's a certain and just the other things, negotiate with them, and then when you come back for the PUD hearing, you will have -- you can demonstrate you had a dialogue, you worked in good faith with them, and then your words then will have significant weight at that time. So I agree with Commissioner Vernon wholeheartedly.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: I'm just going to pile on on the same comments. I don't want you to feel like you wasted your time because you came here expecting a vote and we didn't vote. The petitioner heard your complaints, and he knows the next time he comes back for the PUD that we're going to pile on, and he's going to -- he's going to talk to you and try and work through some of the details that you're concerned about. So you didn't waste your time today at all.

CHAIRMAN FRYER: Thank you.

Mr. Yovanovich, do you have any rebuttal?

MR. YOVANOVICH: Not rebuttal. I just want to point something out. What we're actually asking you to do is reduce the number of units we would be required to build on this property. Under the current village standard, subject to being corrected by Mike, there's a requirement to do a minimum of two units per acre and a maximum of three units per acre. So I would be required to do a minimum of 4,000 and a maximum of 6,000.

We've asked to bring that down to where we would do one-and-a-half units per acre. So we're bringing that number down to 3- to 4,000. We're actually reducing the density that we would be required to build under the current standards. So -- and as Mr. Bosi pointed out, the road's not my idea, okay? Right? Okay. The road wasn't something that I said, please let me build it, or please make my client build this road.

CHAIRMAN FRYER: That point was made clear.

MR. YOVANOVICH: So we are sensitive to our neighbors. We've been here a long time. I've been here 32 years. Bob's been here longer than me. This is our home. So, please, we do care about the community. It's our home, too. And what Mr. Vernon has said is we are reasonable people. We will talk, and we will work with you to make it better, but we welcome the conversation.

CHAIRMAN FRYER: Okay. And I wanted to ask specifically, and you've just given me what I was going to ask for, a commitment on your part to get with the folks --

MR. YOVANOVICH: Of course.

CHAIRMAN FRYER: -- and see if their concerns can be resolved in a win-win fashion.

MR. YOVANOVICH: We've done that our entire careers here in Collier County. We don't always reach an agreement, but we have always, always talked.

CHAIRMAN FRYER: And so the residents heard that commitment, and I'm sure Mr. Yovanovich will follow through.

Commissioner Klucik?

COMMISSIONER KLUCIK: Yes. I would just add that my first -- first time I met Mr. Yovanovich was as a resident who was whining about something, and I didn't trust

him at all, and I kind of saw him as on the other side of my interests. And my experience as a planning commissioner is, you know -- I'm just going to echo -- very reasonable. You know, you're going to talk about something, and there's usually a give and take in that talk, but my -- what I've witnessed is that it appears as though his clients, when he's representing them, they end up being very reasonable in trying to accommodate residents who are very upset about what's -- you know, what's about to be next door. So it's definitely worth having that discussion with him.

CHAIRMAN FRYER: Thank you. Any further comments for the applicant?
Applicant, anything further?

MR. YOVANOVICH: Again, we're requesting that you forward it to the Board.

CHAIRMAN FRYER: Okay. Well, we'll close the public portion --

COMMISSIONER KLUCIK: Is that how you remember things, Mr. Yovanovich?

MR. YOVANOVICH: I do remember some spirited conversations.

CHAIRMAN FRYER: Don't let it go to your head now.

MR. YOVANOVICH: But I have it on record right now.

COMMISSIONER VERNON: He'll tell you after you're off the Planning
Commission.

MR. YOVANOVICH: Terri will be expediting that part of the transcript for me so
I can get that.

CHAIRMAN FRYER: It will become a commercial.

All right. Any further discussion that we want to have before we entertain a
motion? And if not, the time would be ripe for a motion.

COMMISSIONER VERNON: Vernon moves with Heidi's -- our attorney's
clarification that the applicant agreed to and with the -- subject to the staff
recommendations.

CHAIRMAN FRYER: Okay. Does anybody want to hear from Ms. Ashton again,
or do we all have that in our heads?

(No response.)

CHAIRMAN FRYER: Looks like we do, okay. Thank you.

COMMISSIONER KLUCIK: I'll second.

CHAIRMAN FRYER: It's moved and seconded to approve in recommending
adoption to the Board of County Commissioners with the added language from Ms. Ashton.
EAC approval is not required at this time, so we only have one thing in front of us.
Without any indication of further discussion, all those in favor of the motion, please say
aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously, 6-0. Thank you, applicant.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Thank you members of the community.

Thank you, staff.

***All right. We've got one more matter to be heard in the afternoon, and let me call that.

Okay. The second matter is for correction of a scrivener's error. I'll go so far as to predict that I don't think it's going to take an inordinate amount of time, but it's important that we do. A lot of acreage is involved. It's a large-scale Growth Management Plan amendment. This is at transmittal, and it's our first of two times that we're going to hear this scrivener's errors. And with that, the staff being the applicant.

COMMISSIONER HOMIAK: This isn't just a scrivener's error.

MR. SABO: That's correct.

COMMISSIONER HOMIAK: This is an overlay.

CHAIRMAN FRYER: Well, it's been billed as a scrivener's error, and we'll have staff explain what it is.

MR. SABO: All right. Mr. Chairman, Commissioners, James Sabo, Comprehensive Planning manager for the county.

This is the Collier Boulevard innovation -- interstate innovation zoning overlay as well as a scrivener error, so we coupled them together, but mostly it's a Growth Management Plan amendment to enact the innovation zone as an overlay.

The Board of County Commissioners acted on this in 2018. They created the innovation zone, which is on the screen there. The yellow hash parts are the part of the innovation zone that's outside Activity Center No. 9, and I'll get into that a little bit later. There's three of these in the county. Ave Maria and --

MS. ASHTON-CICKO: James?

MR. SABO: Yes.

MS. ASHTON-CICKO: May I just clarify, because -- so that they don't get confused. The innovation zone that he's referring to was an Economic Development Zone. It wasn't a Land Development Code or Growth Management Plan zone. So sorry to interrupt you, but I thought they needed to be clear on that.

CHAIRMAN FRYER: Thank you.

MR. SABO: Thank you, Heidi. I appreciate that.

So as part of this economic tool, this economic development tool, they created an economic trust fund, and they used tax increment financing to fund that account. So the innovation zone was created to add qualified target industry business uses in these categories, and that is part of the GMP amendment before you today. So it's manufacturing, global logistics, finance, information technology, professional technical services, et cetera.

This is the innovation zone overlay itself. So let me see here. The White Lake Commerce Park is right here, Forest Glen here. This is Walmart. Can you see this better? I have a -- I have a fan who's willing to help me.

All right. So McDonald's over here, Dunkin Donuts over here, Walmart, I-75, and Collier Boulevard to get your -- get your bearings.

COMMISSIONER SHEA: So McDonald's is innovative?

MR. SABO: McDonald's is very innovative. I don't know if you've heard of the arch deluxe, but -- apparently that wasn't so innovative at the time.

CHAIRMAN FRYER: They also have something called a McRib, I believe.

COMMISSIONER FRY: For a limited time only.

MR. SABO: So this is an aerial -- an aerial version, and it points out some of the -- the writing is very small, but there are PUDs in the innovation zone already that have their own uses.

This -- this is intended for advanced manufacturing, high-tech, high-wage jobs. That's what we're targeting or county is targeting for this area, these kinds of products: Wheelchair, respirators, orthopedic devices, surgical equipment, things like that; aircraft parts, auxiliary equipment, things like that; the high-tech, high-wage jobs. And, interesting, those landing gear, you don't really realize how big those landing gear are, but that's a golf cart behind there. So they're good size. These also: Instruments for measuring and testing, that type of -- that type of activity. So that's what is proposed as part of this Growth Management Plan amendment.

And at this point we're at the higher level. We're looking at use categories as opposed to specific uses. So I just wanted to mention that as well.

GMPA amendment today, and then we're looking at the BCC in October, and then adoption hearings probably in winter of 2023.

Public information meeting we held on August 2nd. Some of the concerns: Traffic from Uline, Golden Gate High School, potential Great Wolf Lodge. Some people expressed interest in a truck stop, adding a truck stop, and, you know, the -- what are FDOT's plans, what's -- what are some of the ways drainage can be improved, et cetera. Recommendation here: To forward the Petition 2019-0821 to the Board and recommend approval for transmittal to Florida DEO.

I'll entertain any questions.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: I guess I need a little more explanation. There's obviously a lot of structure and facilities already there in the innovative zones, it looked like, because you said McDonald's. So if we're trying to -- how much land is not currently developed with non-innovative type businesses?

MR. SABO: I don't have that specific number now. But these -- I'll give you a couple. I did anticipate that question, so I have a couple of examples of businesses that are there now that we are actually targeting these similar types of businesses. So this is Structure Medical. They actually build some of those orthopedic devices, and that is behind Walmart on, what is that, Business Circle Drive.

This is Parker Hannifin. They are on the opposite side of White Lake Commerce Park, which is just west of the landfill. This is a similar type business. This is Cobham Slip Rings. This is right south of our building at Growth Management on South Horseshoe Drive. So these are the types of uses.

Mr. Shea, I'd have to get back to you in terms of how much land is not yet developed. I don't have that number.

COMMISSIONER SHEA: So we're including -- why are we including land that's developed already as part of the innovation zone? Is that in case they want to sell that land for the future?

MR. SABO: That is part of the tax increment financing. So all of these properties are -- they develop the baseline of the tax increment financing, so their taxes -- part of that is captured, put into the trust fund, and used for future economic development.

COMMISSIONER SHEA: Because they're in that --

MR. SABO: Because they're already in there, and that's how these TIF, tax

increment financing, districts work.

COMMISSIONER SHEA: Okay. Mike?

CHAIRMAN FRYER: Thank you. Mr. Bosi, did you want to say something?

MR. BOSI: Yeah. And I think -- just to sum it, up in 2018 the Board of County Commissioners adopted the innovation zone. It didn't do anything to the land use, but it set to increment -- the tax increment financing at the 2016 level. So the taxing level, the amount of taxes that were collected in 2016, that's the base. Any amount above that -- that is collected above that 2016 base becomes available for these qualified targeted industries to utilize some of that money to help buy down the cost to develop.

Now, the innovation zone is probably 70 percent, 65 percent developed. So there's only 30, 35 percent greenfield opportunities. Well, there's also redevelopment opportunities. Now we're at the Growth Management Plan stage. We're creating the overlay that's going to allow the land use at the Growth Management Plan stage to be -- to be implemented by an LDC amendment. When this comes back to you for adoption, we will have an LDC amendment that our team has worked on that will actually allow for any one of these PUDs or any one of these straight zoning districts to also choose from that overlay as permitted uses to qualify targeted industries, the uses that we are expanding. So this is a three-part step. The first part step -- the first part was in 2018 when they adopted the tax increment financing. This is getting the GMP to say the LDC is permitted to allow these uses to be permitted use within an overlay and then, finally, it will be married up with that overlay, and that overlay will have the specific list of all the permitted uses that are contained within the overlay district.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik and then Commissioner Fry.

COMMISSIONER KLUCIK: Yeah. So, essentially, what we're doing is taking this innovation zone and incorporating it into the LDC?

MR. BOSI: That's the end product, yes.

COMMISSIONER KLUCIK: And right now it's not incorporated?

MR. BOSI: No.

COMMISSIONER KLUCIK: And so what -- if someone wanted to take advantage of the innovation zone now, are you saying that there would be hurdles because it's not incorporated into the LDC?

MR. BOSI: They would have to amend their PUD, or they'd have to amend the commercial zoning district or industrial zoning district to add a use that wasn't there. So, yes, there would be hurdles.

COMMISSIONER KLUCIK: Okay. So you said there were three innovation zones?

MR. BOSI: Yes.

COMMISSIONER KLUCIK: We have the same problem in the other two innovation zones?

MR. BOSI: I believe those other two innovation zones have had the implementation, the Ave Maria, as well as -- as well as the Golden Gate City innovation zone have had the activity, I believe, to allow for those zoning --

COMMISSIONER KLUCIK: Are you saying the LDC already -- as it stands right now, the LDC or the PUD already allows whatever is in the innovation zone; it's already incorporated into the LDC that applies to, for instance, Ave Maria, or to the PUD that

applies to Ave Maria? I'm just trying to figure out why we're doing it piecemeal if this should be happening for the other two zones. Are we doing -- do we have plans to do that, or do we not -- is there no reason to do it for the other two zones?

MR. BOSI: I'll have to get back to you in terms of the specifics of the other two innovation zones. I know the Golden Gate City's has been updated through a zoning overlay for the Golden Gate City innovation zone. The Ave Maria, that -- I'm going to have to get back to you in terms of has that been done yet.

COMMISSIONER KLUCIK: Okay. You understand my point, right?

MR. BOSI: Yeah.

COMMISSIONER KLUCIK: I mean, if we need to do this for innovation zones, then it makes sense that we would do it for all of them.

MR. BOSI: Understood.

MR. JOHNSON: Mr. Chairman, may I speak?

CHAIRMAN FRYER: Yes. Go ahead, sir.

MR. JOHNSON: For the record, Eric Johnson.

Just building on what Mike was saying, I think it was last year or the year before, that's when we brought forward the Golden Gate Parkway Overlay District, and that was, in fact, a TIF area. I can't say -- I'm not sure about the Ave Maria, but if we do with this the way we did with the Golden Gate Parkway Overlay District, this would be your transmittal hearing for the GMPA, which would set the stage for us to bring forward the Land Development Code amendment to establish the overlay at the time when this GMPA -- provided there's no issues with it, it would be at the same hearing. The first item would be a GMPA. The second item would be an LDCA. Does that make sense?

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: So in a nutshell, you really -- we're greasing the wheels here so that you can define the LDC amendment so that people that would like to take advantage would be able to take advantage of some economic incentives to build the target industries in this area without having undue burden of coming through a heavy process coming before us and having to change a bunch of things. It greases the wheels for them to do this more easily, correct?

MR. BOSI: There would be no -- the entitlement would be in place. They would only have to submit a Site Development Plan and the building permit to get their facility up and running. And the whole motivation for this is the economic diversity -- diversification. I mean, we've got a strong tourist and service-based industry in our county. We're always looking -- we're always looking to provide for more industrial, manufacturing, R&D, high-tech type of job creation just because of the wages associated with those positions in those industries.

COMMISSIONER FRY: So you're making it easier for those targeted industries to come in and actually effectively build in this area.

The other question I had, it has to do with a presentation that was in the packet. And it's Page 551 of our packet. It's the last page of your presentation before questions. It was about the CIGM, right? And just -- it talks about -- the CIGM calls for a minimum of 50-acre parcels to be reserved in each town in the RLSA and each village in the RFMUD which needs to be incorporated into the FLUP, in addition to industrial allocation in the area

of the Immokalee airport provided by IMP. I just was -- that's in the presentation for this issue. I know it's not related specifically to this, but what is that 50-acre for? It doesn't actually say.

MR. BOSI: The 50 acres is for within towns of the RLSA and the 20 acres within the villages within the Rural Fringe Mixed-Use District. We want to provide for opportunities for research and development, industrial type development to have a place within those towns and villages because we know that those houses that will eventually be there will need those type of services, those air conditioning repair, those auto mechanic repair shop, the opportunities for, you know, high-tech industrial development.

We want to provide those opportunities because the one thing -- I was just at a NABOR talking about the affordable housing GMP amendments that the Board is contemplating a workshop within the fall that you guys have heard and recommended adoption on, and the most pressing concern from the commercial real estate folks at NABOR was, what are we going to do if we run out of that C-5 industrial zoning? Because it's always been one of the greatest concerns is, will we have enough industrial space to satisfy the needs of the community at build out? And that's something -- and that's why within the Immokalee Road Rural Village, there was 20 acres that are being set aside for R&D type of development. It's specifically what we're talking about. So we always have attention and conversations with our applicants to make sure there's land-use diversity, because that provides for the balance that we need so there doesn't have to be such great trip lengths to go and meet the full needs of an individual community.

COMMISSIONER FRY: Okay. So that's -- it's not -- it's ancillary to this particular application --

MR. BOSI: Yes.

COMMISSIONER FRY: -- but it's related to the same concept of attracting target industries and services where we need them. So thank you.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I think this is good stuff, and I agree with everything Mike said about the economic diversity and putting the vendors out where the need is. But I would take it even one step further and say, you know, you could envision a situation, because there's so much development out east, if every development is coupled with a bunch of commercial that is restaurants, nail salons, salons, things like that, or even A/C repair, then you've got these whole communities that are probably trekking into -- going straight west in order to do their jobs and then going back home. And if we could get to the point where some of those high-paying jobs are actually out east, think about how good that would be for everything, just about, because you wouldn't have a bunch of people trekking in west and then trekking back out east. You'd have them actually working near their homes, and I think that that would be a great thing for -- for this area.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: And I'll simply say, Mr. Vernon, to that, on point, in that in Ave Maria we have the large Arthrex facility that has expanded three times, and that's a perfect example of it. And I believe it's in an innovation zone -- or expanded twice, three phases. And I believe it's in the innovation zone, and I'm assuming that that must be -- they must have taken advantage of that incentive.

COMMISSIONER VERNON: Yeah. And that's the exact model I'm talking

about, if you could do -- if you could replicate that --

COMMISSIONER KLUCIK: And the people live out --

COMMISSIONER VERNON: -- that would be a good thing.

COMMISSIONER KLUCIK: You know, a lot of those people live in Ave Maria, and then they're not burdening, you know, the infrastructure to -- you know, they're always worried about traffic. You know, a lot of their trips are internal to Ave Maria.

CHAIRMAN FRYER: Mr. Bosi.

MR. BOSI: And I appreciate the point there, Commissioner Klucik and Commissioner Vernon, and, you're right, and I hear so many -- I hear so often the concept that the county has no real plan to handle growth and development. But you hit upon a key point that's in that future land-use map and element that is hard and complicated.

But one of the underlying premises is the developments within the eastern lands are going to develop to a point to provide an alternative to coastal Collier County and to provide a percentage of a split within the areas and destinations of traffic in Ave Maria. And the development of the Arthrex facility sits as a prime example. It's a small percentage of -- percentage of those trips that have changed course and changed directions, but that reverse community is starting to happen, and that's the long-term vision of the eastern lands of what we're trying to accomplish.

COMMISSIONER KLUCIK: Can I just make a point just as a resident out there. You know, I've been there for 15 years now. I'm looking at the -- you know, the town that's coming online south of Oil Well Road. And I'm -- you know, yes, we're going to put a burden on the traffic, but it's going to be within the RLSA, you know, area, the Rural Land Stewardship Area. I'm going to be going, you know, five minutes down road from Ave Maria, maybe, for some of their commercial, you know, offerings. So what it does is it unburdens the rest of the system so that we're not plugging up Immokalee Road into Naples into -- you know, to Collier Boulevard or wherever.

CHAIRMAN FRYER: All very good points.

Commissioner Shea.

COMMISSIONER SHEA: Just a quick question is, do you see our current affordable housing situation being a detriment to what you're trying to accomplish to attract somebody to come in when they don't have -- and is there anything in the affordable housing realm that we're looking at changing that may allow them to help us with the affordable housing situation?

MR. BOSI: Well, I most certainly think it's a detriment towards business attraction. If we talk to one of the employers, major employers, they will tell you right now one of the greatest difficulties they are facing is finding labor that is able to move to this area upon -- based upon the wage scale that they can pay them. It's one of the greatest -- one of the things that is currently happening under our current county manager organization underneath the guidance of Mr. French is we are bringing Jake LaRow into our -- into Growth Management to help with housing and economic development because they're so intertwined.

And do I see that -- that we can -- or we have policies and proposals to help assist with this type of an issue? One of the strategies that you guys recommended approval for during the Growth Management Plan were the strategic opportunity sites, and that means when you have high -- high job creation areas to be able to add high-density residential within close proximity or within the boundaries of those properties to be able to marry

those.

It was a concept that I thought of, but Arthrex beat me to it when they added their 300 units to Creekside. I say that in jest. But you can see -- but that was -- that's part of what we're trying to do is at least provide opportunities for logical land-use arrangements that has beneficial outcomes that are more than just synergy between where they live and where they work but benefits to our transportation system, benefits to the environment because of a reduction within Co2 and emission. So there's lots of things that we accomplish through our good land-use planning, which I think we do a good job of. It's just sometimes when I think the -- the citizens come to us, and we're having -- there's a proposal that's before them, and all they can think about is the cars and the traffic that are on the roads now and not thinking of some of the long-range effects and long-term strategies that we've employed.

CHAIRMAN FRYER: Thank you.

Mr. Sabo, any further, sir?

MR. SABO: No. Thank you for your time.

CHAIRMAN FRYER: Thank you. Questions, comments from the Planning Commission?

(No response.)

CHAIRMAN FRYER: At this time, we'll ask if there's public comment.
Mr. Youngblood.

MR. YOUNGBLOOD: Mr. Chairman, I have four public speakers. Three of them are here in the room with us, and we have one online. Our first speaker is going to be Tim Craig. He's going to be followed by Tom Rinaldi.

CHAIRMAN FRYER: Thank you. Mr. Craig.

MR. CRAIG: Good afternoon. My name's Tim Craig, and I'm the general manager at Forest Glen Golf and Country Club.

Could I have the map of the overlay put back up on the screen?

MR. SABO: Yes, sir.

MR. CRAIG: And could you put the cursor over the Forest Glen PUD portion there, that little square that's just --

MR. SABO: Right there.

MR. CRAIG: Yeah. That's just -- that's nine-plus acres. Is it odd to you that that's included in this overlay? It's very odd to us here at Forest Glen. It actually abuts our 16th hole.

So, as you can imagine, representing 799 units, homes, 1,500 to 1,600 people, they're not real crazy about seeing industrial use rolled into our neighborhood. Actually, our PUD. The PUD, being Forest Glen PUD, that is -- that area there is zoned commercial and is to be built commercial to support the needs, wants, and conveniences of the Forest Glen membership.

So with that, I just have four quick statements, and then I'll yield, if you could allow me here. We should not ignore good planning and zoning and put manufacturing in the commercial section of a community PUD.

Number 2, previous county planning articles have stated that higher paying jobs other than agricultural, hospitality, and construction should be brought to East Naples. And industrial building with several little contractors does not meet that goal.

Number 3, the innovation zone should still comply with basic zoning and good

planning. Residential PUDs are best designed when teamed with neighborhood to commercial use adjacent to it.

And, lastly, the innovation zone should pay attention to the East Naples report that said East Naples needs more commercial space. The closest restaurant outside of Forest Glen -- and, of course, I run a pretty good one for the community, but occasionally they need to go somewhere else for a night out. But Chili's is across the street, and I don't even think they serve lunch anymore since COVID hit. But there's nothing in our area, nothing that really is a convenience to our membership.

These commercial areas, such as Naples Lakes has right down the road, they have a Publix in their commercial area. They have the rehab areas, things that our membership needs. We do not need industrial in our area.

I would request that you strike this nine-plus acres that's in our PUD at Forest Glen from this innovation overlay.

CHAIRMAN FRYER: All right. Thank you very much, and we'll ask staff to respond, please.

MR. SABO: Mr. Chairman, James Sabo, Comp Planning manager.

So the parcel that -- I'm sorry, your last name?

MR. CRAIG: Craig.

MR. SABO: Craig. Your first name?

MR. CRAIG: Tim.

MR. SABO: Oh, Tim Craig.

MR. CRAIG: Tim Craig.

MR. SABO: You have two first names.

MR. CRAIG: Yeah, yeah.

MR. SABO: Mr. Craig referred to this parcel. Let me get you the -- so this is the innovation zone that was added. That parcel was added, but it's also already in the activity center. So see the parcel there? So this is already part of an activity center. So there are commercial uses that are part of the Forest Glen PUD that are allowed uses in that nine-acre section. What the innovation zone does is it pulled in that parcel as well for the tax increment finance trust fund and added the potential for -- and, Mr. Craig, with due respect is asking for that to be removed -- the potential for those other qualified target industry uses that we're proposing as part of this GMPA.

Did that answer your question?

CHAIRMAN FRYER: I believe so. So there was TIF -- TIF benefits were granted to within that area?

MR. SABO: Correct.

CHAIRMAN FRYER: Okay. Any further questions, sir?

MR. CRAIG: Thank you.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER SHEA: I don't think that changes what he's asking us to do, though.

COMMISSIONER FRY: Well, my question, Mr. Sabo, is, does it make sense for those types of industries you're trying to attract, do they make sense in that area? That's his basic question. He's saying other commercial does make sense, but that does not make sense, and I guess I'd like to really understand the answer to that.

MR. BOSI: Just to give you an overview of the area we're talking about. So this

area is across the street from an entire industrial complex.

COMMISSIONER FRY: Where are you pointing?

MR. BOSI: Let me -- so this is the area in question of Forest Glen. This is across the street. This is White Lake Industrial Park. This is one of their entrances over here. This is removed somewhat.

Now, this parcel of land was designated an innovation zone in 2018. Now, we can most certainly pull that back if the Board of County Commissioners and the Planning Commission would think that maybe adding these industrial -- these industrial uses to the PUD area that is within the Forest Glen PUD but designated commercial. If you feel that that is not compatible, a recommendation to remove that nine-point-some-acre parcel from the proposed overlay would -- I think, wouldn't be inconsistent with the innovation zone that was adopted in 2018. It's just those uses wouldn't be permitted. They would have to go through an amendment to the Forest Glen PUD. And that would be a better way to do it in the sense that that would give the Forest Glen residents an opportunity to evaluate what is being proposed, and if they felt that it was a clean industry that -- maybe that they wanted to support, they could do so, or if they felt it was something that was inappropriate, they would be able to provide that testimony to you and then the Board of County Commissioners.

So I think maybe if that is their objection, if we would remove that portion from the overlays, then it still would be in the innovation zone. It would just require that they would have to go through additional steps to move forward.

CHAIRMAN FRYER: Before I call on you, Commissioner Vernon, I want to ask the Planning Commission, does anyone up here object to removing the Forest Glen piece from the area that would be covered by these additional uses?

COMMISSIONER FRY: No.

COMMISSIONER HOMIAK: No.

COMMISSIONER SHEA: No.

COMMISSIONER VERNON: I guess I don't know whether I object or not, because this area could still -- if we just approved it as presented, it can still be developed exactly the way Tim Craig, right, is suggesting or wants. There could be another Chili's or a Publix or a rehab center. We're not preventing that. We're just incentivizing alternatives.

MR. BOSI: We're adding additional uses to be able to be developed as a permitted use without having -- they would have no recourse as that. And I think they're utilizing this avenue as almost if someone was proposing to amend their PUD, because that's the end result. You would be amending the uses that would be allowed on an area that's covered by their PUD by the zoning overlay that would be developed, and those uses would be permitted; therefore, they wouldn't have -- this is their only opportunity to say that we don't think that's appropriate -- an appropriate action. They could still be developed through an amendment to the Forest Glen PUD, but that would take, you know, the traditional Planning Commission and Board of County Commissioners.

COMMISSIONER VERNON: And we're not de -- I don't know that it's a word -- de-incentivizing the type of development that Tim's suggesting?

MR. BOSI: No, no, not at all. The uses that are permitted by the commercial component of the Forest Glen PUD, those are permitted uses, and they can go forward.

The only de-incentivization would be if an innovation zone use wanted to come in at that location, they would have to go through the entitlement process, unlike the other areas

that were in the zoning overlay.

CHAIRMAN FRYER: But that step gives them added protection?

MR. BOSI: Agreed, agreed.

CHAIRMAN FRYER: Does anyone -- Commissioner Klucik, sorry.

COMMISSIONER KLUCIK: I would just say that I think that I would be hesitant to remove it at this point. I mean, I just don't see the reason.

CHAIRMAN FRYER: All right. Well, let's do this: We'll hear from the other public speakers, and when the time comes for a motion to be made, we'll deal with it at that time. Who's the next speaker?

MR. YOUNGBLOOD: Our next speaker is Tom Rinaldi, followed by Daniel -- and forgive me if I mispronounce your name -- Zegarac.

MR. RINALDI: Good evening, Commissioners. My name's Tom Rinaldi. I do not live in the affected area; however, I do serve as the attorney for Forest Glen, and that's why I'm here today.

Commissioner, I hear your hesitation, I hear it, to remove this property from this overlay. But why is that appropriate? There's unintended consequences here, and a picture's worth a thousand words.

Mr. Sabo, do you mind bringing up the picture of the commercial building that's located on Horseshoe Drive?

COMMISSIONER VERNON: I saw that.

MR. SABO: On Horseshoe Drive. Give me a second.

COMMISSIONER VERNON: It's got a golf course on it. Yeah, I saw that.

MR. SABO: Horseshoe Drive. That one?

MR. RINALDI: Yes. So this amendment would allow for additional uses, and that's what you need to pay close attention to as a board before you make your recommendation to the County Commissioners.

What are the intended uses that are expanded upon? And one of those uses is manufacturing. It would allow for a building like this to be located near Forest Glen across the road from the other industrial sites. You may not think that's a big deal, but I ask you to actually drive out there and look at the location to have a better understanding, because although a picture is worth a thousand words, maybe visiting the site is also worth the time and energy, because this type of development, it's just not appropriate for what's going on there. It's already in a C-2 use zone, and that's what Tim was referring to, the fact that there could be commercial development already that gave benefit to those who live in the PUD to the Forest Glen community. So there could be retail shops and other light retail uses but not necessarily the manufacturing.

But I get it. From a thousand-foot viewpoint, when you hear about this government money that can be used to incentivize these types of jobs coming in, that sounds great, but how does that impact Forest Glen? Are their community members going to work every day? Not necessarily. So why does that type of development and that use need to be allowed for without special protections that currently are in place for the community members?

As was explained to you by the staff, at this point, if a developer wanted to come in, they would have to go through a PUD amendment process. And just by way of background, last year there was a PUD amendment actually applied for by a developer who wanted to develop apartments in that same complex, but they weren't allowed to under the

current PUD. And so they went through the amendment process.

There was a neighborhood meeting, just so that you're aware, and at the end of the day, they stopped going forward with the project. There's currently actually an application pending in front of the -- in front of you now. And, candidly, I have a discussion with their counsel, with the developer's counsel, scheduled for a week and a half. How will that impact the discussions on that parcel is ultimately going to be developed? Those are unanticipated consequences.

So at this time we're asking you to reconsider your position and remove this parcel -- remove this parcel from the innovation overlay Growth Management Plan amendment.

Thank you for your time.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yeah, Commissioner Klucik.

COMMISSIONER KLUCIK: I would just say it looks as though there's a wooded area, you know, a significant wooded area that's not in the zone that would be a buffer. What's that industrial-looking building -- is that the golf course's industrial building?

MR. SABO: It's a firehouse, I think.

COMMISSIONER KLUCIK: No, the -- to the right of that.

MR. SABO: That one?

I don't know. Mr. Craig, what is this?

MR. CRAIG: Yeah, that's our golf course maintenance.

COMMISSIONER KLUCIK: Yeah. So that's kind of an ugly industrial-type building that you --

MR. CRAIG: It's necessary.

COMMISSIONER KLUCIK: No, no. That's kind of an ugly industrial building that serves the golf course, right?

MR. CRAIG: It's necessary to run --

CHAIRMAN FRYER: We can't -- we can't have people -- unless you approach --

COMMISSIONER KLUCIK: Yeah, I made my point. My point is --

CHAIRMAN FRYER: You need to come up and --

COMMISSIONER KLUCIK: No, there's no necessity of that.

CHAIRMAN FRYER: All right.

COMMISSIONER KLUCIK: My point is, there's an ugly area there, I would just say, not an attractive area. I'm on Google Maps with a much clearer vision, and there's a bunch of woods, then, to the right between the housing and there's -- you know, so you're not really going -- and there's also a lot of woods right by the edge of the golf course. There's one area where you probably want to have a buffer right at the very tip of the golf course. Be kind of ugly to be golfing and, you know, looking out at, you know, a loading zone for a truck. I get that. I'm talking about that last hole there that's right at the edge of this zone.

All I'm saying is that I definitely understand the concern, but I'm assuming that this was included. You know, why is this little area included, and why are we hearing about this now, you know, that there's a concern? And has that concern already been brought up and considered, you know, because, obviously, there's people here that think that it's, you know, obviously something that they are very opposed to.

CHAIRMAN FRYER: Well, I think what's new is adding what would be fair to be characterized as industrial uses, things that are quite desirable for the county at large but may -- and, apparently, are not wanted by the folks who are living there.

So, I mean, this is a new ask, and by including them, we are opening the door for additional permitted uses.

And, yes, Mr. Bosi.

MR. BOSI: The reason why this parcel was included is because it's part of Activity Center No. 9. The most --

MR. SABO: Correct.

COMMISSIONER KLUCIK: Right. We already have the --

MR. BOSI: Designation.

COMMISSIONER KLUCIK: You have the innovation -- it's part of the innovation zone?

MR. BOSI: It's part of the innovation zone, but it's part of Activity Center No. 9. Activity centers are your -- this is an interchange activity center, so this is the highest area of concentration of density/intensity that we have within our county.

COMMISSIONER SHEA: But you can't do industrial?

(Simultaneous crosstalk.)

COMMISSIONER KLUCIK: -- it's going to be used intensively.

COMMISSIONER SHEA: But you can't do industrial in that --

MR. BOSI: No, no.

COMMISSIONER SHEA: That's their argument.

MR. BOSI: I understand their argument. And I think there could be a compromise -- because right now this is the GMP overlay. If we would remove this from the GMP overlay, then those qualified targeted industries could only be added through a Growth Management Plan amendment, PUD amendment, and then -- and then corresponding SDP.

COMMISSIONER KLUCIK: And then they could still take advantage of whatever the economic incentive is?

MR. BOSI: They could take advantage of the economic incentives, but the process would be more burdensome, more cumbersome.

COMMISSIONER KLUCIK: Okay. Well, I'm not going to not vote for it because my colleagues want it one way or the other to take it out.

COMMISSIONER VERNON: I didn't understand that.

COMMISSIONER KLUCIK: I'll be fine voting for it if my colleagues decide we need to take this area out.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Thank you. I want to let Mr. Craig have about a minute since you were referred to. Go ahead, sir.

MR. CRAIG: Sure. I appreciate that.

Just imagine getting off the interstate or traveling south on Collier Boulevard and you're approaching a beautiful community like Forest Glen, and the first thing you're going to see traveling south on the left-hand side as you're looking for Forest Glen is an industrial park, maybe a bunch of semi-trucks pulling out.

What -- it's supposed to be a gateway to our East Naples area, something that is country clubbish. Now, the main maintenance facility is country clubbish. We need it to

maintain the golf course and the grounds, the beautiful grounds of the country club, and that's what we are. We're asking for our area to be pristine and attractive and nice to approach just like the rest of Naples is.

Appreciate the extra time.

CHAIRMAN FRYER: Thank you very much.

Mr. Youngblood?

MR. YOUNGBLOOD: Our next speaker is Daniel Zegarac, and then we will go online to Paul Bueker, and then we will come back to another in-person speaker.

MR. SABO: Mr. Chairman, if I can just interject real quick.

CHAIRMAN FRYER: Yes.

MR. SABO: James Sabo, Comp Plan manager.

These are qualified target industries. So let me give you a couple of quick examples. And I totally respect what Mr. Craig is talking about and the word "industrial." But we're talking about communication companies, educational services, health services, investment offices, insurance agent, insurance brokers, legal services, medical and dental laboratories, those types of uses.

So these are high-tech qualified -- we're not -- we're not, as part of this proposal -- and you'll have another bite at the apple during the LDCA where we amend the Land Development Code -- to specify what types of uses are there. So that's -- that's what the intent of this proposal is.

CHAIRMAN FRYER: Thank you.

Commissioner Fry.

COMMISSIONER FRY: Mr. Sabo, I appreciate that and your comments also, Mike.

It sounds to me as if Forest Glen knows their PUD includes part of an activity center, so they're obviously prepared for -- any of the uses that are part of the activity center might be approved, so they're just asking that this not be added on top to give them a little bit more control in what they signed up for, right? What they negotiated when that PUD was approved.

I'm inclined to propose, when we get to the motion stage, that we do withdraw it from the overlay, as you suggested, and then the people can still come in with that type of industry. And if they can negotiate with or convince them that it's a positive for their neighborhood, that that -- did I understand your proposal correctly that we could remove it from the overlay but -- those industries could still come in? They just go through a normal process.

MR. BOSI: There's two ways you could do it. You could remove it now, and then if they wanted to develop one of the qualified targeted industries, they would submit a Growth Management Plan amendment, and they would submit a rezone or a PUD amendment.

If you left it in the GMP but during the LDC stage you said for this area here any qualified targeted industry would require a conditional-use process, then you would have a public hearing, that they would have the opportunity to be able to give their perspective, and you could also add compatibility measures if you felt that what was being proposed was infringing upon the aesthetics of the area. That's -- those are -- those are the -- if you left it in now -- if you left it in now, you could take care of their concerns and require a public hearing at the zoning stage, and they would only require a zoning action. If you took it out

now, then to develop a qualified targeted industry, they would need a Growth Management Plan amendment and a PUD amendment. So there's a couple different ways that you could do it.

COMMISSIONER FRY: It would be harder.

MR. BOSI: Yes. Oh, of course. Anytime you amend the GMP, it's a little bit -- it's a higher bar. A CU would just be -- would be based upon what was being proposed, type of buffers, impacts, but they would have an opportunity at that stage as well to provide their comments as to whether they supported that petition or not.

CHAIRMAN FRYER: I think a higher bar is what they're after.

Commissioner Klucik and then Commissioner Vernon.

COMMISSIONER KLUCIK: Yes. I guess I would just mention that, you know, the gateway to Ave Maria is, you know, by comparison -- I've already mentioned it. The gateway to Ave Maria has Arthrex right there, industry, and it's actually beautiful. It also -- it also speaks to -- you know, it's a high-tech industry, which I think is -- you know, that's kind of what we're targeting in this -- these innovation zones, which is what we're doing. We're incorporating that into the LDC, the industries. And it actually, I think, enhances the community and the experience of approaching the community more than it would if it was a strip mall or that kind of thing, you know, with a restaurant or something like that.

I think you come into our community and you see that there's this high-tech industry, and it enhances the reputation of Ave Maria rather than seeing something that's rather common, which is, you know, restaurants or something like that. That's all. But like I said, I'm not going to -- I'm not going to vote against this if there's a strong desire by my colleagues to pull this little strip of land out.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. As I understand it, based on Mike's most recent comments, is we really have three choices: We can pull it out, we can leave it in, or we can deal with it where we're still incentivizing but there's another level which Forest Glen can come in and object depending on what it is. Because if it's an Arthrex, I can't speak for them, but they may not object. If it's a bunch of painters and things like that, they will object. So maybe there's a compromised position. Okay.

CHAIRMAN FRYER: Thank you.

Sir, would you spell your name for us, and then you have the floor.

MR. ZEGARAC: Z-e-g-a-r-a-c, Zegarac.

CHAIRMAN FRYER: Thank you.

MR. ZEGARAC: And the young man got it correct two times. Thank you.

First name's Dan, or you can call me Dan Dan or -- you know, I'll take two first names, no problem.

I love watching you guys. It's a lot of fun, you know.

COMMISSIONER SHEA: You didn't have to buy a ticket.

MR. ZEGARAC: It's refreshing to see you get away from housing for a few minutes, you know.

I get dizzy thinking about what you guys have to do with housing, you know. To me it's like ordering inventory, and am I going to have an end user, you know. You're going to be -- that's going to be a big issue for you, you know, when we -- when we do get

all these built, you know, are we going to get enough people interested in 600-square-foot apartments, you know.

But listening to the proposed TIFs, okay, about the industry -- or some of the industry in town is, you know, super refreshing. How did Arthrex get here? Does anybody know?

CHAIRMAN FRYER: Well, that's an interesting question, but let's maybe stay on topic if we can.

MR. ZEGARAC: Well, I am, but you guys moved all over the county after you called me up here, you know. So I thought -- but, anyways, think about how Arthrex got here. Think about how Cleveland Clinic did not get here, okay. And I'm not throwing sand on you, okay, or -- but when I hear the word Parker Hannifin's I get excited, you know. I mean, I think they might have some air brake business with what the airlines are doing recently. And, you know, hopefully somebody's in touch with businesses of this nature. You know, hey, you know, we're from the county. We're glad you're here. By the way, if you'd like to expand, you know, we've got a lot of incentives and things that we can do to help you.

But, you know, Parker Hannifin's a big dog. They're -- you know, they're everywhere. They're worldwide, and their job -- their wages are tremendous. So, you know, if you've got people like that in town, by all means, you know, thank them for being here and, you know, encourage them to stay here and encourage them to grow here, I hope.

Thank you.

CHAIRMAN FRYER: Thank you very much, sir.

Mr. Youngblood?

MR. YOUNGBLOOD: All right. We're going to go online to Paul Bueker.

Mr. Bueker, are you with us, sir?

MR. BUEKER: Yes, I am. Thank you very much for giving me a moment to talk. I just want to echo what Tim said. I'm on the board -- the master board for Forest Glen. This is a significant -- and I know all the other board members are on the line as well, or a lot of them are.

But, you know, this is something that means a lot to us, it means a lot to the environment within Forest Glen, and I think that, you know, we've had a long discussion here, and I really appreciate the fact that the Board is willing to get back to thinking about eliminating this from the innovation zone or taking this corner out.

So I just want to say that we -- you know, we would greatly appreciate the additional safety factor for us, the additional opportunity to object and have an input that you are removing this would provide.

So thank you very much.

CHAIRMAN FRYER: Thank you, sir.

Next speaker.

MR. YOUNGBLOOD: Our next speaker final -- our final speaker for this item is going to be Diane Strotbeck.

MS. STROTBECK: Hi.

CHAIRMAN FRYER: Hi.

MS. STROTBECK: Diane Strotbeck, S-t-r-o-t-b-e-c-k.

CHAIRMAN FRYER: Thank you.

MS. STROTBECK: And I live at 4024 Cordgrass Way, which is the Cedar

Hammock development, which is the part of the zone that is at the bottom of Business Circle. So on Business Circle, there is a wall on the -- between Cedar Hammock and Walmart, and there's a traffic -- I'm sorry. And there's a traffic light there.

CHAIRMAN FRYER: Commissioner.

COMMISSIONER KLUCIK: I would just like to know -- I'm not following where you're talking about.

COMMISSIONER SHEA: He's marked it on the --

COMMISSIONER KLUCIK: Oh, okay. All right.

MS. STROTBECK: So the first road off of Collier is Cordgrass, and it meets right up with Business Circle, and right at Collier Boulevard and Business Circle there's a traffic light there. Then that's the -- that's used to get into Walmart. Do you see it?

COMMISSIONER KLUCIK: Yep.

MS. STROTBECK: And the reason I'm up here is because I can appreciate Forest Glen wanting to preserve their corner, because being at that corner where I am where the stop-and-go traffic is -- and they have way more traffic at that corner that Forest Glen is trying to get moved.

There are times I can't sit on my lanai because the noise from traffic stopping and going is so intense because of the number of trucks. We have so many trucks using Collier.

And I know you-all approved a warehouse, I think, that is back by the new park.

And so I personally have concerns with how many more trucks is that going to be?

Because I heard some crazy number like 3- to 400 trucks. So if we have families now going into that park and all these tractor trailers, and then they've got to come out onto Collier Boulevard, and we have high school kids going to be traveling Collier Boulevard on the other side using that same road, why are we not thinking about the residents?

So please, please, please -- I wish I could have lived here when Walmart was happening. I would have been here speaking just like Forest Glen is now. Please let them determine what's best for their corner, because it really does impact their daily operations.

Thank you.

CHAIRMAN FRYER: Thank you. I think we're just a few minutes away from completing this, but I want to ask the court reporter: Do we need a break?

THE COURT REPORTER: You can complete it.

CHAIRMAN FRYER: I think 10 minutes. We'll shoot for that. And if we can't get it done in 10 minutes, we'll just take a break.

All right. Any further speakers?

MR. YOUNGBLOOD: (Shakes head.)

CHAIRMAN FRYER: It's a negatory.

Okay. Thank you very much.

Let's -- Commissioner Vernon, is --

COMMISSIONER VERNON: Yeah. I'd just like to get, if I could, we could, staff comments on the last speaker, because we're talking about a different parcel.

MR. BOSI: In terms of -- I mean, my only thoughts are this is an interchange activity center. It's the most intense area of traffic that you will find within our county. Unfortunately for Forest Glen and Cedar Hammock, they live right next to an interchange activity center, which has been designated by our Growth Management Plan forever as --

MR. BELLOWS: Nineties.

MR. BOSI: -- an intense area of auto activity. There is buffering that we try to

impose, but when you're up against commercial -- heavy commercial and light industrial, sometimes there is some -- there can be some friction between the residential community, especially the residential properties that sit as close as the nearest towards those nonresidential activities.

I mean, that would be the only comment that I could have, that this is -- I mean, it's an intense area, and there -- I mean, there's buffering and there's walls, but there's only -- there's a limitation sometimes when that residential unit was placed so close to the edge of that commercial activity.

COMMISSIONER VERNON: Well, what I was thinking, though, is you may -- I think there's a potential compromise on the Forest Glen parcel or next to Forest Glen. Would you feel the same way about this parcel, the possible compromise?

MR. BOSI: I'm not understanding the question. I've already said there's three different varieties of options you can have for the Forest Glen. And if you're concerned about permitted uses, either restrict it from -- restrict it at the zoning overlay level, or if you want to give them extra layer of protections, you could restrict it at the GMP level and not include it.

In relationship to where that -- where the lady spoke, there's no -- there's no --

COMMISSIONER SHEA: It's already done.

COMMISSIONER VERNON: There's nothing you can do.

COMMISSIONER SHEA: It's a done deal.

MR. BOSI: Yeah. It's already developed. There's an already-developed parcel of land next to where she lives that she says has created disruption for her.

COMMISSIONER VERNON: Yeah. I thought we were talking about the undeveloped part. So okay. I understand.

COMMISSIONER SHEA: She's speaking on behalf --

COMMISSIONER FRY: Forest Glen.

COMMISSIONER SHEA: Forest Glen, really.

COMMISSIONER VERNON: I was not tracking. Everybody else was except for me, so thank you. Thank you.

MR. SABO: Mr. Chairman, if I may add, I think the important note here is that these -- that you have the ability through the LDCA amendment, through the land development amendment, to specifically target and pick out uses. And I understand Ms. Strotbeck is concerned. And, you know, and I would be to, 100 percent. I totally get it.

But the idea behind this is to pick those types of uses that are not going to have high impact, that are high-paying, that are clean, that are designed to fit into the community as well as possible. So I just offer that as a potential.

The other thing that is possible for you-all to do is to create conditional uses for the types of uses in these innovation zones, and that's -- Mr. Johnson and I were talking about that just before. So I'll offer that as some information.

CHAIRMAN FRYER: Thank you.

All right. Any further discussion?

COMMISSIONER SHEA: I think -- I think the compromise that Mike's talking about, I'd like to see it stay in the overlay just because we're trying to market that area but then leave some control in the LDC side of it so we have the ability to not accept certain types. I think -- I don't want to lose the enticement to bring the manufacturing there, but I

don't want to lose the ability of the community to have some input into it.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: I 100 percent agree with what Paul said.

COMMISSIONER HOMIAK: Me, too.

CHAIRMAN FRYER: Let's have a motion, then.

Commissioner Fry.

COMMISSIONER FRY: I agree in concept; however, after being here for a while, I've observed that -- how successful the applicants generally are at justifying conditional uses. And so to me, the question becomes, who do we want to give the upper hand to? And I believe that leaving it to the LDC -- having it part of the overlay but leaving it to the LDC gives the upper hand to somebody coming in who wants to pursue one of those industries. And I guess I just fall on the other side of the coin in that they have a PUD.

It's in an activity center. They know that parcel has a lot of intense possible uses that are part of that activity center. That's what they signed up for. That's what they have accepted. And I guess I don't feel that we should add on to that.

I think that they should have the upper hand in controlling what goes in that corner, and then if it makes sense for an industry to come in and they can sweet talk them or negotiate with them to get their support, I just feel like it's reasonable for them to have the upper hand moving forward. So that's just my thoughts to elicit everybody else's thoughts.

COMMISSIONER SHEA: I just think if you go through a GMP, you're putting a huge obstacle in front of somebody versus just the LDC, to me.

COMMISSIONER VERNON: And I, again, 100 percent agree with Paul. It's just, you know, we've been trying for 30 years to get the right kind of industry here, and there's so many benefits. And I think we can respect Forest Glen with this compromise. And I will tell you, Tom Rinaldi's a very good attorney. So I have a feeling that they're going to be well protected at the next layer.

CHAIRMAN FRYER: So the comparable --

COMMISSIONER VERNON: He used to be cheap, I don't know. Apparently that's changed.

CHAIRMAN FRYER: The compromise is is that it would need to be a conditional use inside Forest Glen but not elsewhere? It would be permitted use elsewhere?

MR. BOSI: If that's the -- if that was the direction when we came back at the adoption hearing, we would modify the zoning overlay to have this parcel of land require that a conditional use be required to add any of the qualified targeted industries that are being -- that are being suggested by this overlay.

CHAIRMAN FRYER: All right.

Commissioner Vernon, are you with that?

COMMISSIONER VERNON: Oh, yes, 100 percent.

CHAIRMAN FRYER: Okay. Any other comments on that? And then let's have a motion.

MR. FRENCH: Mr. Chairman?

CHAIRMAN FRYER: Yes. Mr. French.

MR. FRENCH: Just one thing we want to put on the public record. And I apologize for my attire. Today was a field day for me today. And not a high school or elementary school field day.

COMMISSIONER VERNON: I think there's a little fish blood on your shirt.

MR. FRENCH: No, there is not.

Look, I -- again, for the record, Jamie French. I'm the department head with Growth Management.

I think it is fair to at least identify the efforts going on by the DOT in this area, and that's why I've asked Mr. Sawyer to speak on this. This project is nearly let, and it's probably a little more than an \$80 million improvement that the Florida DOT is doing here.

So that intersection -- and I certainly can appreciate Mr. Craig, because I've been here an awfully long time myself, and I've certainly seen the changes. And whether it be City Gate or White Lake, as a kid growing up here, I never thought they'd build it, but I never thought you-all would find as -- the gem. Clearly, it's not been hidden.

But at the end of the day, that intersection is going to look much different. Mike's here to answer any questions you have. And that innovation zone was laid in there at the direction of the Board of County Commissioners and voted upon, as Mike Bosi said, back in 2018.

One of the suggestions that was brought up that may be considered also is maybe you focus this more so on a corporate headquarters or very clean manufacturing that you could identify in your recommendation going forward with the next bite, if at all you support this. But, again, we just want to make it very clear that you know that the DOT does intend to do -- and probably within the next couple years we'll be seeing that construction happen. That intersection will change.

CHAIRMAN FRYER: Thank you.

MR. SAWYER: And Mike Sawyer, Transportation Planning.

Just so that you know -- and we've gone over a bit of this in previous petitions that we've had along 951. We do have the interchange improvements that are going to be happening. That's right in -- it's going as a design-build project right now that actually started this year and is scheduled to be completed in 2025.

We are also, somewhat in conjunction with that, going to be expanding the section of 951 from the Golden Gate Canal all the way to Green so that we complete the six-laning. That is also right now in contracting currently. Design is first quarter of next year, and completion on that is going to be 2027. It's a longer project because it's a bit more involved. So just so that you know, we have been anticipating this, as has FDOT. In fact, the interchange is such an important project to them as well as the county that they actually advanced it to a design-build category and advanced it two years.

CHAIRMAN FRYER: Thank you.

I'd like to get a motion and a second and a vote now, because we've got a minute before I made a promise to the court reporter that we would take a break. So will someone make a motion, please?

COMMISSIONER HOMIAK: Well, I'll make a motion to transmit.

CHAIRMAN FRYER: With or without the conditional-use provision?

COMMISSIONER HOMIAK: Oh, the way it is.

CHAIRMAN FRYER: The way it is?

COMMISSIONER HOMIAK: That comes at LDC time, right?

MR. BOSI: Correct, but there may be a benefit if you provide staff direction that at the LDC amendment portion to bring a conditional-use approach to uses to be added to this specific -- to this specific parcel of land.

COMMISSIONER HOMIAK: Okay.

CHAIRMAN FRYER: Would you accept that?

COMMISSIONER HOMIAK: Yes. Just the way he said it.

COMMISSIONER VERNON: I'll second. And you're talking about just the Forest Glen component?

MR. BOSI: Just the Forest Glen component. None of the other sections.

CHAIRMAN FRYER: And I like that as well because I think it shows future Planning Commissions and Boards of County Commissions that this was to be considered a special area and given special consideration, so I like that.

Any further discussion on this? Commissioner Fry.

COMMISSIONER FRY: Mike, so if you take that approach and it now becomes potentially a conditional-use scenario, how much of the time are conditional uses -- I guess what -- what are the odds for neighborhood to be able to stand up against a conditional use that they're not in favor of? I have not seen many conditional uses turned down. And so that's -- my concern with that approach is that I feel like it puts them at a disadvantage.

MR. BOSI: I don't think this --

CHAIRMAN FRYER: I'm going to ask you to hold on that, Mr. Bosi, because we're now -- it's now 5:31. Commissioner Klucik is signaling. We're going to have a 10-minute break right now, and then we'll come back and we'll finish this item.

Commissioner Klucik is not signaling, but we'll stand in recess until 5:41.

(A brief recess was had from 5:31 p.m. to 5:41 p.m.)

MR. BOSI: Chair.

CHAIRMAN FRYER: I think it was 5:41.

MR. BOSI: Did I short you? I'm sorry.

CHAIRMAN FRYER: A minute, yeah.

MR. BOSI: Chair.

CHAIRMAN FRYER: Thank you. We're back in session. And during the break, it was indicated that in order to, I think, fulfill the expectations of the Planning Commission with respect to the motion, which has now been seconded, that we need to clarify that, first of all, the conditional use part only applies to the nine acres, Forest Glen. It's a permitted use -- or permitted uses for all other portions of it; and, second, in order to assure that our expectations are fulfilled, in the event that a conditional use is requested, it would not go to the HEX. It would come back to the Planning Commission and then the Board of County Commissioners. So is that -- that's what we talked about, right?

MR. BOSI: Well, you had mentioned you would like the conditional use, and if that's -- the clarification would be the conditional use would require the CCPC, Board of County Commissioners.

CHAIRMAN FRYER: Right, yeah. And so I'll ask the movant if she'll accept that amendment.

COMMISSIONER HOMIAK: I will.

CHAIRMAN FRYER: And the seconder?

COMMISSIONER VERNON: I will accept.

CHAIRMAN FRYER: Okay. Is there any further discussion on this?

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Oh, I'm sorry. Commissioner Klucik. Sorry.

COMMISSIONER KLUCIK: I just wanted to, you know, reach out or comment to the residents who have come to the meeting and just say you're -- you know, it makes a

difference, and it takes an effort, and I appreciate that very much. And just -- you know, for the benefit of anyone watching at home, that it's wise to speak out, speak up, because it -- you know, it --

CHAIRMAN FRYER: Good point.

COMMISSIONER KLUCIK: -- this is a group that listens.

COMMISSIONER SHEA: We listen. We listen.

COMMISSIONER KLUCIK: We try our best to accommodate, you know, legitimate concerns that people bring to us.

CHAIRMAN FRYER: We do. And before we take a vote, I don't believe I appropriately called this matter out at the beginning of the hearing by number. And so to perfect the record on that, this is PL20190000821, and it is the Collier Boulevard Interstate 75 Innovation Zone Overlay large-scale Growth Management Plan amendment. We've got a motion and a second on the floor.

Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes 6-0 unanimously. Thank you very much. And in order to conclude the first session, we'll ask if there's any new business to come before the -- oh, excuse me. Old business to come before the Planning Commission.

(No response.)

CHAIRMAN FRYER: Seeing none, any new business?

COMMISSIONER FRY: I just have a question. There was an article that the Eastern Collier Property Owners have pulled out their habitat -- their HCP, and I just wanted to get a comment from staff in terms of what the implication of that is. We spent a lot of time reviewing those villages, and we had Florida Wildlife, we had Audubon, and a lot of compromises were made. It seemed fair. And now I wondered what kind of wrench this throws into the environmental outcome of the Eastern Villages in the RLSA.

CHAIRMAN FRYER: Good question.

Ms. Cook.

MS. COOK: Jaime Cook, your director of Development Review.

So looking at U.S. Fish and Wildlife's page for the reviews of the HCP, they had an application in October 2018 which has been withdrawn. They had a second submittal in November of 2018 which is still under review, and it is the exact same HCP.

If they were to remove the -- or to withdraw the entire HCP, they wouldn't be able to move forward with any site development or plats until they received their federal and state permitting.

COMMISSIONER FRY: So why would they -- the article said they had removed it, I believe. No?

MS. COOK: There's two.

COMMISSIONER FRY: Correct. There's two.

MS. COOK: So there was one in October that -- October of '18 that was withdrawn. The one in November of '18 was still -- is still under review, according to their website.

COMMISSIONER FRY: So this is much ado about nothing? There's still an active HCP application, and they've simply removed one that was duplicate?

MS. COOK: As far as we know, yes.

COMMISSIONER SHEA: Boy, it didn't sound like that in the article in the paper. It sounded like the whole HCP was -- they were bagging it.

CHAIRMAN FRYER: That's how it read to me as well.

COMMISSIONER FRY: Yes. And they had comments from Meredith and from Brad Cornell to the effect that they were concerned and --

MS. COOK: But regardless of whether they have withdrawn it or not, they can still go through the zoning. Our Florida Statute does not allow us to hold up zoning action for federal or state permits. We can hold up site development through preconstruction if they don't have all of their permits.

COMMISSIONER SHEA: But wasn't this just a program that the landowners put together to try and make it a little simpler to have a big-picture plan for the development? And nothing in the county really changes as a result of this being pulled back as far as I can tell; is that correct?

MS. COOK: Correct. So the way the HCP was designed to work was they were showing all of their potential development areas as well as their potential preserve or restoration areas. That would help them determine the amount of mitigation that needs to be done on their lands as opposed to offsite or through payment.

CHAIRMAN FRYER: Thank you.

MS. COOK: You're welcome.

CHAIRMAN FRYER: So that was new business.

Any public comment on matters that were not on our agenda?

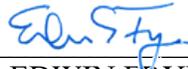
(No response.)

CHAIRMAN FRYER: Seeing none and without objection, I will adjourn the first section of our August 18, 2022, meeting.

August 18, 2022
2:00 p.m.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 5:46 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on _____, as presented _____ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF FORT MYERS COURT REPORTING BY TERRI
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