

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
March 16, 2023

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

Edwin Fryer, Chairman  
Joe Schmitt, Vice Chair  
Paul Shea  
Randy Sparrazza  
Chuck Schumacher  
Christopher T. Vernon  
Amy Lockhart, Collier County School Board Representative

ABSENT:

Robert L. Klucik, Jr.

ALSO PRESENT:

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

PROCEEDINGS

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Ladies and gentlemen, good morning, and welcome to the March 16, 2023, meeting of the Collier County Planning Commission.

Everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

Mr. Secretary, please call the roll.

COMMISSIONER SHEA: Commissioner [sic] Lockhart?

MS. LOCKHART: Here.

COMMISSIONER SHEA: Commissioner Schumacher?

COMMISSIONER SCHUMACHER: Here.

COMMISSIONER SHEA: Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Here.

COMMISSIONER SHEA: Commissioner Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER SHEA: Paul Shea is here.

CHAIRMAN FRYER: Paul, you need to -- there you go.

COMMISSIONER SHEA: Is that better?

CHAIRMAN FRYER: Yes, I think it will be.

COMMISSIONER SHEA: We'll go back to Commissioner Shea is here.

Commissioner Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER SHEA: And, Commissioner Fry

-- Fryer, I mean.

CHAIRMAN FRYER: Yeah, I'm here. Thank you.

COMMISSIONER SHEA: I always got you two confused.

CHAIRMAN FRYER: Yeah, well, I'm the remaining survivor.

Thank you very much. Thank you, Mr. Secretary. So we have a quorum of six, and that is certainly more than sufficient to proceed, which we will now do.

Addenda to the agenda, Mr. Bellows.

MR. BELLOWS: We have no changes to the agenda.

CHAIRMAN FRYER: Thank you.

Planning Commission absences: Our next meeting is on April 6th, 2023. Does anyone know if he or she won't be able to attend that meeting?

COMMISSIONER SPARRAZZA: At this point, I am uncertain if I'm going to be able to attend.

CHAIRMAN FRYER: Okay. Thank you for letting us know. Anyone else?

(No response.)

CHAIRMAN FRYER: If not, we expect we'll have a quorum. That's good.

Then the meeting following that is on April 20 of 2023. Same question. Anyone know if he or she will not be able to attend?

COMMISSIONER SCHMITT: I will not be at that meeting.

CHAIRMAN FRYER: Thank you, Vice Chair, for letting us know.

Anyone else have a -- okay. So it looks like we should be expected to have a quorum for both of those.

Approval of the minutes; we have none before us today for action, so it takes us right to the BCC report/recaps, Mr. Bellows.

MR. BELLOWS: There were no land-use petitions presented at the March 14th Board of County Commissioners meeting.

CHAIRMAN FRYER: Thank you, sir.

Chairman's --

COMMISSIONER SCHMITT: Nothing on consent?

MR. BOSI: There was a request for the Board of County Commissioners to waive their requirement for a nighttime hearing related to the CBIIZO zoning overlay, which the Board approved as part of their consent agenda, but that was it.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you.

Chairman's report, none today.

Consent agenda, none today.

\*\*\*That takes us right to public hearings, advertised. Our first matter for hearing today is PL20220003739, the Justin's Village rezone.

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

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

CHAIRMAN FRYER: Thank you. Ex parte disclosures from the Planning Commission beginning with Ms. Lockhart, please.

MS. LOCKHART: None. Just materials only. Oh, I'm sorry, I don't have my -- pardon me. Staff materials only.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: No disclosures.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Staff materials and a site visit.

CHAIRMAN FRYER: Thank you. In my case, matters of public record and a meeting with staff.

COMMISSIONER SCHMITT: Public materials only.

COMMISSIONER SPARRAZZA: Staff materials only.

COMMISSIONER SCHUMACHER: Staff materials only.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER VERNON: Mr. Chairman, sorry to do to this, but I turned my phone off too quick so when you asked whether I'm available -- Andrew, could you just get with me at the first break and let me make sure I'm available. Thank you. Thank you.

CHAIRMAN FRYER: Thank you, Commissioner Vernon.

Applicant, you may please approach the podium, and you will have the floor.

MR. BROODER: Well, good morning. For the record, I'm Steve Brooder. I'm the CEO with St. Matthew's House.

Well, several years ago St. Matthew's House acquired five acres, a 23-lot subdivision just across from our main campus on Airport Road. We needed affordable, safe, secure housing for people that were completing our programs who work in our organization. It's important for our residents to really maintain a strong sense of community after completing the program.

We now have 11 rental homes in this community, it's a gated community off Calusa Avenue, and it provides that strong sense of community for the residents. St. Matthew's House owns, manages, and maintains these homes. We have strict rules to live in this sober community. But we now have over 750 graduates from our 12-month residential recovery programs, and we need more housing, at a time when the average rent for a three-bedroom home in Naples is over \$3,700.

So we're here today to request rezoning for the southern half of this property to residential, multifamily 12 units per acre. We have this land that's shovel ready for this much-needed housing.

This would allow us to build up to 28 units for more men, women, couples, and families to have this safe, affordable community, a place to live and work in Naples. These are people that want to stay in Naples and help St. Matthew's House continue to serve the community.

Now I'll turn it over to our planner and our engineer. Thank you for your consideration today.

CHAIRMAN FRYER: Thank you, sir.

COMMISSIONER SHEA: Can we ask him questions?

CHAIRMAN FRYER: Oh, yes. One Planning Commissioner has a question for you, Mr. Brooder.

MR. BROODER: Yes, sir.

COMMISSIONER SHEA: Just a quick question, informational. On the -- how's the rent controlled? I mean, it would seem like it would be -- some of the affordable housing categories would be the level of the clientele's income. Is there -- are there controls? How do you manage that?

MR. BROODER: There are no controls now on the 11 units.

COMMISSIONER SHEA: But you do control it to the --

MR. BROODER: Yes, and they sign one-year leases. It's a transitional community. So we ask that they only stay two years so they prepare to move on and make room for others to take up those units.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Thank you.

MR. NADEAU: Thank you, Steve.

CHAIRMAN FRYER: Mr. Hagan [sic]?

MR. NADEAU: For the record, my name is Dwight Nadeau. I provide some local land-use counsel to the project engineer.

CHAIRMAN FRYER: Sir, I'm sorry. I was anticipating someone else. Would you mind spelling your last name.

MR. NADEAU: Yes, of course. It's N-a-d-e-a-u.

CHAIRMAN FRYER: Thank you.

MR. NADEAU: Where's the mouse? Oh, there it is.

As Steve had explained, this is a 2.33-acre piece of property that's a part of a larger over-five-acre subdivision, twenty-three lots. It's called the Breeze of Calusa division. It's a result of rezoning that occurred back in 2014 where the property was converted from C-1 to the RMF-6. We're proposing to change the zoning from RMF-6 GTZOR in the Gateway Zoning Overlay to RMF-12 GTZOR.

The subject property is completely surrounded by existing development. To the east we've got the C-3 commercial. To the north we have some professional offices and single-family. To the west we're up against RMF-6 zoned lands that's entirely developed with single-family homes. To the south is C-3 lands that are developed with a mobile park.

The property sits -- this is an exhibit that staff prepared. The subject property sits within Activity Center 16, but a portion of it, approximately about .73 acres, does not lie within it; therefore, the density bonus agreement is applicable to that fraction of an acre. It would allow us to achieve the additional -- the additional 14 dwelling units above the 14 dwelling units that are already permitted for the site. The site is currently platted with 11 lots.

Of the total 28 dwelling units proposed in the apartment complex, four of them will be income restricted. That's 14 percent of the total project.

What we're proposing to do is provide a two-story garden -- two-story apartment complex with surface parking. We're trying to retain as much infrastructure as we can in the existing subdivision. Obviously, those 11 lots would disappear and would create a tract.

CHAIRMAN FRYER: Pardon me for interrupting you, sir, but I'm having trouble with my computer screen and would ask if Mr. Miller wouldn't mind coming in the room, or Mr. Youngblood.

COMMISSIONER SPARRAZZA: Can I help you?

CHAIRMAN FRYER: Sure. Commissioner Sparrazza is pretty techy.

MR. YOUNGBLOOD: We secretly have him on the payroll.

COMMISSIONER SPARRAZZA: You do?

CHAIRMAN FRYER: Secret payrolls -- secret payrolls are not good.

COMMISSIONER SPARRAZZA: My wife thanks you.

CHAIRMAN FRYER: Thank you, Commissioner. We'll take full advantage of that going forward.

Sorry to interrupt. Please go ahead.

MR. NADEAU: Thank you very much.

This exhibit is merely to show that this is some sort of the intent of what's being proposed. They would be multifamily, two-story apartments with surface parking. We're paying particular attention to that western boundary up against the single-family, and we're imposing a 43-foot setback along that boundary, and this plan, conceptual plan, merely shows that we can conform with that and still have a viable project.

West buffer wall. So what we're doing is we're looking at the west buffer wall that's in existence in Phase 1 of the subdivision, and that same buffer treatment will be expanded in that southern area to provide the compatibility with the a single-family residence.

This is the entrance to the existing Breeze of Calusa subdivision. It's a 24-hour secured gate access. All of the housing will be solely owned, operated, and maintained by SMH Properties, the St. Matthew's House organization.

We conducted a neighborhood information meeting on December 15 of last year, and those related materials are attendant to your staff report. The nominal development-related impacts to the public facilities have been reviewed by your staff. The petition responds to the rezoning criteria of the Land Development Code.

Staff has found the petition to be in compliance with the Growth Management Plan. Staff has crafted the Affordable Housing Density Bonus Agreement with -- consistent with the intent of the petitioner, and the petitioner will enter into that agreement with the Board of County Commissioners. I do understand there's some changes today that Derek is going to introduce into the record.

Staff has reviewed the petition, found it to be appropriate, and is recommending approval to this body, and I request a unanimous recommendation going forward to the Board.

So if you have any questions related to the transportation impacts, public facility impacts, we have Engineer Hagan here, or I can answer any planning questions you have, and Mr. Brooder's here as well. So, Commissioners?

CHAIRMAN FRYER: Thank you. Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah. Dwight, just as an overview, there are 28 units, four of which are income restricted. The others are going to be controlled by St. Matthew's House as just simply, what, rental units?

MR. NADEAU: These are going to be rental units for the graduates of their programs, whether it be the Justin's program or some of their other similar social improvement programs, and the occupants of this development will be primarily potentially employed by St. Matthew's House.

COMMISSIONER SCHMITT: But there's -- sorry to interrupt. But I understand that.

MR. NADEAU: Please.

COMMISSIONER SCHMITT: So the -- are they deemed affordable -- the entire property affordable housing?

MR. NADEAU: No, just the four units.

COMMISSIONER SCHMITT: Just the four units. But the others, then, are just at what, market rate? Market rate rentals?

MR. NADEAU: They would be that which would be affordable --

COMMISSIONER SCHMITT: Controlled by St. Matthew's House.

MR. NADEAU: Controlled by St. Matthew's House. It's not public housing.

COMMISSIONER SCHMITT: Correct. But they are -- I want to be clear on this. Then the landlord, for all intent and purposes, St. Matthew's House, they are -- these are restricted specifically for people associated with St. Matthew's House, then.

MR. NADEAU: That is accurate.

COMMISSIONER SCHMITT: Okay. And then the four units at 50 percent or below, again, are clearly going to be controlled by St. Matthew's House?

MR. NADEAU: That is accurate.

COMMISSIONER SCHMITT: Okay. Just so -- the public record, I wanted that on the record as an understanding, because that -- that was my interpretation. But go ahead, sir.

MR. BROODER: Yes, Commissioner, if I may, and going back to Commissioner Shea's question, the current 11 houses, to give you an idea -- so up to four people can live in each house. We have three or four individuals. They pay \$650 a month including utilities. So we make it very affordable to help them get back on their feet and then transition on to other housing.

COMMISSIONER SCHMITT: Then just as a follow-up, when you say "people employed," these are folks that are involved in your day-to-day activities of St. Matthew's, whether it's the kitchen or --

COMMISSIONER SHEA: Thrift store.

COMMISSIONER SCHMITT: Thrift store. I lost a word. Thank you.

MR. BROODER: Yes.

COMMISSIONER SCHMITT: I understand.

MR. BROODER: And not 100 percent of them stay working for us. We're proud that, as people come out of the program, about 55 percent of the people that complete the program come to work for us. And then we encourage them to transition when they can. But a large percentage work in our facilities, yes.

COMMISSIONER SCHMITT: All right. Thank you.

CHAIRMAN FRYER: Thank you. And I'm going to exercise the prerogative of the Chair and jump in here. We've got a couple of commissioners who want to speak as well.

But my question is pertinent to what the vice chairman brought up, and so I'm going to bring it up now. I have a number of what I would consider to be rather small issues, and if you're now familiar with what Mr. Perry in the County Attorney's Office has prepared -- and I'm not -- okay.

Well, those -- I don't think that you will have a significant problem with any of those, but our responsibility as a Planning Commission, when we send something off to the Board of County Commissioners, we don't want obvious typos in it, and we want things to be nailed down as well as possible, so -- but put that aside for a moment.

I do have one potentially significant concern that I'd like to bring to your attention. As the vice chairman mentioned, you've got 24 market-rate units. And as long as St. Matthew's owned this property, I would be sleeping well at night knowing that you would manage it and that it would be dedicated in a way that was most proper and most appropriate in an area that I think is extremely well-suited for affordable housing in the county. I think St. Matthew's itself is well located, and I think that the request you're making is also good.

But I tell you, my concern is what happens if, for whatever reason, this property gets sold? And my concern is that I understand your desire to have maximum flexibility, but let's face it, you're not going to want 24 market-rate units that -- I wouldn't think that's possible. And so I would like to see a little more restrictions, perhaps, placed on the other 24, or at least some of the 24, perhaps to get us up to maybe 30 percent. And it doesn't have to be in the very low category. But we have -- we, on behalf of the county, have to look out for what might happen to the community if, for instance, God forbid, something happens to St. Matthew's. So could you comment on that?

MR. NADEAU: Sure. Well, from the first perspective, the development agreement with the Board of County Commissioners that will be attendant to this ordinance will run with the land. So a purchaser in the future would be subject to the zoning restrictions on the site.

Now, the Land Development Code has certain percentages that are -- certain percentages, minimums for rental housing. For fee simple ownership and homeownership, there are different

rules. So if you were going to be looking for additional commitments from the petitioner for affordable housing, it would not provide any additional units as a bonus. I just wanted to put that on the record.

CHAIRMAN FRYER: No, I understand. And I get it that when density changes, there may be some affordability that connects irrevocably to the higher density units. I understand that. But when we sit up here -- I mean, we've got you in front of us now. For some reason the property could be owned by another developer who is not as tuned into the need for affordable housing as St. Matthew's is and as that site, I believe, demands. And I think we have to look out for those people.

So I'm proposing that you -- that you establish at least one other level of affordability at a higher plateau than your very low where you are now. But if not, a successor-in-interest-only limitation would be higher density, they would be market-rate units, and I do not think that belongs there, and I don't think you think it belongs there. And I would ask that you help us protect the county from the potential successor in interest, which we hope never happens.

MR. BROODER: Well, Mr. Chairman, thank you for that.

One thing I'd like to mention is we have a generous donor that helped us buy the property initially, and the additional units will be donor funded, by the way, and we have a donor agreement that the board of directors signed that that project will remain part of St. Matthew's House exclusively for housing for our program graduates, and that -- that donor agreement is in existence and will continue to run.

CHAIRMAN FRYER: Sir, I understand that. Maybe I'm not making myself clear. I'm talking about if something should happen to St. Matthew's, and it is gone, this becomes market-rate housing the way these documents are drafted now, and I want to try to build something in so a successor to St. Matthew's would continue on with your laudable objectives.

I'm not worried -- if I -- if I thought you would be around forever, and I hope you are, I wouldn't worry one bit about this. But you've got 24 market-rate housing units -- dwelling units in an area that I think is extremely well-suited for affordable housing. So I'm asking you if you can help us out on this.

MR. BROODER: Well, I think we can. I was going to add that considering what the AMI is now -- I think it's \$98,600.

CHAIRMAN FRYER: Yes, for a family of four.

MR. BROODER: So I can say -- and we can work out the numbers. But I can say that the people that we intend to occupy these units will be below that AMI number.

CHAIRMAN FRYER: What could you do for us at the 80 percent number?

MR. BROODER: Where is the income on 80 percent?

CHAIRMAN FRYER: Yeah. I think you might find that there's some planning commissioners up here who would like to see all of them limited, and I'm trying to work out a compromise with you, and it seems to me that if you could -- if you could bring the restrictions -- the affordability restrictions up to 30 percent and perhaps have the difference between the four units now and whatever it would take to be 30 percent be those restricted to under 80 percent, I could -- I could be very happy with that.

MR. BROODER: And one thing I want to add is we -- of course, as being good stewards, we're running projections on the rents and the cost to operate this. So we -- since it's totally funded by St. Matthew's House and the donors, we want it to be able to survive financially, so we're looking at what does it take rent-wise.

When we talk about market rents, we don't intend for it to be the same type of rents you see in luxury apartments around the same area. The AMI for a household of four, 80 percent of the AMI is 75,450. That might be possible. I think, in all fairness, we'd have to do a little work on that to update our projections to see if we could make that work.

CHAIRMAN FRYER: Well, we can -- we can either have -- you can take some time in recess, or we can have a continuance, or we can find out maybe I'm the only planning

commissioner up here who's concerned about it.

But I have to tell you, having just four out of 28 be constrained for affordability and the others be market rate, I have no problem as long as St. Matthew's is around doing its thing. But I need you, sir, to understand that my concerns go after the life of St. Matthew's, even though we want St. Matthew's to live forever.

MR. BROODER: Well, I'm looking at the rent for a four-bedroom unit at 80 percent AMI is \$2,188. That's --

CHAIRMAN FRYER: County Attorney, did you want to say something?

MS. ASHTON-CICKO: Yes, just a couple points. Because of some new case law that came down, if this item is continued, it will have to be readvertised. So I just want to make sure that you're aware of that. And it's up to the applicant whether they want to agree to try to make some changes in what they're proposing for affordable housing. They can either agree or not agree, and you can, you know, make your vote.

CHAIRMAN FRYER: That may be a factor. And it would be too bad if readvertising has to take place, but I think we're talking about a pretty significant issue.

MS. ASHTON-CICKO: And one more point --

CHAIRMAN FRYER: Go ahead, Vice Chair.

COMMISSIONER SCHMITT: My initial question was solely based on what you're driving at. I want something in the record or in the zoning ordinance -- I'm looking to the County Attorney and the staff -- to do the same thing, that identifies the entire site as affordable housing.

COMMISSIONER SHEA: Yeah. Couldn't we put it 100 percent less -- I mean, 100 percent less than 100 percent of AMI, plus what you're talking about to get down to the lower levels?

MS. ASHTON-CICKO: So if I could just interject for a moment. Right now they're seeking an increase in density, and there's a formula in the LDC that you run the calculations based on the number of units they're providing and rooms and so forth. So I don't know if the applicant -- if they're going to agree to different numbers, is going to want to be seeking a different number in terms of density, so --

CHAIRMAN FRYER: So that is there and, obviously, it's been blessed by the Board of County Commissioners, and it's worth looking at.

I'm going to call on Commissioner Vernon and then Commissioner Sparrazza.

COMMISSIONER VERNON: Yeah. I don't remember what my original question was, but I do want to comment. You know, I think -- I guess my initial comment is this is why I urge people to get involved. Because, you know, you sit up here and you think, this is a no-brainer, and then you hear questions from the other teammates and say, okay, maybe this is a little more complicated.

But I guess -- I just -- I think out loud, I mean, is this -- if this was not St. Matthew's House, would we approve this -- would the staff have any hesitation on approving this project as-is?

MR. BOSI: Staff would have absolutely no problem if this was any other developer. You've got to remember -- and it what was pointed out, and I think maybe it's somewhat lost -- was the majority of this project, the acreage is within an activity center. The eligibility of density for that is 16 units an acre. They're seeking a rezone at 12 units an acre. So they're leaving some units on the table.

And then for the .75 acres that's outside the activity centers, that's where their affordable density bonus is going, and that's where the commitment to the -- for four units being allocated to the 50 percent or below is provided for.

What I would suggest, if the Planning Commission does impose or does desire to impose further restrictions in terms of income restrictions, I would suggest that that be outside of the Affordable Housing Density Bonus Agreement and put as --

MR. NADEAU: Yes.



MR. BOSI: -- a condition of the rezone, because the affordable housing density bonus is aligned with recognizing the majority of this site is in an activity center eligible for 16 units an acre without any commitment for affordable housing. And the .75 acres is the one that's outside the activity center. That's what needs the affordable housing density bonus. They've got four committed to that.

So any other additional restrictions, instead of going back and having to rework the table and the numbers, I would put a condition. I know this isn't a PUD, but we have done and we've done before straight zoning categories having additional conditions upon those.

CHAIRMAN FRYER: Well, I would certainly be glad to entertain that as a way of accomplishing it as long as it gets accomplished in such a way that a successor in interest can't vend these at market rates.

MR. NADEAU: And, Commissioner Fryer, if I can be completely clear with what's being asked, you're asking for if the property were to be conveyed at a later date, that a minimum of 30 percent of those 28 units would be associated with 80 percent bracket. If we were -- I don't think the petitioner is going to have any objection to a stipulation being placed on the ordinance such that if the property changes hands out of SMH Properties of Southwest Florida, that development will continue but only with 30 percent of those 28 units to be within 80 percent.

CHAIRMAN FRYER: No, that's not what I said.

MR. NADEAU: But I'm -- I want to frame it --

CHAIRMAN FRYER: That's your counterproposal?

MS. ASHTON-CICKO: Mr. Fryer?

COMMISSIONER VERNON: Can I finish my thoughts? I was kind of --

CHAIRMAN FRYER: Oh, please.

COMMISSIONER VERNON: I was not done.

Go ahead, Heidi. I'm just -- I'm trying to get somewhere, and you cut me off. No -- and I'm sorry. Maybe I'm going to look grumpy today.

But I hear Mike throw out a proposal, and you're shaking your head vigorously. We've got Joe Trachtenberg sitting here.

So I'm just trying to figure out why we're pushing that around if this is something the staff says this is a good idea. You're saying this is a good idea. And maybe you're not trying to push it around. Maybe I'm misunderstanding you, because I'm trying to absorb what you're suggesting in comparison to what they're suggesting.

But going back to Mike's thought, I saw you shaking your head. You liked that idea. I think that goes towards addressing the Chairman's concern, I think. And so are you looking for something different than what Mike suggested?

CHAIRMAN FRYER: Well, I stopped talking and, believe it or not, stopped thinking when I realized that I'd interrupted you.

COMMISSIONER VERNON: Well, I apologize.

CHAIRMAN FRYER: So I need to retrace my steps.

Why don't we hear from Ms. Ashton, and then we'll see where we go.

MS. ASHTON-CICKO: I just wanted to point out that for Planned Unit Developments, you have in the past had a condition where they first offer it to affordable housing. It doesn't restrict the rental's rate, but it does require that they offer it first to affordable housing.

CHAIRMAN FRYER: Yeah. I -- from my point of view, I think that is illusory affordable housing. It just requires that it stays off the market at market rates for 60 or 90 days. But I'm aware of that.

Sir, do you want to restate your proposal? Because maybe we can get through this.

MR. NADEAU: I don't -- I'm not going to address the percentage right now. I just want to make clear that you are comfortable with commitments that the petitioner is providing to you today for this petition and that if this petitioner does not control this property in the future, you would be imposing conditions subsequent to that ownership change.

CHAIRMAN FRYER: Without -- without describing what those conditions would be, that's a fair statement.

MR. NADEAU: We will -- I don't believe, with the reversion policies that are in effect with the St. Matthew's House organization with the way the property was donated, it's going to revert back to the original owners if they don't -- if St. Matthew's House doesn't perform.

So if you're going to impose new restrictions on a new developer and apply it to this ordinance, they're not subject to this petitioner, we don't have any objection.

CHAIRMAN FRYER: All right. Well, I mean, I think we may have a way to proceed because, as I said earlier, I'm not at all concerned about what St. Matthew's is going to do, and St. Matthew's having 24 market-rate residences, I know that won't be abused. So if that's the framework within which we could negotiate, I'm comfortable with that. Again, I'm just speaking as one commissioner. I don't know what others have to say.

MR. BROODER: And, Mr. Chairman, if I can just add one thing on top of what Mr. Bosi said and what Dwight has said. The donor agreement that I mentioned maintains that we continue the use -- the stated use for our programs. And if we are no longer in existence, St. Matthew's House, that property, the donation of that property, reverts back to the donor. So I would suggest to even give some more teeth to what Dwight was saying, you could say that the ordinance could sunset if St. Matthew's House no longer owns the property.

CHAIRMAN FRYER: Well, I mean, we're talking about methods of accomplishing something that I think we're approaching agreement on.

MR. BROODER: Okay.

CHAIRMAN FRYER: And I just want to be sure -- again, I don't have any problem with only four units as long as St. Matthew's, as a 501(c)3, continues to own this property, because you guys have a great track record, and we admire what you're doing.

My concern is, as the song says, after you're gone, and we hope you're never gone. So we want something -- and I don't know that we want to bring the original donor into this unless, for some legal reason, we have to. I would prefer to see a restriction that springs forth in the event that the corporation -- St. Matthew's, LLC, or corporation, that it is transferred, and all its assets or -- obviously, it doesn't have stock. But if its assets are sold or whatever so that there's a new owner in interest, a new party in interest, that that property will continue to advance the meaningful objectives of this county to have affordable housing at that location and more than just four units.

MR. NADEAU: We're intrigued to see what that new percentage would -- you would apply to a new developer --

CHAIRMAN FRYER: Well, I'll tell you -- and I'm just one. I mean, you've got other people up here, and we vote on these. But from my perspective, I would like to see four at the very low, which is where you are now, and then the balance up to 30 percent, at 80 percent.

MR. NADEAU: The balance up to 30 percent, which would add another four dwelling units?

CHAIRMAN FRYER: Yeah, that sounds right.

MR. NADEAU: So you would have eight dwelling units that would be income restricted under a new owner of that property?

CHAIRMAN FRYER: Yes. We're saying the same thing.

MR. NADEAU: Okay, Heidi? Okay, Mike?

MR. BOSI: And I want to provide a clarification. All you would need to do is put a condition upon the rezone that 30 percent of these units shall remain available to 80 percent of AMI or less for the term of the Affordable Housing Density Bonus Agreement, and what that means is the four that's already in the Affordable Housing Density Bonus Agreement satisfies a portion of that, and then the other four units would be -- would be restricted to 80 percent or below.

CHAIRMAN FRYER: That's certainly a cleaner way to do it, but I thought you wanted a little more flexibility than that, because then you wouldn't have a full -- you wouldn't have a full 24 at market rate. You'd have 20 at market --

MR. BROODER: You're not putting the burden on my petitioner. You're putting the burden on a future landowner. So have at it.

CHAIRMAN FRYER: All right. Well, that's the easiest way to do it, then. Just put another layer in, right?

And I want to get some other -- we've got two commissioners who lit up and want to talk, first of all, and I'd like to find out how they feel about the direction this conversation is going and anything else that they want to talk about.

Commissioner Sparrazza, you're up.

COMMISSIONER SPARRAZZA: Good morning, and thank you. First off, thank you so much for the entire team that is, shall we say, St. Matthew's House and what you do for this community. We greatly appreciate that.

In a statement you made earlier, you -- if I'm correct, you said that I believe in the homes that are there now, they're generally occupied by four people, they each pay \$650. So that is, quick math, 2,600, right, for -- 2,400.

COMMISSIONER SHEA: Twenty-four.

MR. NADEAU: I'm going to nod my head, but those numbers --

COMMISSIONER SPARRAZZA: Twenty-four hundred, roughly, for that home. And where -- and somebody else with a quick calculator, where does \$2,400 fall per month in the AMI? Sixty-five percent.

MR. BROODER: And that includes utilities.

COMMISSIONER SPARRAZZA: And that includes utilities.

MR. BROODER: So you'd have to factor that in.

COMMISSIONER SPARRAZZA: So currently -- and I'm just trying to put some fact around this -- the great folks at St. Matthew's House owns and maintains these properties and is control [sic] of the rent, and your current rent in probably a larger property, the home, is at -- I'm sorry, what percentage of the AMI -- 2,400? Well, \$2,400 -- you'd have to take out the utilities. So, anyway, it's, I believe, fairly low in the AMI percentage, correct?

(Simultaneous crosstalk.)

MR. BROODER: Below 80 percent, I would say.

COMMISSIONER SPARRAZZA: Well below 80 percent, I'm going to take a wild guess, because 80 percent is 82,000, something like that.

MR. BROODER: 75,450.

COMMISSIONER SPARRAZZA: Seventy-five. Thank you, sir.

And if you follow this same method for the apartments, even removing the four units that you have as the 30 percent, right, more than likely you are going to have all of your programs in the 60, 70 percent AMI, correct? Because knowing what these fine citizens have gone through, they might not be able to get to that 80, 90, 100 percent of AMI, and you, being the owner, are controlling it.

So we already have a little bit of control with what you're doing helping these folks out for all of the properties, including the larger ones, the homes. I'm assuming -- and please help me understand -- that you're going to do the same type of math calculations and assistance with these folks coming out of the program in the apartments, correct?

MR. BROODER: That's correct, Commissioner, yes. It would be our intent to make it affordable, and I think your numbers are accurate, that we'd already be there.

COMMISSIONER SPARRAZZA: Right. I'm just trying to bring out factual numbers that we recognize what they're already doing and that they are doing a great plan of it, and if we ask that it continues and possibly with this great restriction, obviously, for a new owner 432 years from now, great, but I think we're really on the way to understanding your plan for this entire community and that it is all within affordable housing.

And I just wanted to walk through that. I apologize if I've done something that everybody already recognized, but I think these numbers shed a great deal of light on what you're trying to do,

and I -- I think that will help us make our decision.

Thank you very much for your time.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: No, it sounds like what we've come up with is something the staff likes, something the Chairperson likes, something the applicant likes, so I'd just like to get -- Mr. Chairman, I'd like to get sort of some final comments from the -- I'd like to get some final comments on what we've sort of -- it sounds like we've landed on. Did you hear that? I know you guys were counseling. Do you have any concerns about what is -- now sounds like where we're headed?

MS. ASHTON-CICKO: I have significant concerns. Under Chapter 70 of the Florida Statutes regarding exactions, you're requiring them to do additional affordable housing without allowing them to have the benefit of the bonuses that are allowed under our code.

COMMISSIONER VERNON: I thought the affordable housing would be on the next owner. It doesn't necessarily solve the problem, but --

MS. ASHTON-CICKO: It depends -- I guess it depends on how you write your commitment, but still, you're creating an exaction on a future owner. You know, I mean, you could put something in there that, you know, the affordable housing is encouraged, but --

CHAIRMAN FRYER: We're not --

COMMISSIONER VERNON: Do you have something that would be a solution since the applicant, the Chairperson, and the staff all seem to think this is a good idea? Is there some way other than simply an encouragement? Is there some way we can mandate it without constituting an exaction?

MS. ASHTON-CICKO: I've heard staff say the project is recommended for approval. I haven't heard them say that they agree with inserting this type of condition.

COMMISSIONER VERNON: I think that was a volley back to you.

MS. ASHTON-CICKO: But I'd need the petitioner -- sorry for the interruption. But I'd need the petitioner to agree on the record that they agree to this commitment.

MR. NADEAU: The petitioner is open to the suggestion of having a condition applied to the adopting ordinance that would impose some restrictions on future owners.

CHAIRMAN FRYER: I think I see a way of resolving this. If we just add another layer of affordability, namely the 80 percent for the additional four units, if we add that to the affordable housing agreement, it's -- which is a 30-year commitment. And so 30 years from now the new owner, you know, is not going to be encumbered by this. We're not reaching beyond 30 years. But if it's an agreement, it's hard to argue that it's an exaction because you've agreed to the agreement.

MR. NADEAU: I don't know how the Affordable Housing Density Bonus Agreement would apply another layer of restrictions on a future owner without binding the current -- you'd have to -- I guess what the -- and I'm not so sure that the Affordable Housing Density Bonus Agreement is the place for the condition. I really think that it should be an attendant to the ordinance.

CHAIRMAN FRYER: Well, if that creates an exaction, that creates a problem.

MR. NADEAU: Yeah.

CHAIRMAN FRYER: So that's why I tried to put it where the -- I mean, look, we're going into this thing with the structure of an affordable housing agreement.

MR. NADEAU: True, yes.

CHAIRMAN FRYER: All I'm saying is add another layer to it. And it runs for 30 years. If St. Matthew's House remains here for 30 years, which we all hope it does, no harm, no foul. If 15 years from now it's sold, then the new owner is going to be bound by that agreement, and it's an agreement that you are making.

MR. NADEAU: Just as a comment, I think, if it's going to go into the Affordable Housing

Density Bonus Agreement, we don't have access to that form. So staff is going to have to make the edits to your satisfaction, and then we'd have to take a look at it. But it can't impose restrictions on the current developer. It would be imposed on the future developer, correct?

CHAIRMAN FRYER: It would be a part of an agreement that would run with the land, and so the future developer would inherit it.

MR. BROODER: Just for clarification, Mr. Chairman, if you're adding that layer of affordability -- and going back to Mr. Bosi's comment -- could we then look at 16 units per acre if we're being obligated to have that additional requirement?

CHAIRMAN FRYER: In other words, instead of eight, you'd encumber 16?

MR. BROODER: No. We're asking for 12 units per acre but, as Mike said, we could do 12 -- or we could do 16 units per acre.

CHAIRMAN FRYER: Personally, as one commissioner, I'm fine with that. I would absolutely be fine with that, because I think you're going to need density to achieve the affordability. Now, I don't know about other commissioners, how they feel about it, but if you want more density in exchange for that, fine.

COMMISSIONER SHEA: I feel the same way.

COMMISSIONER VERNON: My -- if I may.

CHAIRMAN FRYER: Go ahead, Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I mean, I'm -- I think everybody up here, or at least everybody who spoke, is wildly supportive of affordable housing, wildly supportive. I'm personally wildly supportive of creative housing that meets the affordable housing need which, I think, the direction we're going to have to go in the future. And I think everybody was trying to get to the same goal.

So I think my concern right now is what we're trying to do will constitute an exaction on the new owner or will otherwise be inappropriate from a legal standpoint. So I'm supportive of what we're trying to do. I just want to make sure we get good clearance from legal that what we're doing works.

CHAIRMAN FRYER: Well, I'll ask Ms. Ashton. But if we increase the density, it wouldn't be an exaction, would it?

MS. ASHTON-CICKO: Yes, it could go back for a recalculation under the affordable housing agreement and a readvertisement for, you know, this project.

CHAIRMAN FRYER: Well, let's not get hung up on whether we have to readvertise. I mean, we're talking about some pretty significant issues here.

MS. ASHTON-CICKO: Well, you want to -- sorry to interrupt, but you want to increase the density, and I don't think it's been advertised for a higher density, so...

MR. PERRY: It's advertised for 28 units right now.

CHAIRMAN FRYER: Okay. Well, I'm -- I think that's the least of our problems. Your point's well taken; it needs to be readvertised. It may add a little time to this, but it will -- it will provide for more affordable housing, and, after all, that's what we're all saying we're interested in doing.

Mr. Bosi, do you want to say anything?

MR. BOSI: No. I mean, I -- I do take -- I understand the point that the Commission is trying to establish, but what they're eligible for, based upon the activity center, and what they're eligible for with the affordable housing density bonus is the density that they're seeking. And what they're -- and we're asking for additional commitments than what -- we wouldn't ask for just a regular developer. And because you know St. Matthew's House is going to be providing for all these in an affordable manner and you want to maintain that to a future owner, I'm not sure if that is the most appropriate based upon how zoning is supposed to be reviewed.

We're supposed to be reviewing the zoning upon what the intensity that they're seeking, what's the benefit that's being provided for, and what's the compatibility with the area. I think staff has made a determination that it satisfies that compatibility, it satisfies the request of the

Affordable Housing Density Bonus Agreement, and they're eligible for the 28 additional units.

To impose further restrictions upon it based upon a change in ownership, I'm not sure if staff feels the necessary need to do that. That would be the only perspective that you would give from a professional planning standpoint.

CHAIRMAN FRYER: Well, I heard the Board of County Commissioners say loud and clear they want solutions, and I think we've got a viable solution here. I am not convinced -- I'm not going to -- I'm not a Florida licensed lawyer. I'm not going to get into it with Ms. Ashton. But it seems to me that if you have an agreement that voluntarily undertakes to add density which is not unrelated to the project -- exactions frequently are totally unrelated to the objective in question -- that if it's an agreement that runs with the land, and a purchaser knowingly inherits that agreement, I don't see how they can be heard to argue it was an exaction.

But in an abundance of caution to be sure that that's not the case, I would like to see it placed as another level into the affordable housing agreement. And if it needs to be readvertised because it's going to be greater density -- this seems to be advancing the ball that the Board of County Commissioners is calling for. I mean, you know, let's walk the walk here.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I guess where I come down on this is that -- and you had mentioned maybe a short recess. If staff, the applicant, and legal can propose something different than what is currently before us, and it addresses the concerns of the Chair, I would be very supportive of that. But absent that, based on what I just heard from staff and everything I've heard, I think I would vote -- well, I know I would vote to approve the project today as-is. So that's just so everybody knows that's where I come down on this.

CHAIRMAN FRYER: Thank you. And I think that's worth a try. It's 9:49. Could we call for a conversation, legal, staff, and the applicant? How long would it take to --

MR. NADEAU: If I may, I'd just like to --

CHAIRMAN FRYER: Yes.

MR. NADEAU: Conversing with Mike here, the GT -- the Gateway Triangle Zoning Overlay does not have an RMF-16 section in it to provide development standards in the Gateway. So based on that, there wouldn't be development standards for RMF-16. It may require a PUD, but if -- and this has happened before. You could go forward with the rezone and call it RMF-12, parens 16, GTZOR, and then you could apply the 16 dwelling units per acre to this rezoning. It probably would require another NIM, it would require readvertising, but it doesn't require a whole PUD submittal.

So how about that, Mike?

CHAIRMAN FRYER: Mr. Bosi.

MR. BOSI: The discussion that was just had, if we're going to find a solution, we're not going to do it in terms of -- there's some things, there's some limitations that are, have been identified that staff would not support. So if we're going to be able to move forward with this, we'd have to meet -- we'd have to meet on the side to try to provide for some sort of solution to satisfy this concern that the Planning Commission has.

And -- I mean, I understand you're trying to add more restricted units to this, and what -- what could be recognized is they can add an additional restriction to 80 percent of AMI, which would increase their eligibility of density. Just because it increases their eligibility of density doesn't mean that they have to seek that density withing the rezoning.

So there's -- there would not be a need to create an RMF-16, parens 12 -- or RMF-12, parens 16. You could still go with the development standards of RMF-12, still seek the 28 additional units, but have more density added to your Affordable Housing Density Bonus Agreement.

What you seek at your zoning doesn't have to be in exact alignment. But all these things would need to be -- have to -- have to be addressed in a little bit more holistic fashion so we can make sure that we're not creating unintended consequences for a -- for a petition that wants to take

advantage of the affordable housing density bonus.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

If I understand this correctly -- that's my famous line -- we have 28 units. Right now you are proposing to us four of those units are at the 30 percent AMI.

MR. NADEAU: Fifty would be very low income.

COMMISSIONER SPARRAZZA: I'm sorry.

COMMISSIONER SCHMITT: Fifty.

COMMISSIONER SPARRAZZA: Oh, 50 percent. I'm sorry. We just reviewed that we believe the entire program at Justin's Village is probably 80-ish percent AMI.

MR. NADEAU: Within the range of affordable housing.

COMMISSIONER SPARRAZZA: Correct, very much so.

And, Commissioner, please help me understand this. If we were to say -- you're offering four at 50 and give another four at 75 or 80, build that in right now to what we think we would approve, would that cover everything, future landowner, today's wish to improve slightly the affordable housing agreement, and leave the other 20 units as they do today? Is that even close to being able to wrap this up today?

CHAIRMAN FRYER: Well, you verbalized -- it would for me.

Ms. Ashton?

MS. ASHTON-CICKO: You can go ahead and make the recommendation you believe is best.

CHAIRMAN FRYER: Okay. We see where you're coming from.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just -- you know, I'm a huge supporter of affordable housing. I know everybody -- I think everybody here is. So I think we have some creative solutions that this applicant is pushing for that is going to address affordable housing, and in trying to weigh the two and not fully understanding what quasi-judicial means, it seems like going back to what Mike Bosi said, you know, this would be approved. It meets the -- it meets the requirements to be approved, and I think I -- you know, I'd love to try to accomplish what the Chair's trying to accomplish, but I think the appropriate thing is not to slow down this process of somebody before us who's checking all the boxes, who is going to move forward with an affordable housing project.

I think that I am ready to vote in favor of the proposal as-is. I think that takes away the delay, the readvertising. And, candidly, you know, St. Matthew's House is going to have to spend money and time and effort focused on trying to meet these needs when they're ready to move forward as-is on a project that pretty clearly qualifies, and that way we don't have to worry about legal problems.

I mean, from my -- I don't want to legislate from the bench, I guess, to use a legal term. So I propose that we vote in favor of this project as-is.

CHAIRMAN FRYER: Thank you. Anyone else want to be heard on this?  
Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Let's talk about occupancy. So how are these units going to be designed? Are you doing two-, three-bedroom? What's the goal for occupancy?

MR. BROODER: Commissioner, thank you for that question. We have yet to determine that, but it will likely be two-, three-, and four-bedroom. We want a good mix that meets the demands of the community and the people, so couples, families. We want to design that accordingly.

COMMISSIONER SCHUMACHER: And then what would your -- if this goes through and then goes to the Board of County Commissioners, what's your timeline for actual buildout?

MR. BROODER: We would like to proceed as soon as we have a permit. So we would have to go through all the additional steps, getting that approved, and lining things up with

contractors. But in good faith, we're assuming that we'll attract the funding and be able to push forward.

COMMISSIONER SCHUMACHER: And then going back to your occupants, so they come out -- they go through your program -- which I'm a big supporter of St. Matthew's House every single -- including the cafe is one of my favorites. So touching on that, when they go through the program now, you said there's transitional for one to two years, correct?

MR. BROODER: Yes.

COMMISSIONER SCHUMACHER: So are you -- are you over occupancy in your other sites as of now?

MR. BROODER: We are. They're full. We have Golden Gate Apartments, that's 46 units, those are full, and Justin's Village with the 11 homes are full. Both have waiting lists.

COMMISSIONER SCHUMACHER: Okay. And now you have some extra lots there outside of this that are still vacant, correct? No, are they all built out?

MR. BROODER: No, they're -- so what's proposed in the 2.33 acres for this 28 units, that's the only area that's left. The rest of the lots are built out, yes.

COMMISSIONER SCHUMACHER: Got it. All right. That's all I have. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I guess I'm getting lost in a lot of this legal stuff. What's wrong with what you proposed, plus an added clause that says 100 percent of the homes will be rented at or below 100 percent of the AMI? Because you're going to be well below it. If that restriction's on the property, that keeps it in affordable housing. I don't know why we can't add that one qualification to the application.

MR. NADEAU: Not attendant to the affordable housing density that requires all of the maintenance and monitoring and income tracking and applications associated with the income-restricted properties. There's a lot of paperwork that goes for those four units. To burden all 28 units at 100 percent, we'd rather have that as just a generalized condition in the ordinance and not have it attendant to the --

COMMISSIONER SHEA: If it was generalized in the ordinance, would that pass on to the next owner?

MR. NADEAU: Yes, it would.

COMMISSIONER SHEA: That's fine with me, then. That's all I'm worried about, as Ned is, the next owner. Not you guys, for sure.

CHAIRMAN FRYER: Well, if we can --

MR. NADEAU: We're not going to --

MR. BROODER: Compliance on four units.

MR. NADEAU: We have compliance on four units. Nothing above that. Future developers have whatever it is at 100 percent. It's not applied to us. It's not in the density bonus agreement.

COMMISSIONER SHEA: I'm good with that.

CHAIRMAN FRYER: Well, right now the four units are encumbered for 30 years; are you wanting to be relieved of that time frame?

MR. NADEAU: No, no. We're bound by the contract that we're going to sign with the Board of County Commissioners for the density bonus agreement for those four units.

CHAIRMAN FRYER: Okay. So we don't have -- since the density is the same and it meets the standards and doesn't overreach in the view of the County Attorney, for 30 years four units would be encumbered at 60 -- is it 50 or 60?

MR. NADEAU: It's very low income, 50 percent.

CHAIRMAN FRYER: Fifty?

MR. NADEAU: Yes.

CHAIRMAN FRYER: It's not 60?



COMMISSIONER SCHMITT: Fifty.

CHAIRMAN FRYER: Fifty, okay. And then the other would be -- would be obligated at 100 percent, and that would also extend for 30 years.

MR. NADEAU: On a new owner for the additional units at 100 percent.

CHAIRMAN FRYER: Yeah, yeah. We all hope there won't be a new owner, and so this is academic.

MR. NADEAU: So status quo for this petitioner, approve it, you're going to apply a new condition to the ordinance for a subsequent owner.

CHAIRMAN FRYER: Okay. And county staff agree to that?

MR. BOSI: County staff, we do recognize the comment that was expressed by the County Attorney. We're asking above what's required to seek the density that they're -- they're eligible for the density as it's being proposed to you today.

COMMISSIONER SHEA: But they can agree to that. It doesn't matter what we're asking.

MS. ASHTON-CICKO: Well, let me explain it another way, because we've gone through this before, if I could interject. So sometimes you hear petitions where there's a Growth Management Plan amendment where they're seeking higher density than what the code allows and what the Growth Management Plan allows. And in that case, I've seen you kind of negotiate with the petitioner because we don't have any guidance in our Growth Management Plan or Land Development Code on how to address a Growth Management Plan that seeks density, okay.

So in order to get density, they say, we'll give you this, we'll give you that. I've seen a little bit of back and forth when there's a Growth Management Plan amendment, okay.

This applicant doesn't have a Growth Management Plan amendment, so they're operating within -- amendment, so they're operating within our current code, which is under 2.06.00, and they've negotiated with staff to come up with a proposal within the parameters of our code.

So now what you're asking is for the developer to agree to put a restraint against the property for additional units without getting the density that would be allowed within our code. So you're kind of going outside of the code and asking him to agree to that.

If you want to make a recommendation to that effect, you know, they can, you know, proceed to hearing, and then see how it goes.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. Heidi, just to follow up on that. Okay. So I think what my colleagues are saying, if both sides agree to it, then what's the problem? So what is the -- what is the risk of doing what we're about to do? Because you clearly have some hesitation that -- would the new owner, if there ever was one, have a lawsuit against us? Could the current applicant change their mind and bring a claim? What is the risk as long as both parties are agreeing?

MS. ASHTON-CICKO: So 70.45, Florida Statutes, deals with exactions, okay. So the risk would be that the owner says we didn't really agree, we just really wanted our project to go forward, the county gets sued, and the county has to pay their attorney's fees, because that's what the statute provides.

COMMISSIONER VERNON: Is it -- and not to get too far in the weeds, but wouldn't it constitute a waiver of the right to do that if they agree and they're well represented and we put language in there saying they understand that they're waiving their right to an exaction, or no?

MS. ASHTON-CICKO: Sure. I mean, that would be the county's argument if we were sued by the future owner in the future.

COMMISSIONER VERNON: Well -- okay, two different things. Can a future owner 20 years from now pursue that claim?

MS. ASHTON-CICKO: That's, again, going to be a question for a judge.

COMMISSIONER VERNON: I would think -- and, again, I want to defer to -- I want to defer to you on this. But if they waive their right and it was a knowing waiver, then I would think

the new owner would take it subject to that waiver just from --

MS. ASHTON-CICKO: Sure.

COMMISSIONER VERNON: -- general knowledge of the law as opposed to -- you see my argument?

MS. ASHTON-CICKO: Sure, or they could come to the Board for an amendment to remove the condition.

COMMISSIONER VERNON: So I'm thinking that while there is a legal risk -- and I don't want to override what the County Attorney is saying -- based on my knowledge of litigating for 30 years is that risk, if the proper language is in the document saying they knowingly waive their right to bring an exaction claim, that risk is probably very low.

MS. ASHTON-CICKO: That may be true, but it's also subject to a donor agreement. I don't know if the donor has any ability to not agree with it, but, you know --

MR. NADEAU: It may be -- it may be appropriate right now to close the public hearing and hear a little bit public comment. I think Mr. Trachtenberg has some suggestions related to the operational characteristics of St. Matthew's House that may help this commission go forward with this idea.

CHAIRMAN FRYER: I'm fine with that. So we've -- you're resting your case?

MR. NADEAU: Yes.

CHAIRMAN FRYER: The county has recommended original -- the original proposal. Any further questions? Oh, Vice Chairman.

COMMISSIONER SCHMITT: Yeah. I'll go back to my original question I asked Dwight, because that was my main concern an hour ago, but I'm going to ask staff. Of course, this petition, if it were anybody else, would still meet the requirement. The density bonus promising to allocate four units at 50 percent or below justifies the need for the rezoning, straight rezoning action with the density bonus, and it could be any applicant, and the other units would be at market rate or above, if it were anybody else.

Now, I'm torn between this, because I agree with what St. Matthew's is doing, and I want to make sure that -- we all, I believe, want to make sure that this is somehow protected for future development or, if anything ever happens to St. Matthew's, that these would still be affordable. But my question then arises, would we do this with any other petition?

I have to go with what Chris said originally. I'm willing to move it forward, but the only point is, I want some assurances that if and when, or whatever happens to St. Matthew's, that it would still be affordable housing. The 50 percent -- the four units at 50 percent stay. We just want to make sure that the rest of it is affordable.

Dwight, I would think we could just add some kind of a language that would just say, that's it. Because I agree with -- if we put more restriction, you could actually get more density if you were agreeing to 100 percent affordable.

MR. NADEAU: If we could -- Commissioner, if we could just put the additional density aside for the moment --

COMMISSIONER SCHMITT: Yeah.

MR. NADEAU: We're not asking for the additional density. It's very courageous to offer it from the dais. But we would prefer that any restriction that be applied to this ordinance be in a stipulation in the ordinance and not be in the contribution agreement, because there's too many conflicts --

COMMISSIONER SCHMITT: I would agree.

MR. NADEAU: -- with rental units can't score with below very low income. So there's some problems by putting it in the density bonus. If you want to put something in the ordinance, I don't think the applicant is going to have any objection to that. But, again, I would encourage public comment. So, yeah.

CHAIRMAN FRYER: All right. Thank you.

Anyone else -- no one is signifying at this point. Any other planning commissioner wish

to be heard?

(No response.)

CHAIRMAN FRYER: If not, we will go to public comment. I'm sorry?

COMMISSIONER SHEA: I'm sorry.

CHAIRMAN FRYER: Mr. Youngblood, what do we have?

MR. YOUNGBLOOD: Mr. Chairman, I have three speakers with us in the room. Our first one is going to be Thomas Kinney, and he's going to be followed by Steve Rigsbee.

MR. KINNEY: Good morning. My name is Thomas Kinney, for the record. I live at 2579 Andrew Drive.

And we see quite a bit of traffic on that road. It's a cut-through road. We have a lot of pedestrians and a lot of bike traffic as it is, and a lot of speeding. And my concern is with the increase in density, I would like to see, between the county and the property at question, the developers, that they come up with some kind of an agreement for traffic calming speed humps down Andrew.

CHAIRMAN FRYER: Okay.

MR. KINNEY: Yep.

CHAIRMAN FRYER: That's it, sir?

MR. KINNEY: That's it.

CHAIRMAN FRYER: Thank you very much.

Next speaker.

MR. YOUNGBLOOD: Our next speaker is going to be Steve Rigsbee, and he'll be followed by Joe Trachtenberg.

CHAIRMAN FRYER: All right, sir. When you give your name -- I didn't catch whether it was Grigsbee or Rigsbee.

MR. RIGSBEE: Steve Rigsbee, for the record.

CHAIRMAN FRYER: Thank you.

MR. RIGSBEE: I am a resident of Wilmer Heights, which is where this project is supposed to be taking place. I also am a representative of the CRA. This is not envisioned in the CRA, flat out.

The other issue that I have is you guys are trying to push through something that isn't on the agenda. This is -- all this haggling that you guys are doing isn't on the agenda, and your County Attorney has told you so.

So I suggest that you go back and re-think this whole situation, because if the CRA, which I represent -- and I am one of the founding members of the CRA in the Triangle -- say you're not welcomed for several reasons -- one, they say proudly they have 750 graduates. One in 90 people make it in sobriety. How do I know? Because I happen to be one of those people.

I'm not against St. Matt's. I'm against what they're doing to the neighborhood. I'm against what they are trying to do.

Let's go back through the history of St. Matt's. They picked up the property for a \$13 million donation from the DeVoes. That was way back when. It just so happens that the DeVoe property was kept out of the CRA area. They aren't part of the CRA area where the DeVoes own property. So we were a little bit upset about that.

Secondly, when we came up here when Commissioner, I believe it was -- it was the last commissioner.

CHAIRMAN FRYER: Fiala.

MR. RIGSBEE: No, not -- well, Fiala, obviously, was against it from the get-go, but then Taylor, Commissioner Taylor.

CHAIRMAN FRYER: Oh, okay.

MR. RIGSBEE: I've packed this room because they did not have the proper credentials. They did not show us anything about an advertisement for their development of Justin's Place. They didn't produce anything. They came up with a lot of excuses, but they didn't produce

anything.

Affordable housing is important, don't get me wrong, but you also have to remember when we were there -- three of our members of the CRA were there at the initial meeting when they had it. They have other properties in the area or in Florida. Everything doesn't have to be developed around where they are right now. They own property up in Ave Maria, I believe. They own property in LaBelle. They own property in Golden Gate, like they mentioned, and they also own Justin's Place.

One of the other disturbing facts that I found out was that these people also are going to be putting non-recovering people in this housing. That could be pedophiles. That could be, you know, people with mental health issues beyond the scope of their training or their ability to have the ability to take care of that.

We have a lot of problems in the Triangle right now and, like I stated before, this was originally planned for a density meeting, and now you guys have gone off -- way off into the -- in a different direction trying to haggle things out legally with these gentlemen.

I'm flabbergasted, quite honestly, because I know these facts, because I've been there 20 years. You're also affecting property value of the people in that area. My property value. That gentleman's property value. The traffic that it's going to -- that it's going to create, because it is a well-known cut-through area.

This is not -- and I'll repeat, this is not the vision of the CRA. And the fact that this was not supposed to be anything more than a zoning density commercial endeavor has turned it into basically a cluster. You guys are haggling. He's haggling. You're getting no commitment from them on anything.

Personally, I am strongly opposed to this, and I speak for at least three other members of the CRA. The CRA, we're trying to do our best, and we are starting a new project in that area to clean up everything, the blight on that area. Now you're talking about putting more people into an area that is already blighted that are mentally ill with no restrictions on them? Come on, guys. This is a -- I don't get it. I really don't.

CHAIRMAN FRYER: One minute, sir.

MR. RIGSBEE: I'm sorry, sir?

CHAIRMAN FRYER: You have one minute.

MR. RIGSBEE: And just to sum it up, this was not the direction of the way this board meeting was supposed to go, period.

That's all I have to say, and the County Attorney knows it. Thank you for your time.

CHAIRMAN FRYER: Thank you very much, and my compliments to you for becoming sober, and I think it's like -- organizations like St. Matthew's that enable that to happen, and --

MR. RIGSBEE: They didn't help me.

CHAIRMAN FRYER: Well, they've helped a lot of people.

Mr. Trachtenberg.

MR. TRACHTENBERG: Good morning. For the record, my name is Joe Trachtenberg. I spent 11 years on the St. Matthew's House board, six of them as their chairman, and I would like to share some facts with you.

St. Matthew's House runs what is considered to be the most successful recovery program in the country. It's been widely acclaimed. Most of the people that come through our recovery program have failed five, six, and seven times. It's one of the few things that I agree with that gentleman. The number of people that actually get out of addiction and alcoholism is very small, which is one of the reasons why the St. Matt's program is so remarkable. It is a one-year residential faith-based program, and all those things that I just said make an enormous difference in terms of the -- in terms of the success rate.

I was on the board of St. Matthew's House when we started the program initially for men and, 10 years ago, for women. And it's been a remarkable thing to watch the successes.

We've had 39 graduations, one a week ago. And if any of you attended them, it's hard to

be there without tearing up and seeing people who a year ago were on the streets, had lost their children, and now these folks have gone through a one-year program without a drink, without a cigarette, they're holding jobs, and they're being reviewed every single day to determine their success.

Now, these homes here will house people who have been through this program. It's not for anybody else. So this is a transitional housing -- transitional housing for our recovery program.

And the only way that we deal with a combination of affordable housing -- and I certainly share your views that we have a crisis in Collier County in this area. We also have a crisis in our country in terms of addiction deaths. And anything that we can do down here to help folks get out of what they're in and get their lives back and their children back is something we should be striving to do. We need this project for both of those areas.

Now, in terms of your concern about a successor owner, I really think that I can provide you with some comfort. It's been stated before we have a donor agreement that says that if we try to sell this property, or really almost any of our other properties, they revert back to the donor. We lose the properties, which means there is no logical reason for St. Matthew's House to ever sell this property.

CHAIRMAN FRYER: Excuse me. Mr. Trachtenberg, is that the case with these particular properties, they revert back?

MR. TRACHTENBERG: Exactly.

CHAIRMAN FRYER: Okay. Well, thank you; that's informative.

MR. TRACHTENBERG: So then your concern might be, well, what is St. Matthew's House survivability? Now, I think you all know St. Matthew's House has been in business since the 1980s. It started to provide a soup kitchen, then homeless shelters. As I said, 12 years ago, because of the recidivism and the number of deaths caused by addiction, decided that it was essential to get into the residential recovery -- recovery program.

If you look at our financial condition, the county doesn't provide one penny to St. Matthew's House operations. In fact, the money that our social enterprises raise -- we have eight thrift stores, we have two catering businesses. We have a restaurant that -- thank you, I'm glad you guys use it. We think it's the best breakfast and lunch place in town. Those businesses throw off sufficient profits to support our programs.

In addition to that, we have tremendous donor support. We operate in the black year in and year out. We have a committed board of directors that is present to secure its future. I really think there's a high degree of comfort that you-all can and should take in terms of survivability of this organization over so many other businesses that exist in the county. And as I said, we are compelled not to sell this. It's an essential part of our operation.

So we're here today entitled to ask you to allow us to do what we're asking you to do. We don't think it's appropriate for you to add in additional responsibilities, additional burdens. We honestly don't think you need them. We think you have enough control already given who we are and what we've done and how we've done it to allow us to proceed as your ordinances allow, and -- and that's what we're here today asking you to -- asking you to do.

So I can't thank you enough for your support of St. Matthew's House, for your recognition of the contribution that we've made to this county and to Southwest Florida for so many years, and I ask you to please support the proposal as it was made. There's nobody here that cares more about affordable housing than I do, and I can tell you that this meets all the criteria.

So thank you very much for listening to me.

CHAIRMAN FRYER: Thank you, sir. I'm going to ask counsel for the applicant to approach the podium, please. Sir, would you please state the terms that would apply under the applicable trust instrument in the event that this property were to change -- you or someone else.

MR. NADEAU: Yes. Do you know the trust document, how it would revert? Joe? Steve? Please.

MR. BROODER: I can talk about the donor agreement.

CHAIRMAN FRYER: Yeah. I want to know exactly what would happen if this property were transferred either by means of a corporate transfer or a property transfer.

MR. BROODER: So the donor agreement simply states that the property was given to St. Matthew's House to operate a transitional housing community for graduates of our programs.

If in the event St. Matthew's House ceases its mission for any reason, the property would revert back to the donor. We cannot sell or transfer ownership without that triggering a reversion back to the donor.

CHAIRMAN FRYER: All right. Well, thank you. I think that would have saved us about an hour and a half to know earlier. But no harm, no foul.

Vice Chairman.

COMMISSIONER SCHMITT: Yeah. I just want to make a comment on the public comments made, and made by Mr. Trachtenberg as well.

The rezoning action has nothing to do with the fact of who lives in the house. And I appreciate the comments, but we don't rezone based on who's living in the house, whether race, color, creed, or otherwise. I think it was somewhat disingenuous to have public comments made about residents, because it's not our job to determine how one enters these houses and who qualifies.

This action is nothing more than an affordable housing density bonus being awarded based on a 50 percent restriction and to allow for the additional density, and that's what we're here for, not deciding who lives in the house.

Of course, our concerns are that it remains affordable housing, and that was the reason why we got into the statement -- or place we did. But regardless of the residents, it's not my concern, and it should not be of anybody else's concerns on this panel, and I just wanted to make that for the record. Thank you.

CHAIRMAN FRYER: Thank you, Vice Chair.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah, I just wanted to tag on to what Joe Trachtenberg has said. I've never met you, Joe, but I want to thank you for your service. As I said a little while ago, these issues get a little more complicated once you get involved in the community. So thank you very much for your service on affordable housing. I appreciate it.

But I am on the David Lawrence Center board, and I know from sitting on that board that transitional housing is one of the major things that changes from a high relapse rate to a much lower relapse rate, so -- and I don't think that's been said. So I think that in addition to everything great about what you're doing that's been said, I think that needs to be said, because it does change the outcome.

CHAIRMAN FRYER: Thank you, Commissioner.

Mr. Youngblood, whom else do we have to speak?

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

CHAIRMAN FRYER: Or on the phone?

MR. YOUNGBLOOD: No, sir.

CHAIRMAN FRYER: Thank you very much. Anyone in the room who has not registered but wishes to be heard in this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing no hands, with that we will close the public comment portion of this hearing, and the matter's now in our hands for deliberation and a motion.

Commissioner Shea.

COMMISSIONER SHEA: Just a quick question. The speaker that kept referring to the CRA, I don't understand what his complaint was. Can you explain it, Mike?

MR. BOSI: Mike Bosi, Planning and Zoning.

I don't want to speak for the CRA, but I know the CRA has been not supportive of affordable housing projects within the CRA. Their perspective has been it's been an area that's been designated as blight. They're looking to upgrade the housing; therefore, they haven't been supportive of affordable housing projects within the CRA. So I --

COMMISSIONER SHEA: This project is within the CRA?

MR. BOSI: It is within the CRA.

COMMISSIONER SHEA: Thank you.

MR. BOSI: Yes.

CHAIRMAN FRYER: Thank you. Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yes. Just to clarify, it's the CRA Advisory Board.

MR. BOSI: Yes.

COMMISSIONER SCHMITT: The CRA, for all intents and purposes, are our Board of County Commissioners --

MR. BOSI: Correct.

COMMISSIONER SCHMITT: -- who are also the voting CRA. But this is the CRA Advisory Board. So to be clear, it's the CRA Advisory Board that you're stating does not support affordable housing?

MR. BOSI: Correct.

COMMISSIONER SCHMITT: Okay. Thank you.

CHAIRMAN FRYER: Thank you. I'm getting a signal from Commissioner Klucik, who's not here, and I don't know whether it's Commissioner Schumacher or Commissioner Sparrazza. So which one is signaling?

COMMISSIONER SCHUMACHER: I think it's me.

CHAIRMAN FRYER: Okay. In the future I'll assume it is. Go ahead, sir.

COMMISSIONER SCHMITT: Wait a minute, Robb -- I always look forward to Robb's comments.

COMMISSIONER SCHUMACHER: Well, it might not be as entertaining. I just wanted some clarity. If it was any other applicant, this would be within the confines, correct?

MR. BOSI: Staff -- staff, based upon the condition and the intensity and the request and the compliance with Affordable Housing Density Bonus Agreement and the guidance of the Growth Management Plan, staff would be recommending approval regardless of the person who -- or the entity that was the applicant.

COMMISSIONER SCHUMACHER: All right. Thank you.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. Among the public comment was something about traffic calming. Can the applicant speak to that?

MR. NADEAU: I cannot, but I have an engineer that might be able to.

COMMISSIONER SCHMITT: This justifies your billable hours, Chris. There you go.

MR. HAGAN: For the record, Chris Hagan, Hagan Engineering.

The traffic being generated here is very de minimus.

MR. NADEAU: Go ahead.

MR. HAGAN: See if I can click, click, click.

MR. NADEAU: Turn that thing on.

MR. HAGAN: There we go.

We're only adding -- the peak-hour trips is the big issue, and the peak-hour trips are -- as you can see from this chart, we're talking about only 15 trips, really. So it's -- it's less than nothing. It's less than one half of 1 percent. I mean, it is -- it is one of the most de minimus changes that I've ever done on a zoning. It is a residential street. The cut-through is not addressed anywhere in the traffic plans, so it's -- there weren't any counts directly on Calusa Avenue to take, but the impact it has on Airport Road and the Airport Road intersections is less than one-half of 1 percent.

COMMISSIONER VERNON: I guess my only thought is, not to get into haggling, but if it's an existing problem that will be slightly exacerbated by this project, were there any plans to do any traffic calming?

MR. HAGAN: There were none. Just paying the regular traffic impact fees so that the county could add calming or any other improvements they see necessary.

MR. NADEAU: What's the distance of the road?

COMMISSIONER SCHMITT: Just to clarify, Chris, it is a county road. It's not a private.

MR. HAGAN: That's correct. Calusa Avenue is a county road, but everything internal to the project is private. It's gated. Like any driveway, gated driveway -- gated community.

COMMISSIONER SCHMITT: I don't understand how the developer can do anything outside of the area they own. So if there are traffic-calming devices, that's up to the advisory board and the community to approach the county to take any type of -- put -- to install any type of traffic-calming devices.

MR. HAGAN: Correct. You said it much better than I did, Joe.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN FRYER: Thank you. One final thing. No one else is signaling.

COMMISSIONER SCHMITT: You taught me.

CHAIRMAN FRYER: I had -- I had, I don't know, seven or eight what I think are also de minimus requested changes on the affordable housing agreement.

And, Mr. Perry, do you feel sufficiently comfortable standing up and running through those quickly, or do you want me to do it?

MR. PERRY: Chair, for your benefit, we've consolidated those changes onto the sheet and put them on the viewfinder for the Planning Commission's viewing, and --

CHAIRMAN FRYER: Would you take us through that quickly?

MR. PERRY: Sure. The summary of the proposed changes we believe are ultimately insubstantial but worth noting. The first is to clarify the legal name. Second is to clarify that when an occupant exceeds 50 percent of AMI, that doesn't cause them to be evicted. The third point is a tense change from "occupying" to "occupied" on Page 6 of 26. Four, again, is -- we added a violations paragraph within the violations section to make it clearer to read. Paragraph 14 references the LDC Section 2.06.04, which is a 30-year commitment to just simply state a 30-year commitment.

CHAIRMAN FRYER: May I interrupt for a moment?

MR. PERRY: Yes.

CHAIRMAN FRYER: The latest draft of this agreement had only two sections, or two paragraphs. And so your reference to Paragraph 14, I'm not sure what that means.

MR. PERRY: It is in the new updated paragraph, because part of the changes were to read paragraph --

CHAIRMAN FRYER: So you brought it out to a new number of paragraphs?

MR. PERRY: Correct.

CHAIRMAN FRYER: And the reference -- maybe you're going to cover this, but the reference to Paragraph -- it looks like it's the next -- Paragraph 13 becomes 14.

MR. PERRY: Correct.

CHAIRMAN FRYER: Okay. Thank you.

MR. PERRY: And that is correct. It is a reference to the termination paragraph.

CHAIRMAN FRYER: Thank you. And you're going to reference 30 years in the text of the agreement itself?

MR. PERRY: Correct.

CHAIRMAN FRYER: I'm sorry I interrupted. Continue.

MR. PERRY: No, no worries. And then six, Paragraph 13 -- and this is speaking for -- there's a strikethrough underline document. It has not been circulated to the Planning



Commission, but it is a matter of public record and can and will be circulated to the Planning Commission. We have a copy as well that can be placed on the viewfinder. It is 26 pages, so we thought we could just spare you, and you could trust us.

Number 7 is that we renumbered it for clarity. Some paragraphs were --

CHAIRMAN FRYER: Would this be reverting back to the previous draft where you do have a lot more paragraphs? Maybe not directly, but at least now you're going to have more paragraphs?

MR. PERRY: The paragraphs are essentially the same; they're just moved left and renumbered.

CHAIRMAN FRYER: Okay. So instead of being sub subparagraphs, they have become --

MR. PERRY: Correct.

CHAIRMAN FRYER: They're promoted.

MR. PERRY: Correct.

CHAIRMAN FRYER: Thank you. Go ahead.

MR. PERRY: And a lot of it's for readability and sensicalness.

Finally, there were other miscellaneous and truly insubstantial changes, such as a hyphen placed between 60 and day, grammatically, and then there was a hereto spelled "here," space t-o-o, and it was supposed to say here t-o.

CHAIRMAN FRYER: Good. And I went over these in detail with staff yesterday, and Mr. Perry was there. I do not believe we need to bring this back for consent, but that's a Planning Commission decision. The sections that Mr. Perry addressed were comprehensive and addressed them in a fashion that I had asked for. So unless the Planning Commission thinks we need to bring that back to consent, and without --

COMMISSIONER VERNON: I don't.

CHAIRMAN FRYER: Okay. So then --

MR. NADEAU: I can say that the petitioner has reviewed the changes proposed by Mr. Perry, and they are not substantive related to the project itself. It's merely form and --

CHAIRMAN FRYER: And so you --

MR. NADEAU: -- grammar.

CHAIRMAN FRYER: -- agree to them?

MR. NADEAU: Yeah, we have no objection to the proposed changes.

CHAIRMAN FRYER: Okay. Thank you very much.

MR. PERRY: And I should say our interim Housing director was in the meeting as well, and they -- they viewed the changes as insubstantial and supported them.

CHAIRMAN FRYER: Good. So we're taking it a little bit on faith. Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I just was going to sort of do a setup for a possible motion if the Chair's ready.

CHAIRMAN FRYER: Please.

COMMISSIONER VERNON: I would approve -- or I would be willing to move to approve the project as-is. If my fellow commissioners feel strongly that we need to make adjustments, I would simply say that it needs to include a knowing waiver of an exaction claim. I think the donor should sign off on it, as well as the applicant, as well as the county. I think there, obviously, is always some legal risk but, in my opinion -- and I'm not County Attorney, but in my opinion that risk is minimal, and whatever we do -- I think that should be a stipulation in the ordinance. And whatever we do, I want to make sure that the applicant is not being burdened with a ton of extra paperwork because of what we're doing, because that costs them money, and that means less money, less time, less ability to help the people they're trying to help. So I just want to make sure we don't accidentally end up there. And I would -- I would support either, candidly.

CHAIRMAN FRYER: All right. Oh, you would. Okay. So you're not making a

motion, or you are?

COMMISSIONER VERNON: No, I'm not, because I really don't know how my fellow commissioners feel, and I kind of -- as long as it's one of those. I guess my preference is to just approve it as-is.

CHAIRMAN FRYER: Thank you. Let me jump in really quickly and say that I withdraw my concerns, because if you've got a reverter clause --

COMMISSIONER SCHMITT: Right.

CHAIRMAN FRYER: -- in the donation agreement, there's really nothing we can do about it. I'm sorry I didn't know that, but I don't think there's anybody in the room to be blamed for that. We had a lively discussion and maybe learned a few things about exactions and the like. So I'm withdrawing my concerns about that.

COMMISSIONER VERNON: Well then, on that basis I would move we approve the project as-is.

COMMISSIONER SCHMITT: And I second.

CHAIRMAN FRYER: And may I ask for clarification that as-is, but with the amendments to the affordable housing?

COMMISSIONER VERNON: With the eight changes.

CHAIRMAN FRYER: Amendments to the affordable housing agreement that Mr. Perry mentioned.

COMMISSIONER VERNON: The eight changes?

CHAIRMAN FRYER: Yes, the eight changes.

COMMISSIONER VERNON: I would modify my motion.

COMMISSIONER SCHMITT: I second that.

CHAIRMAN FRYER: Okay. Thank you. It's been moved and seconded to accept the application as-is with the eight changes to the affordable housing agreement, which the applicant has also consented to. Any further discussion?

(No response.)

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Thank you very much, Planning Commission. It passes unanimously. Thank you, applicant. Thank you, staff. Thank you, County Manager [sic].

MR. NADEAU: Thank you, Commissioners.

(Applause.)

CHAIRMAN FRYER: And we now stand in recess for 10 minutes until 10:46.

(A brief recess was had from 10:36 a.m. to 10:46 a.m.)

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

And I've been properly admonished by the keeper of the record to slow the heck down in my talking, and I will. And I'll ask others to do the same. I just -- we all get kind of cranked up because we believe in what we're doing. But I will endeavor to speak a little slower.

\*\*\*All right. Our second hearing is on PL20210001906, and this is the 5196 23rd Court Southwest rezoned.

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

CHAIRMAN FRYER: Thank you.

Ex parte disclosures from the Planning Commission starting with Ms. Lockhart, please.

MS. LOCKHART: Staff materials only.

COMMISSIONER VERNON: No disclosures.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Public records and meeting with staff.

COMMISSIONER SCHMITT: Staff materials only.

COMMISSIONER SPARRAZZA: Staff materials only.

COMMISSIONER SCHUMACHER: Public records and a site visit.

CHAIRMAN FRYER: Thank you very much. The applicant will please rise, identify herself, and you have the floor, ma'am.

MS. GREEN: Good morning, Commissioners. My name is Gina Green. I'm representing Sognare, LLC, for this rezone.

The site is an undeveloped lot in the middle of Golden Gate City. It's totally surrounded by development on all sides. We are just asking for a straight rezone RSF-3 to RMF-6 to just be able to -- instead of a single-family home, put a duplex on the site.

The setbacks that are required actually will become more restrictive to 10 foot for this rezone from the RMF-6 standards from the RSF-3. So it will actually pull it away from the neighboring properties another two-and-a-half feet. And it is a corner lot, so it does have just fronts and side setbacks.

The site is -- it's an unusual site as far as the fact that it's an RSF-3 that is surrounded on all three sides by duplexes and our -- you know, multifamily structures with just one single-family structure to the east. That's -- and everything is developed at this time.

And the -- if you go to the zoning map, which I have here and shows the location of it, it's an odd piece, because it does front onto Hunter Boulevard which is all prominently duplex and multifamily structures, not single-family structures.

And so that, you know, we're just respectfully requesting that this be rezoned to be allowed to meet a need in Golden Gate for additional affordable housing. You know, the rents in there are a little bit less than they are in most other places, and it will allow us to give, you know, an extra rental unit here in this area. Thank you.

CHAIRMAN FRYER: Thank you, Ms. Green.

I, for one, have no comments or questions about this, and no one is signaling at this point. Does anyone wish to ask or comment?

(No response.)

CHAIRMAN FRYER: If not, we'll go directly to staff's report.

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

Staff has reviewed the rezone request for consistency with the GMP, which has been satisfied. In terms of the compatibility of the request, staff recognizes the close proximity of the RMF-6 zoning to the RMF-3 neighborhood. It provides consistency with the surrounding land uses, and staff is supporting the request.

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Mr. Youngblood, do we have any registered speakers?

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

CHAIRMAN FRYER: Thank you.

Anyone in the room who has not registered but, nonetheless, wishes to be heard in this matter, now would be the time to raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing none, we will close the public comment portion of this hearing, and the burden now falls upon the Planning Commission to deliberate and have a motion.

Commissioner Shea.

COMMISSIONER SHEA: I'd like to make a motion that we approve this as submitted

and recommended by county staff.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SPARRAZZA: Second.

COMMISSIONER SCHMITT: I gave you that one.

CHAIRMAN FRYER: Any further discussion by the Planning Commission?

(No response.)

CHAIRMAN FRYER: Well done, Ms. Green.

MS. GREEN: Thank you.

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Thank you very much, Planning Commission. It passes unanimously.

Thank you, applicant. Thank you, staff. Thank you, County Manager [sic].

MS. GREEN: Thank you.

CHAIRMAN FRYER: Thank you, all.

\*\*\*Okay. Moving right along, next matter is PL20230000930. It's the U.S. 41 East Overlay and Transportation Concurrency Exception Area Expansion GMPA. The matter is before us today on transmittal, which means it's the first of two hearings before us. And it's purely legislative in nature with no quasi-judicial component, so no need for swearing in of witnesses or making ex parte disclosures.

And with that, the Chair recognizes Ms. Mosca.

MS. MOSCA: Thank you, Mr. Chairman. Commissioners, for the record, Michele Mosca with the Zoning Division.

So as the Chairman said, this is a transmittal hearing. It requires two sets of public hearings; two before the Planning Commission, and two before the Board of County Commissioners before this amendment can be adopted. This is a staff-initiated amendment.

I just wanted to generally provide you with the U.S. 41 East Overlay boundary. And as you can see, it begins -- I'll use the inset here. It generally begins at Palm Drive, which is just east of the government center as well as the Walmart, extends along U.S. 41 -- if I can get this mouse to work. There we go -- extends along U.S. 41 for approximately 9.5 miles to Green Road, which is the dividing line between the urban designation and the agricultural rural designation which is the start of the Rural Fringe Mixed-Use District here or, on the larger map, is this location here.

So I just wanted to go into a little bit of the history of this overlay. So the genesis of this amendment begins with that East Trail study. Some of you may be familiar with that. The East Naples Civic Association, back in 2009, prepared a study of the East Trail corridor, and it generally included a vision for the types of developments along the U.S. 41 corridor.

Following that East Trail study, the Board of County Commissioners directed staff back in 2017/2018 to prepare the U.S. 41 Corridor Study. This was more of a formal study. It included a visual preference study for the community. The community was heavily involved in the discussions. The result of this study was a preference on the types of land uses, strategies to limit the types of undesirable uses that the community wanted to see along the corridor. Some of those uses include storage facilities, gas stations, car washes, and outdoor storage.

Following that corridor study in, I want to say, roughly 2019, the Board of County Commissioners directed staff again to prepare a community development plan for the East Naples

area. This was intended to be a comprehensive study to determine or to guide development and redevelopment within that geographic area of East Naples.

The plan itself was accepted by the Board in 2020. It included an implementation process, which the first of that implementation stage is the preparation of the U.S. 41 East Zoning Overlay.

And I just wanted to talk briefly about the zoning overlay so you can see how the zoning overlay fits with the Future Land Use Element/Future Land Use Map Overlay.

So I'll go through the Future Land Use Map Overlay. I did that briefly at the beginning. So you'll notice with the zoning overlay, it has the same area along the corridor, skips the area of the rural fringe -- that's a different program area -- and extends all the way east to just east of Port of the Islands.

The zoning overlay implements, in part, the East Naples Community Development Plan, it establishes design and development standards as well as uses for the area. It promotes mobility options, promoting ped and bike facilities, as well as interconnections to residential and commercial.

It allows for increased density and height in certain areas, and those are the areas I'll explain next on the FLUE overlay, and it also provides for economic development uses within the urban portion of this overlay.

So now we'll go to the FLUE overlay. Let me just back up a second. So the last two items -- let me just go back one. So the last two items, the increased density and height as well as the economic development use, aren't currently allowed along the corridor. Those two items necessitate the Growth Management Plan amendment.

With that -- so this is the Future Land Use Element. As you can see, as part of zoning overlay, we've established regional centers. Those are your existing activity centers within the corridor. We've also established four community centers. And then the corridor segments are in blue.

So the Future Land Use Element overlay allows for that increased density in the regional subdistricts -- those were the activity centers -- up to 20 dwelling units per acre, increased density in the community subdistrict, which were those community centers or green areas, up to 16 dwelling units per acre, increased height in both the regional and community subdistricts up to 20 feet above what's currently allowed for in the existing underlying zoning, and allows for the economic development uses.

In addition to the amendment to the Future Land Use Element, Future Land Use Map and Map Series, staff is also requesting an amendment to the existing South U.S. 41 Transportation Concurrency Exception Area. So you can see the existing geography on the left-hand side. Staff is proposing to expand the TCA from the southern terminus roughly around Rattlesnake Hammock, which is right around this location here, all the way down to the activity center located at U.S. 41 and Collier Boulevard on the east side.

COMMISSIONER SHEA: So what does that mean?

MS. MOSCA: I'm just about to tell you.

So the Transportation Concurrency Exception Area, they're established to promote urban infill as well as redevelopment projects where you may have difficulties in expanding roadways or providing for, let's say, a parallel roadway. So the TCA will allow development projects, redevelopment projects to come in and use alternative means to address their transportation impacts.

So a project that's within this TCA -- I'll go back up to the map. So a project that develops within the TCA, they're not subject to a link-by-link concurrency. What they can do -- some of the transportation demand strategies -- and you've probably heard this from transportation staff in the past. This particular overlay really promotes those strategies by providing for infill development where -- and you'll see the zoning -- you'll see the zoning overlay in a few months. It provides for vertical mixed-use. It provides for pedestrian and bicycle pathways. So there's a lot of transportation demand strategies that are written into the overlay. So this really -- this project

really aligns with that TCA.

Does that generally answer your question, Commissioner?

COMMISSIONER SHEA: I still get confused with the T and C part of it.

CHAIRMAN FRYER: Let me -- let me say it this way: It's going to allow for greater development, greater intensity without necessarily improving the roads.

COMMISSIONER SCHMITT: Correct.

COMMISSIONER SHEA: Okay.

COMMISSIONER SCHMITT: But the provision is they have to provide alternatives. There are steps that they would implement.

MS. MOSCA: Correct.

COMMISSIONER SCHMITT: Ride sharing, other types of things, whatever it may be, bicycle paths, those type of things.

CHAIRMAN FRYER: Four from Column A, three from Column B. And the issue that I'm going to bring up is whether these are robust enough to really have a meaningful and positive effect on traffic. But one doesn't know the answer to that question.

I'm sorry. Go ahead, Ms. Mosca.

MS. MOSCA: No, no, no. You're fine.

And we also have Transportation staff here if you want further detailed explanation. But, again, this overlay really aligns well with the TCA. So we'll get the types of development. The community would like to see the vertical mixed-use, and some of the additional economic development uses while trying to lessen the number of trips on the roadway.

CHAIRMAN FRYER: Ms. Mosca, would you mind --

MS. MOSCA: Yes.

CHAIRMAN FRYER: -- ticking off the commercial exception options and the residential exception options? Because Commissioner Shea mentioned it, the vice chair mentioned it, and I'm going to want to talk about it. Best that you put it forth for everyone, if you don't mind.

MS. MOSCA: I'm sorry. I'm not understanding.

CHAIRMAN FRYER: Okay. What is it, A through J, the options for commercial, and then there are four options for residential. Carpools is the one the vice chairman mentioned. If you would just go through those.

MS. MOSCA: Actually, I'm going to pull up the Transportation Element and defer to Mike Sawyer, so hold on one second.

CHAIRMAN FRYER: Okay. That's fine. That's fine.

Before you start, Mr. Sawyer, I'll -- I may raise a criticism or two about these, but they're very thoughtful. Staff has put a lot of effort into it. They may work, they may not, but it's probably all we have. So that's my prelude.

Mr. Sawyer.

MR. SAWYER: Good morning. For the record, Mike Sawyer, Transportation Planning. Commissioners, this particular section of the code is only in the GMP. The original intention when it was put into the GMP was to have the actual implementation language provided in the Land Development Code. Unfortunately, that never occurred.

What I can tell you is that the techniques that we've got, they are split between commercial and residential. They are nationally recognized as techniques for these types of programs. And I can -- I can go through those items if you want me to.

CHAIRMAN FRYER: Would you? I do.

MR. SAWYER: I'd be happy to.

CHAIRMAN FRYER: Yeah.

MR. SAWYER: Okay.

CHAIRMAN FRYER: I think that -- well, go ahead, please.

MR. SAWYER: For commercial uses, there are nine. The first is preference parking for carpools and van pools that is expected to increase the average vehicle occupancy of work trips

generated by the development. That's the first one.

Second one, parking changes that is expected -- parking change that is expected to increase the average vehicle occupancy for work trips generated by development and/or increase trip ridership.

Third, cash subsidy that is expected to increase the average vehicle occupancy for work trips generated by the development or increase transit ridership.

Fourth, flexible work schedules that are expected to reduce peak-hour automobile trip -- work trips generated by the development.

The next one, compressed workweek that would be expected to reduce vehicle miles of travel and peak-hour trips generated by the development.

Next, telecommuting that would be expected to reduce the vehicle miles of travel and peak-hour trip -- work trips generated by the development.

Transit subsidy that would be expected to reduce auto trips generated by the development and increase transit ridership.

Bicycle and pedestrian facilities that would be expected to reduce vehicle miles of travel and automobile work trips generated by the development.

And last, for commercial, including residential units as a portion of a commercial project that would be expected to reduce vehicle miles of travel.

CHAIRMAN FRYER: Thank you. Now do the four residential, if you would.

MR. SAWYER: Okay. First on residential, including neighborhood commercial uses within a residential project; providing transit shelters within the development, in quotes, shall be coordinated with Collier County transit.

Next, providing bicycle and pedestrian facilities with connections to adjacent commercial properties and, last, vehicle -- vehicular access to adjacent commercial properties with shared commercial and residential parking.

CHAIRMAN FRYER: Thank you. And in case of the commercial, which this is the longer list, the developer would have to pick four.

MR. SAWYER: Correct.

CHAIRMAN FRYER: At least four.

MR. SAWYER: Correct.

CHAIRMAN FRYER: And in the case of residential, the developer would have to pick three out of the four?

MR. SAWYER: Correct.

CHAIRMAN FRYER: Okay. Now, the reason I wanted to highlight this is, first of all, I expect I'm going to vote in favor of it, but I just think it's important for us as planning commissioners for the record that we prepare for the Board of County Commissioners to point out some significant uncertainties that -- these are chances that we are wanting to take, but they are not absolutely -- first of all, they haven't been tested that we know of, and I've asked this many times of staff over the years. And to staff's knowledge and to mine, there is no actual scientific testing of whether any of these work.

Some of them compel themselves as a result of common sense. Verticalization, for instance. Others depend upon the extent to which, if any, that they would reduce traffic congestion, and that's what this is all about.

So when we talk about it -- and I do, I go out -- maybe go out on a limb and say I think this is probably going to be the only significant issue that we would want to talk about today.

But we need to recognize that, frankly, it may not work. And widening of the East Trail is, as a practical matter, not going to happen. So we have to find ways other than widening the road or creating more lanes somehow because, you know, due to the cost of eminent domain takings, whatever, this, that, and the other, that's not going to be any solution that's in front of us for a long time.

So we all are endeavoring to find other solutions, and that's what this, these lists are all

about, and I'm going to want to talk about them in a minute. But let me yield now to Commissioner Vernon.

COMMISSIONER VERNON: Yeah. Just a question of understanding maybe from you and Joe based on your comments about, you know, we don't have to build or improve roads. Is one of the -- and it's a really basic question, but I just want to make sure I'm on the right track. One of the anticipated events from this is that people will be more self-contained and not feel the need to drive 15 miles. That's one of the concepts.

CHAIRMAN FRYER: Yeah, that's -- walkability, mixed-use, complementary mixed-use, interconnection of neighborhoods, encouraging bikes, encouraging carpooling, incenting people who travel in car pools. I mean, and many of them stand to reason that they should help, but not all. And I don't believe that they would measure up to a solution of widening the road but, unfortunately, that's not going to be put on the table, so we need to do the best we can.

Anyone else want to be heard at this time?

(No response.)

CHAIRMAN FRYER: Mr. Sawyer.

MR. SAWYER: The only -- the only couple things that I would add, certainly when we have mixed-use developments, we do want to encourage those, because, you know, even ITE, our guide to transportation trip numbers, recognizes that wherever you do have mixed-use developments that you do have that internal capture so, in other words, they capture their own trips.

Not only that, but when we create centers where we have additional density, that tends to pull those trips towards those centers and reduces the overall number of miles that people travel on our roadways. So, again, that, in and of itself, reduces some of those additional outlying trips.

The other thing I would add is that 41 is under the control of Florida Department of Transportation. It's not ours. We do coordinate with them pretty much on a daily -- certainly a weekly basis whenever we've got projects. And we did, in fact, work with them when we were putting this together.

Definitely here to help. Staff is understanding that to a degree some of these techniques, as you're saying, are quite logical. We understand inherently that they do work. Some of them less so. And we do want to look at getting that specificity put into the Land Development Code, and that is something that staff would be seeking to both do basically an update and then also get those -- that specificity in the Land Development Code.

CHAIRMAN FRYER: Thank you.

And it just remains to be seen, but I didn't want the public or, certainly, when this goes to the Board of County Commissioners to think that we have a very, very high level of confidence that this is going to work, but we're kind of, ourselves, are constrained, because I'm correct, am I not, Mr. Sawyer, that we're not going to be widening the East Trail anytime soon?

MR. SAWYER: Correct. And there really are no parallel corridors that we could establish.

CHAIRMAN FRYER: Okay.

MR. SAWYER: So you're exactly correct.

CHAIRMAN FRYER: Yeah. So we have to try to find other ways. And I think it's perfectly legitimate for you to have done that and for us to approve it as long as we go in with our eyes open.

Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah, Mike, to my recollection, the county's been using TCEAs -- there are others in the county -- for almost 20 years since we implemented what we called back then checkbook concurrency. But we have TCEAs elsewhere where we've, actually, in rezoning language put in language that was restrictive in regards to compliance as based on the GMP language, have we not?

MR. SAWYER: Actually, this is the only exception area that we've got. We do have TCMA areas that are Transportation Management Areas, and there are two of those that we have.



Those are slightly different where we actually average out the impacts on the roadways, and as long as we keep the required percentage overall in those two other areas, that you do -- in fact, you are found consistent with the -- with the GMP.

COMMISSIONER SCHMITT: Immokalee is not -- up on Immokalee and 41, I thought -- or maybe I'm thinking Golden -- anyways, you corrected the record, because I thought up in that part of the county there was a TCEA as well.

MR. SAWYER: Again, they're not exception areas.

COMMISSIONER SCHMITT: Exception areas. Okay. Okay, thanks.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. How are the two TCMAs working out?

MR. SAWYER: Actually quite good. I believe the one -- the east central, I believe, is actually at 100 percent of capacity right now, so that is in really good shape. So there are no issues in that particular one. I believe the other one, I would have to -- I can double-check that for you. I've got the information right here with the most current AUIR. But I believe last year it was 97 percent. So, again, we are in -- definitely within range on that.

COMMISSIONER VERNON: Thank you.

CHAIRMAN FRYER: No one else is signaling at this point. I see Mr. Bob Mulhere here. I don't want to put you on the spot, sir. Were you -- was this the matter you wanted -- just nod. You don't need to come up. Was this the one you were going to testify on?

MR. MULHERE: I am going to speak on this. I have a slip.

CHAIRMAN FRYER: All right. Okay. Well, when the time comes, I'll ask you, and just for the sake of preparation, if you have a comment or two to say about these bullet points, these options, the satisfaction of them, if you have any empirical evidence that you could offer that would give us a little higher level of confidence that they might work -- I mean, I know you're very experienced in this area, and I'd appreciate hearing your expertise. So I just wanted to give you that heads-up. Thank you.

Anything else for Mr. Sawyer?

(No response.)

CHAIRMAN FRYER: Mr. Sawyer, anything else from you, sir?

MR. SAWYER: No.

CHAIRMAN FRYER: Thank you.

Okay, Ms. Mosca.

MR. SAWYER: Thank you.

MS. MOSCA: Okay. And then next, I just wanted to go through the regulatory process. We talk a lot about the Growth Management Plan amendment as well as the Land Development Code amendment.

So as we stated at the beginning, this is the first of two Planning Commission meetings. The Board of County Commissioners for the transmittal -- the transmittal hearing is scheduled for April 25th. As we go through the process, if this is transmitted to the state, we'll be working with the Development Advisory Committee to provide comments on the Land Development Code amendment, which is the zoning overlay, and then we'll come back to the Planning Commission sometime around July, and that would be both for the adoption hearing of the Growth Management Plan amendment, what you're hearing today, and then you'll also have your first review of the zoning overlay, which provides a lot of the details that you're asking about now in terms of the mixed-use products as well as additional multimodal provisions we're including within that overlay.

CHAIRMAN FRYER: Our first and only shot at the LDCA, right?

MS. MOSCA: Yes, sir.

CHAIRMAN FRYER: Yeah, okay. And in our discussions yesterday, I asked for and I think I got an affirmation from you and your colleagues that quite possibly you would be coming forward with maybe some tuning up of these TCEA points. Did I -- am I being faithful to our

conversation?

MS. MOSCA: Close. I think what we're going to do is separate from this GMPA and Land Development Code amendment for the zoning item. We don't want to delay it. So what we'll do, as we work through this, we'll also be working with Transportation staff to propose changes to the transportation demand strategy. So we'll do that as close as possible to this item, but not with this item.

CHAIRMAN FRYER: Okay. And you would expect some tightening up of those at that time?

MS. MOSCA: Yes, that's what we talked to staff about.

CHAIRMAN FRYER: Okay, good. That's what I wanted. Thank you.

MS. MOSCA: And then with that, we're hoping by September -- again, this is, unfortunately, a lengthy process. But we're hoping by September we'll have the second reading of that zoning overlay before the Board of County Commissioners.

And then, lastly, staff is recommending that the Planning Commission recommend approval or transmittal of this amendment to the Department of Transportation -- Department of Economic Development, sorry.

CHAIRMAN FRYER: Thank you very much.

MS. MOSCA: You're welcome.

CHAIRMAN FRYER: No one is signaling at this time, until Commissioner Vernon did. Go ahead, sir.

COMMISSIONER VERNON: Just another educational question for any of the staff, or Joe probably knows the answer. How is it -- what are we doing here that gets us out of concurrency?

CHAIRMAN FRYER: We're excusing concurrency requirements. The level-of-service standards will be relaxed even though these roads are, frankly, going to become more congested.

COMMISSIONER VERNON: Right. Let me rephrase it. What I mean is we're hitting some -- and maybe you just said it. We're doing what you just said, which, under the concurrency law, says if you do this you get out of your concurrency requirements?

CHAIRMAN FRYER: Yeah. It's kind of a greater-good concept. We're willing to take on some more congestion in exchange for all of these other good things that we believe will happen.

COMMISSIONER VERNON: Okay. That was it. Thank you.

COMMISSIONER SCHMITT: That's a good way of putting it. That's exactly what we're doing.

CHAIRMAN FRYER: Thank you, Vice Chair.

All right. Ms. Mosca, you're finished? I think you probably indicated you were.

MS. MOSCA: Yes, I am, thank you.

CHAIRMAN FRYER: Thank you.

Mr. Bosi, anything else from staff?

MR. BOSI: Nothing else from staff. Thank you.

CHAIRMAN FRYER: Okay. Thank you.

Now would be a good time for public speaking. And I had asked Mr. Mulhere, who I know is experienced in this area and brings expertise along, if he would certainly comment on whatever he wants, but I'd personally like to hear from him about whether these TCEA exception criteria work.

MR. MULHERE: Yeah. We haven't had a great deal of experience.

CHAIRMAN FRYER: You need to state your name.

MR. MULHERE: I'm sorry. For the record, sorry, Bob Mulhere with Hole Montes.

We haven't had a great deal of experience with these -- the application of these standards. We've had some. I think the opportunity to have that experience is now upon us because, as the urban area has significantly been developed and is approaching, really, frankly, development

buildout, with the exception of some infill parcels, we're going to have to address situations including the ones where we specifically have these already applying, where we have no alternative. The alternative is too expensive to widen the roadways, as you've indicated, Mr. Chairman.

So we can look at what other communities have done -- more urbanized communities have done in similar situations in the state of Florida, and these TCM -- TCEA or TCMA's are very viable opportunities. I think the devil's in the details. So as these come up, we have to kind of try to figure out under the context of the development and the surrounding area, which of these -- you know, this Chinese laundry list of opportunities, which of those are the best in that circumstance to reduce -- to increase the number of passengers within a vehicle and reduce the number of trips in that way through maybe transit use.

By the way, the East Trail is not going to be widened. There's really no opportunity to widen the East Trail moving down through U.S. 41 from, say, Airport Road. We just don't have that kind of money. It would be way too expensive. But there are some opportunities. If you think about the Towne Centre on the East Trail, that's a fairly large development. There would be excellent opportunities in a place like this to apply standards like that.

You know, it's harder to see a benefit on, you know, a 10,000-square-foot C-3 or C-4 zoned property. Not that you can't require these, but it's a little harder to see that benefit. It's a collective benefit.

But the East Trail will be widened beyond where it presently terminates from -- or goes down from four lanes to two lanes, which I think is just in and around the greenway area. And there's no funding for that in place that I'm aware of right now. I think it's in the next five-year plan.

But there's a lot of activity out there so, perhaps, as you look at the AUIR over the next several years, you might look at that East Trail as probably something that warrants significant attention in terms of funding.

I did have one specific comment to make, and that is that I do represent a client who is in and under review and is scheduled for public hearings. I'm not going to get into the specifics because it's quasi-judicial, and you'll have the opportunity to see it when it comes. But traditionally the county has not applied a pending requirement to an application or petition that is sufficiently within the process that it has been submitted, has, you know, been reviewed, and in this case will be before you, may be approved or not approved, you know, based on your recommendation and the Board of County Commissioners.

So I just want to make a general statement that I think we always have to be very cautious with how we regulate uses in the marketplace that have existed and have been allowed for decades. And how we regulate those, we should minimize -- minimize -- and I don't think there's any intention here to prohibit these uses. There are some intentions to change the nature of those uses so that the objective of the East Naples Community Plan can be better realized. And if that's the case, we can evaluate that when we see the LDC amendments.

But I'm cautious about saying that these uses, even though there's strong demand in the marketplace and they've been allowed for 30 or 40 years, we're not going to allow those anymore. I don't think that's the intent here, but I do represent at least one client who's in the process.

CHAIRMAN FRYER: My guess is that the underlying uses will continue to be permitted or else you'd have a Bert Harris thing.

COMMISSIONER SCHMITT: Correct.

MS. MOSCA: So I just wanted to respond to --

CHAIRMAN FRYER: Thank you, Mr. Mulhere.

MS. MOSCA: -- Bob, if you don't mind. So the zoning overlay will not take away the underlying uses.

CHAIRMAN FRYER: Right.

MS. MOSCA: There are situations where certain projects are coming forward that either

require a rezone or require a conditional use or may require a comprehensive change. Those I would not say are protected in terms of, you know, a taking, for example.

CHAIRMAN FRYER: I agree.

MS. MOSCA: Okay.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: I think they answered my question. Thank you.

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

Anything else, Ms. Mosca?

MS. MOSCA: No, nothing further. Thank you.

CHAIRMAN FRYER: Thank you.

Mr. Youngblood, do you have anyone else who wishes to be heard?

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

CHAIRMAN FRYER: Okay. Anyone in the room who would like to speak on this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing no raised hands, with that we will close the public comment portion of this proceeding, and it then befalls us as the Planning Commission to deliberate and vote.

Vice Chairman?

COMMISSIONER SCHMITT: I certainly would make a recommendation to approve and forward to the Board of County Commissioners for their final approval for transmittal to the state.

The U.S. 41 has been studied, Mike, over the past 20 years. Ray, this is, what, the fourth or fifth time on the 41 corridor?

MR. BOSI: Commissioner Schmitt, Mike Bosi.

I believe we have a sophomore in high school since this started. It was 2008/2009 with the East Naples Civic Association.

COMMISSIONER SCHMITT: I mean, yeah, clearly, it's been restudied and studied. And I understand that the East Naples issue's been contentious, because 41, when it was last widened, the most restrictive piece of U.S. 41 are the depth of the lots that restrict the type of development I think that the residents would have liked to have seen come in, but it's just not going to happen unless these type of initiatives are set forward in either the overlays or other type of initiatives to try and promote -- what they want there is more redeveloped to eliminate some of the older communities and older developments, strip malls and whatever, along 41.

And, certainly, during my tenure with the county, I remember this vividly, and commissioners from that area voicing their concerns about 41. And this is a step forward. This was directed by the Board. The staff responded. And I think with that I'm going to recommend approval.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER VERNON: Vernon seconds.

CHAIRMAN FRYER: Thank you.

Further discussion?

(No response.)

CHAIRMAN FRYER: I'll just -- at the risk of repetition, I'm definitely going to vote in favor of this, of course, but I think we all need to understand that part of it is aspirational, particularly when it comes to the issue of traffic congestion, may or may not work, so we're going into this with our eyes open. We're not taking away any uses. We're adding an array of uses that should make this neighborhood a better place, and that we all are -- we hope it works out.

Any other comments?

(No response.)

CHAIRMAN FRYER: If not, it's been moved and seconded to approve the GMPA at transmittal, and --

COMMISSIONER SCHMITT: I have one other comment.

CHAIRMAN FRYER: Go ahead, Vice Chair.

COMMISSIONER SCHMITT: Michele, I'm just kind of curious. No one from East Naples, the Civic Association or anyone else, is here today to speak on this. I'm assuming that they pretty much thought this was going to be pretty much a rubber stamp.

MS. MOSCA: Well, I wouldn't say rubber stamp. But Jacob Winge was here earlier. We expected two or three others. We have -- Lenore is in the back.

COMMISSIONER SCHMITT: Okay.

MS. MOSCA: So they're -- the civic association -- Civic Association Commerce now, they're called, they're very supportive. Again, this is the first step because we have to provide for the intensity and density within the plan before we can allow that within the zoning overlay. So, you know, typically, I think, the community will come out at the DSAC hearings as well as the adoption hearings for this particular amendment.

COMMISSIONER SCHMITT: Okay. Thanks.

CHAIRMAN FRYER: Thanks. And further to that, there were two reports in our packet that I read, and I'm sure others did as well, and the Fehr & Peers report was complimentary of the proposed solution, recognizing the limitations with respect to widening the road, but they did explicitly acknowledge it may not work on traffic. Congestion may not be improved. But, nonetheless, it is a -- certainly a reasonable business judgment for us to make in this instance and the Board of County Commissioners when it comes to them for approval.

And, likewise, the East Naples group acknowledged that it might not be a perfect solution, but they supported -- they supported it as well, and they're the ones who, obviously, have a dog in that fight that the neighborhoods are improved.

So any other comments?

(No response.)

CHAIRMAN FRYER: If not, it's been moved and seconded to approve for transmittal. All those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Thank you. It passes unanimously. Thank you, Staff. Thank you, Ms. Mosca. Thank you, all.

Now, I assume it's the wish of the Planning Commission that we try to get the fourth and final matter out of the way and just take a late lunch rather than take a break. And assuming that's okay with the court reporter.

THE COURT REPORTER: (Nods head.)

CHAIRMAN FRYER: And without objection, that's what we'll do.

\*\*\*Okay. So the fourth and final matter is on PL20200002234. This is the RFMUD, the Rural Fringe Mixed-Use District restudy Growth Management Plan amendment. And unlike the first GMPA we heard, this one's here for the final time for us for -- on the issue of recommendation for adoption. And I'll just say that when you looked at that material, there were single underlines and double underlines and single strikeouts and double strikeouts, and all the things on the single underlines and strikeouts we have already unanimously approved. Now, that doesn't mean we can't talk about them, because we absolutely can and, in fact, I had a couple of questions. But I just wanted to remind the Planning Commission that all those single underline things have already been before us and we've said yes.

Ms. Mosca.

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

And, as the Chair stated, this is the adoption hearing. The Planning Commission previously heard the transmittal amendments in May of 2021, and the Board heard the transmittal hearings in April of 2022.

So Commissioner -- Mr. Chairman, I can either provide -- I'm prepared to provide a summary of the amendments at transmittal, or we can jump to the CCPC recommendation at transmittal and the Board transmittal to the state, however you want to handle it.

CHAIRMAN FRYER: Or we can just ask specific questions. What's the wish of the Planning Commission? How much do you want to hear on this?

COMMISSIONER SCHMITT: I think Michele ought to go through all 28 pages.

MS. MOSCA: I don't have 28 pages.

CHAIRMAN FRYER: What's your second-best idea, Vice Chair?

COMMISSIONER SCHMITT: Summary review. We've seen this before. Some of the newer commissioners may -- I leave it up to them if they want some background on the Rural Fringe Mixed-Use District. But we've seen this before and, quite frankly, the adjustments are pretty benign, but I'll defer to your questions.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Can we just do an overall summary of the intent of all this?

CHAIRMAN FRYER: Yeah. Ms. Mosca, give us one of those.

MS. MOSCA: Okay. I will give you one of those. So just to orient you-all, I'll just tell you where it is. The Rural Fringe Mixed-Use District is this area located here. It is west of the urban area here in yellow, and then -- I'm sorry. East. I'm -- you know what, I've been sick. I'm so sorry. My head --

CHAIRMAN FRYER: The other east.

MS. MOSCA: The other east, yeah, so -- and it is west of the Estates designation here.

The Rural Fringe is made up of three designations or lands. The receiving area where we want -- in teal where we want to see development occur, less environmentally sensitive. The orange here is the Sending Lands. This is where we are proposing to preserve. They have greater environmental levels, and we want to send development rights from sending to these teal areas, which are your receiving. And then the hatched areas are the neutral areas which are generally neutral to the program. They really haven't lost any of their development rights. They're still one dwelling unit per five acres.

So I'm not going to go through all of the Sending Land changes. There were a lot of changes that we were trying to -- staff and the community, we were trying to add additional TDRs to get that balance of TDRs to development potential. We had some changes in the Sending Lands to allow additional credits. We also have the watershed improvements plan which is the -- most of you may be familiar with the Belle Meade hydrologic enhancement overlay. So that is diverting water from the Golden Gate canals as well as the I-75 canals to the Naples Bay as well as Rookery Bay.

So I won't go into a lot of detail unless you have questions. I just want to give a general overview.

The Receiving Lands, we had some additional TDRs for agricultural preservation or native vegetation beyond what's already required in the Receiving areas. For Rural Village development, we've changed the maximum acreage in the leasable floor area of limitations in the village center as well as the research and technology parks.

We provided new measures for mixed-use development in the villages. This is a big one -- excuse me. We're incentivizing affordable housing at up to 12.2 dwelling units per acre without the requirement to use TDRs, and then also to allow a commercial component with the affordable housing.

Outside of the Rural Villages, staff had originally recommended going from one unit to

two dwelling units per acre, and you'll see the change that the Board of County Commissioners made.

And then in the Neutral Lands, again, this is the hatched area, allowing for TDR credits for existing agricultural and conservation uses, removing the 40-acre threshold for cluster development.

And then in the urban area -- and this is something that the development community wanted to see as well as property owners -- eliminate the one-mile boundary from which TDRs are required for the Residential Fringe Subdistrict.

Eliminate the requirements for TDRs with one of our density bonus provisions, the urban residential infill provision. And this was something -- the last item, number three, was something that the Planning Commission made a change to, and this, again, was the transmittal recommendations, and that was to require the utilization of TDRs if, in fact, there was increased density proposed with a Growth Management Plan amendment.

So that's a pretty quick summary. If anybody has some specific questions, I'm happy to answer those.

CHAIRMAN FRYER: Thank you. And I want the record to show, based upon information provided to me yesterday by Ms. Mosca, that this is red tide causing her to cough.

MS. MOSCA: Yes, I'm sorry about that.

CHAIRMAN FRYER: Not any other very bad disease of any kind.

MS. MOSCA: No, nothing else. Thank you so much. And I'm sorry. I'm trying to get through this.

CHAIRMAN FRYER: We've all got it. No problem.

MS. MOSCA: Okay. So I just want to quickly address the CCPC recommendation at time of transmittal. So the CCPC generally endorsed staff's recommendation with these exceptions here, and the CCPC added to the GMPA, to increase residential density, that we would require a public benefit. So it didn't have to be utilization of TDRs. It could be a public benefit.

And then we have two deferrals until we do the Belle Meade -- North Belle Meade study. One was the Rural Village development. We had suggested any parcel or parcels equal to or greater than 300 acres had to do -- had to develop as a Rural Village. And then also we deferred the proposal for the additional agricultural credit until time of the Belle Meade study, all sending land, neutral and receiving lands. And then the Planning Commission recommended that staff move up the time frame for the Belle Meade study from two to one year.

So at the Board of County Commissioners meeting, their transmittal to the state, the BCC endorsed the CCPC's recommendations; however, they removed the allowance to increase density from one dwelling unit to two dwelling units per acre outside of Rural Villages and Receiving Lands, and that was only -- if you recall, that was only for the north and northwest areas. And so that would have only been for this area here and this receiving area here.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Yeah. Did they give some explanation why they wanted to do that?

MS. MOSCA: What I recall is that there was concern about increasing density within those areas along Immokalee Road corridor. So they didn't want to move forward with that. That doesn't mean we can't look at that again as we study the Belle Meade and generally some of the other Rural Fringe credits.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: Thank you.

CHAIRMAN FRYER: Thank you. No one else is signaling at this point. Could I ask a few questions, or did you want to finish first?

MS. MOSCA: No, that's fine.

CHAIRMAN FRYER: Okay. I don't have any significant issues, but I just -- I wanted to get some clarification on some things. And I start at Page 565 of the 1,098-page packet that we

received. And on that page, there's a section that says, one, maximum density, and then it says, except for housing that is affordable.

Now, I believe it's Section 2.06.04 of the LDC. But could you briefly outline what the specifics are with respect to affordability of housing and how that -- how that will be granted and managed?

MS. MOSCA: Yes. So this provision requires that any project providing affordable housing must comply with the Land Development Code Section 2.6.00. Within that section, you have your specific categories for affordable housing. So a developer would have to meet all of those provisions within there.

CHAIRMAN FRYER: So very low would garner the most density --

MS. MOSCA: Yes.

CHAIRMAN FRYER: -- and gap would garner the least?

MS. MOSCA: Correct.

CHAIRMAN FRYER: Got it, okay. Thank you.

Then the next comment on that same page, in No. 2 -- and there are a couple of places where this happens -- there's a reference to within one year the county shall do a certain thing. And I don't want to set us up for failure, because some things may be beyond the county's control, and that time frame of a year may be extended. And we don't want any -- either county staff members, county commissions or planning commissioners be embarrassed if we go beyond this one-year term. So my proposal would be instead of saying "within one year of adoption," change that to "as soon as reasonably practicable," and that gives -- that gives you -- you know, to take account of reasons perhaps beyond your control why you can't meet the one-year deadline.

MS. MOSCA: And want to -- with that, I just want to defer to legal staff. I know in the past -- and we had a brief discussion, Mr. Chairman. The statute requires that the amendments be measurable, so I want to defer to Heidi if that would be an issue if we change the time frame -- specific time frame to what you're suggesting as soon as reasonably practical.

CHAIRMAN FRYER: Practicable.

MS. MOSCA: Practicable.

COMMISSIONER SHEA: Where did the one year come from to begin with? From you guys, right?

MS. ASHTON-CICKO: What section of the ordinance is it?

MS. MOSCA: Sure. This is Exhibit A. And let me see what --

CHAIRMAN FRYER: The section is No. 2, and it's on Page 565 of the packet.

COMMISSIONER SHEA: It's in a couple other areas, too.

CHAIRMAN FRYER: Yeah, it is.

MS. ASHTON-CICKO: Of the pages 8 of 30. What page is it on the ordinance?

MS. MOSCA: That's what I'm looking for. Okay. It would be -- I'm trying to find it. I'm sorry, Heidi.

CHAIRMAN FRYER: While you're looking, I'll simply say, if you want to put another date-certain in, let's just be absolutely sure that that time frame can be met, because it takes account not only of delays resulting from acts or omissions of the county itself, but acts of God. And, you know, to impose a -- for the county to impose a restriction upon itself, I think, just -- it sets the county up for embarrassment unnecessarily.

COMMISSIONER SHEA: But I think it's a good idea, though, to set some real dates. (Simultaneous crosstalk.)

CHAIRMAN FRYER: Yeah, but we don't have control of all variables.

COMMISSIONER SHEA: But you can change the date.

MR. BOSI: Chair? Chair?

MS. ASHTON-CICKO: I'll just come over and look at what you're looking at.

MR. BOSI: If you go to Page 9 of 30 -- Heidi, if you go to Page 9 of 30, it's one of the first instances where it says the county is going to take action within a year or two. That's



where -- what the Chair is suggesting is when we have those time frames, to change it from a specific year or two to say within -- the term was within a time frame reasonably practicable.

CHAIRMAN FRYER: As soon as reasonably practicable, which is very, very common contract language.

MS. ASHTON-CICKO: Well, in dealing with the Department of Community Affairs and now the Department of Economic Opportunity, they do like to have specific measurements, and I think it's also good for the county to have a specific measurement; otherwise, it will never get done.

CHAIRMAN FRYER: Well, I hate to think that. Well -- I'm just -- I'm trying to help you folks out.

MS. MOSCA: No, and I appreciate that. I was just concerned about whether or not it would be deemed measurable under statute.

CHAIRMAN FRYER: Commissioner Shea.

MS. ASHTON-CICKO: A lot of those 9J5 regulations got eliminated but, still, I don't think -- my recommendation is to continue with the one-year time period. If you don't think you can meet the one year, then change it to two.

COMMISSIONER SHEA: But you have to come in with a reason.

MS. ASHTON-CICKO: Yeah.

COMMISSIONER SHEA: I think if you're willing to commit to it, I like -- personally, I like deadlines.

CHAIRMAN FRYER: Yeah, I do, too, for the reasons stated, but all the variables are not within the county's control.

MS. MOSCA: Right. And I think, you know, most of these commitments will start it. It doesn't mean that we have to complete it within that one-year or two-year time frame.

CHAIRMAN FRYER: Well, it says you'll develop appropriate criteria. And, look, if you're comfortable with it, I'm not --

MS. MOSCA: At times I'm comfortable with it. It depends on the work plan and the staff resources available. But as someone said, I mean, we can always come back if we need to and change the time frame.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Do we still do the Evaluation and Appraisal Report? I mean, many counties don't anymore, but could it be tied to the EAR?

MS. MOSCA: We don't have a full-blown EAR any longer. It's really a letter. It's looking at the changes to statute. And so what we do is we amend the plan accordingly. I'm not aware that we take a comprehensive look at each and every element any longer. I don't think that we do that, nor is it required by statute.

COMMISSIONER SCHMITT: I'm just looking for some kind of a trigger where we would actually go in and evaluate, did we do this? And if not, why not?

Because we're dealing with resources. And a part of the budgetary process, part of the annual process of going to the Board for staff, budget process, whatever else, I would think that you-all are going to -- I believe you still do look at what are your commitments and requirements, and that becomes part of your budget planning process so you can devote staff and planning time. I'm just looking for that kind of teeth into this thing.

MR. BOSI: Chair, Mike Bosi, Zoning director.

What I could tell you right now is we have 24 initiatives that are outside of land use -- or land-use petitions, GMP amendments, that are on our plate that we're trying to prioritize. The reality is that the robustness of my planning staff that are -- the community planning staff exists [sic] Michele and Ms. Rachel Hansen. That's it. That's what I have within the capacity. A lot of these things are being farmed out.

I am going to be frank; we will be extremely challenged to satisfy these additional requests to be satisfied within one year of adoption. If there was a change within the language, I would suggest "commence within one year" or "commence within two years" to give us a little bit more

time to prioritize. Still have a time frame.

CHAIRMAN FRYER: Okay.

MR. BOSI: But it's start the process. And starting the process may be putting out an RMF for a consultant to initiate this type of work.

CHAIRMAN FRYER: I'm certainly fine with that. Does anyone feel otherwise?

COMMISSIONER SCHMITT: Fine with it.

CHAIRMAN FRYER: Okay. Then we'll ask that that language be drafted to insert the word "commence" at the appropriate place so that you don't put -- my concern is -- and I'll just say this -- we're not political people, but the next step up, you know, they have to be concerned about politics. And you get someone who says, the Board of County Commissioners were supposed to do this within a year and they didn't do it, and it just sounds rotten. And you can come up and say, well, it didn't get done because other variables were outside our control or we lost staff or whatever.

And I just -- I mean, you guys work hard, and I don't want to see that bouncing back on you and be an embarrassment to anyone. So if we insert "commencement," that should do it.

All right. My next issue goes to Page 570. And this is old language, so I'm wanting another bite at this apple. This is the "any Comprehensive Plan amendment to increase residential density within the district shall only provide for that density increase via utilization of TDRs except that TDR credits shall not be required for projects determined by the Board of County Commissioners to have a public benefit." And I would recommend that we insert the word "significant public benefit" or sufficient -- maybe "sufficient public benefit" is a better word, because if you -- if there's a public benefit of one penny, does that really justify having the greater density if we're trying to find a way to grant greater density without using affordable housing?

So that's my recommendation, that we put "reasonably sufficient public benefit." Anyone want to weigh in on that?

COMMISSIONER SHEA: I support that.

COMMISSIONER SPARRAZZA: Reasonable.

CHAIRMAN FRYER: Okay. Any objections from staff?

MR. BOSI: None from staff.

CHAIRMAN FRYER: Okay. Thank you. So we'll ask that you add that at that place. And where do I go? Well, it looks likes that's all I have.

Okay. Does anyone else have anything further to raise with regard to the RFMUD language that is before us?

(No response.)

CHAIRMAN FRYER: Okay. This is here on recommendation for adoption.

Mr. Youngblood, do we have anyone?

MR. YOUNGBLOOD: Mr. Chairman, I have five registered speakers in the room with us.

CHAIRMAN FRYER: Okay.

MR. YOUNGBLOOD: We'll start with John Harney, and he'll be followed by Joe Trachtenberg.

CHAIRMAN FRYER: Thank you.

Mr. Harney.

MR. HARNEY: I'm John Harney; that's H-a-r-n-e-y. I live in North Naples. I'm speaking for Habitat for Humanity of Collier County today. I'm also a member of the Affordable Housing Advisory Committee.

Habitat is very excited to see Collier County make these changes to improve the overall crisis for affordable homes.

Thank you to the county staff for doing the very heavy lifting on this. This -- I'm not in this at this level to understand this code. It's pretty dense and complicated, but the big benefit here overall is the change in the sending and receiving rules and the benefit for affordable housing and

being able to go from the impossible density for us to work with as it is today to 12.2 units per acre is a huge change for us.

And the impact for us is enormous. We see the opportunity to build hundreds of affordable homes in this district. We've built 2,400 houses in Collier County to date. We will continue to build a hundred houses a year, but this may give us the opportunity to --

CHAIRMAN FRYER: Hold on just a second, sir. Technology's running away.

We've got an out-of-control computer.

COMMISSIONER SCHMITT: Technology's running away.

CHAIRMAN FRYER: The Sorcerer's Apprentice is up here.

COMMISSIONER SCHMITT: Go ahead. I'm sorry.

COMMISSIONER VERNON: Joe is a YouTuber. He's posting something right now.

CHAIRMAN FRYER: We didn't want to miss what you were saying. Go ahead, sir.

MR. HARNEY: We have the opportunity -- potential opportunity to be able to increase the number of homes that we build as a result of this, and that would be very big for us. It would require making some changes in our organization, but we feel that this is a very big new opportunity for us to build in this area. The limits on parcel sizes and the number of parcels that can be aggregated is key to all this, and that, of course, is very well written as it stands.

We see that there are existing roads that can build out to this area. One of the benefits of this over some of the other developments that we might envision or others might envision is that it's not going to put more traffic on Immokalee Road. We can build more affordable homes and stay away from the mess that is being created on Immokalee Road that's trouble.

When I met with Commissioner McDaniel, he said most of the people who live in this area will probably take Golden Gate if they want to get into the urban area. Less traffic there today that's being developed as well to improve the number of lanes out there.

The environmental impact review shows that this is, as Michele said, a less sensitive area than many of the eastern areas of Collier County. That's a good thing. We expect there will be less resistance overall to this than there would have been for many of the other areas that we could potentially build in.

The intention that we have is to be very much involved with mixed-use between market rate, affordable housing, and commercial in the areas that we build in. So the intention that we have is that we will help to build communities out there which, to some intent, can be self-sustaining. People will be able to have jobs out there. They'll stay out there. They won't all be driving west to a job that's in the developed area. That's really critical for us overall in the county.

And the other final part of this is that we were talking earlier -- you were talking earlier about 30 years. Now, the Community Land Trust and the Local Housing Trust both have the intention of making lands that can be transmitted into them a 99-year lease. Those 99-year leases may as well be forever. And that will considerably change the character of many of these communities as they go forward because, as you know, there are other communities right now in the last couple years that have burned up their 15 years. They're flipping. They're becoming market rate. That's a problem for us to have that erosion. This would create a situation where, if we are involved with land trusts, we'll lock those in, essentially, in perpetuity.

So thank you very much for considering this. We, as the AHAC, support this wholeheartedly. I can't speak -- I am a member. I'm not in charge, but we have approved this. Habitat for Humanity overwhelming approves it. We'd like to see this go forward.

CHAIRMAN FRYER: Thank you, Mr. Harney.

Next speaker, Mr. Youngblood.

MR. YOUNGBLOOD: Next speaker is Joe Trachtenberg, and he'll be followed by Donald Schroetenboer.

MR. TRACHTENBERG: Joe Trachtenberg, for the record.

Mr. Chairman, all of us that care about workforce housing in Collier County are thrilled to

see this ordinance on your desk and anxiously hope for your approval of it.

Following up on John's comments, having Habitat for Humanity, the number-one Habitat for Humanity in the entire company -- entire country based here in Collier County and looking at the fact that they've already built 2,400 units/homes puts us in an incredibly good position, really, compared to how strong the need is.

So the fact that Habitat is a major player in this area, that they do have land that they're ready to develop, and your approval of this will actually accelerate that process and truly make it happen with a density level that's economically justifiable.

So I'm standing here before you urging you to approve this. It's a terrific thing for Collier County. John mentioned a lot of the upsides to it. We don't really see any downsides. And thanks for listening.

CHAIRMAN FRYER: Thank you, Mr. Trachtenberg.

Mr. Youngblood.

MR. YOUNGBLOOD: Next speaker is Donald Schrotenboer, followed by Bob Mulhere.

CHAIRMAN FRYER: Sir, if you wouldn't mind spelling your last name for me, I'd appreciate it.

MR. SCHROETENBOER: Certainly. For the record, Don Schrotenboer,  
S-c-h-r-o-t-e-n-b-o-e-r.

CHAIRMAN FRYER: Thank you.

MR. SCHROETENBOER: I serve as owners' representative for the 2,800 acres on the very north edge of the Rural Fringe Mixed-Use development otherwise known as Immokalee Road Rural Village.

The Comprehensive Plan for the property was before this group last year, and there is a PUD in the county for consideration at this time.

I am here today to express our support for these amendments before you today in terms of the proposed amendments and the staff report that have been submitted and encourage your recommendation for adoption to the Board of County Commissioners.

The Rural Fringe Mixed-Use District is an extremely challenging land-use category to navigate. In my opinion, there are two things that create that, and one is the requirements and the criteria under the -- to create a rural village and also the TDR program itself, which are unique to this land-use category, unlike others in the county.

I think this is evidenced by the lack of the rural villages that have come before the county in the 27 years of existence of this program and also evidenced by the lack of free trade of TDR exchange within this district itself.

TDR programs themselves throughout the state and the nation are very challenged and often frequently don't work as well intended and require amendments to them or are disbolished altogether because how they don't work as intended.

The overall planning objective for the Rural Fringe Mixed-Use District development is really sound, and that is to direct development to areas away from environmentally sensitive lands, but the logistics and the practicality of doing that under this program is very, very onerous.

I want to applaud the staff for taking the steps that they have to attempt to address some of the issues and the challenges that are within the Rural Fringe Mixed-Use program by today's amendments. More so, I also applaud specifically their efforts to address two key issues facing this county: Affordable housing and environmental restoration. There's probably nothing more important than those two items today.

Creating incentives to promote these two items is a very sound planning tool and one I would encourage you to support. Personally, I would like to have seen the same high integrity value of environmental restoration applied to the entire Rural Fringe Mixed-Use District as being given to the Belle Meade Hydrological Enhancement Overlay before you today as part of these amendments, but I respect that perfection across the board, given the difficulties and the challenges with this program are very, very difficult to find a balance in that.

I would encourage, however, in the evaluation, as they move forward with the Belle Meade Hydrological Enhancement Overlay, to reconsider the increase in density from one unit to two units on Receiving Lands in the north and northwest Receiving Land areas of the district.

One thing specific to my client's property, I would ask the staff to look at specifically Page 32, Exhibit A, the future land map [sic], and this comment is certainly respectful that the scale of the map as presented is very, very challenging to read, but I do not believe at the -- or I'm sorry, that the Sending Lands on the property that I represent are accurately depicted on that map.

The Sending Lands were put on this piece of property through the Hussey settlement, and the Hussey settlement is part of the Comprehensive Plan amendment that was approved in September, and I believe that that is going to be the overriding document that determines the acreage; however, whenever possible, we should try to get everything to align. So I would respectfully ask for that.

To conclude my words, again, I'm here to support the amendments in the staff report that are before you and encourage your recommendation and adoption to the Board of County Commissioners.

Thank you for your time.

CHAIRMAN FRYER: Thank you. Thank you, sir.

Commissioner Vernon.

COMMISSIONER VERNON: Yes, sir. If you could stay just a minute. Sir?

So I think last year I asked Rich Yovanovich -- I think you kind of answered it, but just to explore it a little bit more. I said, how come, you know, there's not more participation in this program? And he said the incentives weren't yet there.

Do you think the incentives, if this goes through, will -- and I know it depends on the economy. It depends on a lot of things. But do you think these are going to be adequate incentives for you folks to sort of carry out the dream of this?

MR. SCHROETENBOER: Yeah. There are a lot of factors that go into making something successful under this program. But this, I should say, is a step in the right direction. We are continuing to evaluate all of these amendments in its totalities and how they impact specifically our property and a rural village. But I will say this is certainly a step in the right direction, and it's enough for us to support this.

COMMISSIONER VERNON: Thank you.

CHAIRMAN FRYER: Thank you, sir.

Mr. Bosi, would you care to comment on -- or Ms. Mosca comment on the issue that was mentioned, the Sending Lands in the Hussey settlement area?

MS. MOSCA: You'll have to refresh me. So the map has been revised -- let me bring up the Future Land Use Map. Yeah, you can't see it on this map. I wonder if we could bring up the Exhibit A. Let me see if I can --

MR. SCHROETENBOER: If I may, Chairman?

CHAIRMAN FRYER: Of course.

MR. SCHROETENBOER: While she's calling that up, my comment was not necessarily intended to delay today's proceedings. I think it's a technicality. Again, my comments were based on the challenges of the scale of this map on an 8-and-a-half by 11. So I think the staff will look at this and, you know, will recognize it. But, please, I wouldn't want to hold up the proceedings because of that.

CHAIRMAN FRYER: I understand, and thank you for your clarification.

Mr. Bosi, can we -- Mr. Bosi, can we just have an assurance from staff that that will be looked at and the gentleman will be gotten back to?

MR. BOSI: I mean, yes, sir, Chair. Mr. Mulhere works directly with the speakers, and we will work with -- we will work with them both to make sure that the clarification is provided for.

CHAIRMAN FRYER: Mr. Mulhere, did you want to be heard on this?

MR. MULHERE: Well, I -- no, I've got other comments.

CHAIRMAN FRYER: Okay, thank you.

Ms. Mosca?

MS. MOSCA: We were trying to bring up the map that identifies --

CHAIRMAN FRYER: I don't think we need to.

MS. MOSCA: Okay.

MR. MULHERE: I did.

CHAIRMAN FRYER: We'll find a map. Failing that, the B map.

COMMISSIONER SCHMITT: Mr. Chairman, I'll just add, for the record, I know the Hussey issue was a topic that was -- went on for several, several years in regards to the development rights that were removed, and a long history. I'm sure that anybody -- my colleagues that want any background, staff with provide it, but it was a very lengthy legal process and negotiating part of this -- both the Rural Fringe Mixed-use District and the Rural Lands Stewardship program.

CHAIRMAN FRYER: Thank you.

I'm not sure we need to see a map. I certainly know approximately -- is this going to work? I mean, it's near the Randall Curve, right?

MS. MOSCA: We just wanted to be able to -- Bob had requested that we pull up a Future Land Use Map.

MR. MULHERE: I can speak to the issue. I'm sure this can get resolved. As Don said, it's really a technicality. But if you look at the area where the Immokalee Road Rural Village Comp Plan was recently amended, it is -- if I can get to it -- right here, right?

MS. MOSCA: Yes.

MR. MULHERE: And that orange shows the Sending Lands. And, you know, the Sending Lands, already adopted and approved consistent with the Hussey settlement, do not extend all the way over to the edge of that receiving area. They actually stop somewhere in here. So I'm not sure that this exactly matches. We've provided to the county surveys of the Sending Lands, the Receiving Lands, and the Neutral Lands, so we just need to make sure that that is reflected accurately.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: It is a very -- well, it's a large county, so...

CHAIRMAN FRYER: That it is, and nothing about that right now is before us, but since it was raised, I wanted to just get an assurance that the matter will be followed up. And Mr. Bosi said it will, so I think that's all we need to know.

MR. MULHERE: And I apologize for not -- I probably didn't even mention, but Bob Mulhere for the record again.

CHAIRMAN FRYER: Thank you. Thank you.

Next speaker, Mr. --

MR. MULHERE: That's me. I still --

CHAIRMAN FRYER: Oh, I'm sorry. My apologies. Go ahead.

MR. MULHERE: I didn't get to my comments yet.

CHAIRMAN FRYER: Oh, that.

MR. MULHERE: So I do want to leave this Future Land Use Map up here and just make it a little smaller here. Oops.

COMMISSIONER SCHMITT: Oooh.

MR. MULHERE: Snapshot. Here it is down here. Yeah, this one. Thank you. Thank you. Now I've got a big yellow arrow there.

COMMISSIONER SCHMITT: Arrow.

MR. MULHERE: Anyway, for the record, Bob Mulhere. I do represent a number of property owners in the Rural Fringe Mixed-Use District, probably 10 or 12 at this point in time. And speaking of the size of Collier County, I'm sure as Planning Commission members

you already know this, but Collier County is the largest county in the state of Florida in terms of land area, but --

CHAIRMAN FRYER: Palm Beach wants the lake included.

MR. MULHERE: It's got the lake, yeah. We actually are probably fourth if we do overall size. But in terms of land area, we're the largest.

But when you look at this map, you can see a lot of green. And a former Planning Commission member prepared a map a few years ago that showed how much of the county was in permanent protection and conservation, and at that time, probably seven, eight years ago, it was 77 percent. It's about -- it's north of 80 percent now, and that number's increasing as we get Sending Lands protected and RLSA lands protected, and any new PUDs that come in, generally speaking, also have some preserve standards.

So we will ultimately -- we're a very large county, but we will ultimately probably have 16 or 17 percent of the county able to be developed. That's a very low number.

Now, if you look at the yellow area on that map, that's the urban area, coastal, not Immokalee, just the yellow area that's coastal. You know, as we know, that's largely been developed. There are opportunities for more affordable housing, and we see it happening. You know, you see it happening every two weeks, or twice a month when you meet, and so there will be more opportunities there. There will not be any opportunities, I don't think, to speak of, in Golden Gate Estates. That's about 7 percent of the county. So you can take another 7 percent off of that acreage that is available, so I'm trying to frame the opportunity for you.

The real opportunities --

CHAIRMAN FRYER: That's a fair statement. The percentage of developable land is low. And I think -- speaking for the Planning Commission, I think we are willing to and look forward to working with you and your clients, and we just want you to be mindful of things like smart growth and environmental concerns.

MR. MULHERE: And to me, that's the point, the opportunities are in the Rural Fringe Mixed-Use District and in the Rural Lands Stewardship Area. The Rural Lands Stewardship Area is not what we're talking about today. They already have a program requiring affordable housing out there. There's many opportunities in urban Immokalee -- in the urban area of Immokalee coming forward.

So let's talk about the Rural Fringe. I want to compliment staff as well, Michele and Mike, for doing an excellent job. It is a complicated program, as Don said, and it does require tweaking, and we will have the opportunity to revisit that.

CHAIRMAN FRYER: I know how to fix that if you don't.

COMMISSIONER SCHMITT: Yeah, I did.

CHAIRMAN FRYER: If you have a catcher's mitt, we can --

COMMISSIONER SCHMITT: I failed.

CHAIRMAN FRYER: Sorry, Mr. Mulhere.

MR. MULHERE: No, that's all right.

So, you know, I also support the changes that are -- that have been recommended.

I do have a couple of suggestions, and I have sent an email to staff as it relates to these. These all center on the provision of affordable housing and incentivizing more affordable housing.

One is that, practically speaking, as I have worked on some projects not within the village but in non-village, Rural Fringe Mixed-Use District Receiving, that are willing to provide affordable housing. You may not be aware of it, but the Rural Fringe Mixed-Use District has an open-space requirement of 70 percent outside of a village. That's a high number. It's the highest in the county, as far as I know.

When you start doing affordable housing and add a little bit more density to accomplish the affordable housing, that number simply doesn't work.

So I did send an email to staff asking that that number for projects that are not utilizing TDRs or that are providing affordable housing be reduced to 50 percent. As far as I know, I think

staff agrees, and they can speak to that issue momentarily.

But, really, I'm working on projects that right now are having a struggle at 51, 52, 53 percent that are providing significant numbers of -- you haven't seen them yet. They'll come forward. But I think that number should be reduced.

Also, the county staff and, I think, the Planning Commission as well as the Board of County Commissioners have expressed a desire to see these villages that we haven't seen yet actually happen, because of the type of development that will be developed is mixed use and creates employment opportunities and changes the travel patterns in a very favorably -- presumably would change the travel patterns in a very favorable way.

There is a requirement in a rural village to provide affordable housing, and it's .2 units per acre. So if we just do some easy math, use 1,000 acres, that's 200 units. And there is a benefit already in the Rural Fringe Mixed-Use District, which was established 23, 24 years ago -- we weren't as smart then -- that is a half-a-unit bonus for every affordable housing unit that you provide, that you're required to provide.

And my email to the staff was to reconsider that. It's wholly inadequate as an incentive for providing affordable housing. Look at the density bonuses that we're offering, and here we're saying you can get a half a unit for providing an affordable housing unit.

So I would -- my recommendation was to increase that to one unit per acre, a one-to-one bonus. For every unit you provide that's affordable, you get another unit towards your village. So it's a half-a-unit increase.

I'm not sure that's even adequate, but I'm perfectly willing to accept the fact that maybe that's something we need to study so that we get the right benefits with additional density bonuses for affordable housing in a village. Remember, outside of a village we're proposing 12 point -- a bonus -- a density bonus of up to 12.2 units an acre. So it's significantly higher. If we want to incentivize villages, we need to look at that. But right now it seems appropriate to take a half-a-unit bonus to a one-to-one.

So I believe -- let me see if I had anything else. I believe that covers all of my comments. Again, I'd like to express, you know, my gratitude for the hard work that staff's done in bringing these forward. Thank you. I'm happy to answer any questions.

CHAIRMAN FRYER: Thank you. I'm just going to make my comment again for emphasis. We certainly want to work with you and work with your clients and are excited about those prospects, and we'll be flexible and reasonable. We really want to see smart growth, particularly when you're increasing density. We want to see not only a mixed-use but, perhaps, requirements of the commercial uses that are really directly pointed at the residents who are going to be living there, and walkability and the various other components that make the area self-sufficient that will reduce transportation overload on the roadways.

So please, when you come back, keep that in the forefront of your mind.

MR. MULHERE: No, I understand. And I think the villages have those, and some of these improvements that -- these changes to villages that are being suggested in this set of amendments such as increasing the calculation of commercial square footage per unit more closely aligning to what the RLSA is providing are good changes, so...

CHAIRMAN FRYER: I think that the RFMUD language is, in many respects, stronger for the county than the RLSA language. For instance, the word "encourage" which appears in RLSA a lot is not as much in RFMUD.

MR. MULHERE: Yep.

CHAIRMAN FRYER: So if I had to choose between the two, I would always choose RFMUD, but I realize they evolved in separate patterns, and I know how they got to where they got. But thank you.

MR. MULHERE: Thank you. Appreciate it.

CHAIRMAN FRYER: Ms. Mosca, did you want to be heard before we solicit other comments from the public?



MS. MOSCA: Yes, thank you. I did want to respond to Bob's comments regarding the usable open-space requirement as well as increasing the affordable unit bonus for the required affordable housing in a Rural Village. Staff is supportive of those two changes if the Planning Commission decides to move forward with that recommendation. So I wanted to mention that.

CHAIRMAN FRYER: Thank you.

Mr. Youngblood?

MR. YOUNGBLOOD: Mr. Chairman, we have one more speaker, Lisa Lefkow.

CHAIRMAN FRYER: Welcome to the Reverend Mrs. Lisa Lefkow.

MS. LEFKOW: Thank you so much. Lisa Lefkow, for the record, CEO, Habitat for Humanity.

Commissioner Shea [sic], thank you at the beginning of your meeting for recognizing the good work of our colleague and ally, Joe Trachtenberg, and for commending him for his good work. He's been such a wonderful advocate for the issue of affordable housing.

I find it unique to be here speaking in support, speaking with other supportive folks. Usually I'm not on that same page, so it's a great joy.

Bob Mulhere and I have been out on a short road tour as we've been speaking to a number of folks in the community about not only the land use and the issue of affordable housing, but availability. And so I want to just echo what you've heard already. Habitat for Humanity, as your leading provider of affordable homeownership for low and very low wage earners, are completely in support of these amendments. We've been instrumental in helping to form and shape these, been a part of the conversation from the very beginning, and I'm grateful that we are finally in this day when we can have this conversation. It is a game changer.

And while Habitat doesn't own significant land in the RFMUD, we are hopeful that there will come a day. In fact, the provision of the affordable housing requirements for villages opens up a great opportunity for Habitat, and one day we hope that we will be recognized for the 45-year history that we have of being the most successful provider of affordable homeownership and be invited into those village developments as the provider of the affordable component.

So we see a great opportunity here. We stand, once again, before you committed to continue the work of providing affordable homeownership in this community.

And I thank you for hearing this. And I thank you to those that have spoken in support of these amendments, and I look forward to the opportunities that it does open up not only for Habitat but as an incentive for other developers to come and begin to address this critical issue that we are facing today.

Thank you, Commissioners.

CHAIRMAN FRYER: Thank you so much for your comments, thank you for your service, and thank you for the service of Habitat for Humanity.

Mr. Youngblood.

MR. YOUNGBLOOD: That concludes our registered speakers.

CHAIRMAN FRYER: Anyone who is not registered but wishes to be heard on this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing none, we will close the public comment portion of this hearing, and the matter is vested in the hands of Planning Commission for deliberation and ultimately a motion.

Who would like to lead off?

COMMISSIONER SCHMITT: I make a motion to approve as proposed by staff. Say again.

COMMISSIONER SHEA: With the two addendums?

COMMISSIONER SCHMITT: With the two addendums. Thank you.

CHAIRMAN FRYER: Yeah. And let's verbalize those. We're going to add the word "commence."

COMMISSIONER SCHMITT: Was Michele going to add those or --

MS. MOSCA: Yes. I'll go ahead and add those to the Exhibit A, so we'll reflect that throughout the ordinance. Let me just pull up that information.

CHAIRMAN FRYER: Yeah. It appears multiple times.

MS. MOSCA: Right. So anywhere that it has the one-year or whatever commitment, we'll add that additional language.

CHAIRMAN FRYER: That's good. And also, "reasonably sufficient public benefit" will also be added.

MS. MOSCA: And that appears a couple times throughout the Exhibit A as well.

CHAIRMAN FRYER: And the movant accepts those?

COMMISSIONER SCHMITT: I accept those, and --

COMMISSIONER SHEA: What about Bob's proposals that the county agreed to? He had two items he wanted to suggest, and the county has agreed to it.

MS. MOSCA: Yeah, the reduction -- and staff is supportive of that. So the reduction would be from 70 percent usable open space to 50 percent usable open space for affordable housing projects.

CHAIRMAN FRYER: All right.

COMMISSIONER SCHMITT: I accept and add those three -- three items to my --

COMMISSIONER VERNON: One more.

COMMISSIONER SHEA: One more.

COMMISSIONER SCHMITT: One more?

MS. MOSCA: And then there's one more, the addition from a half a unit to one unit for affordable housing projects for the required affordable housing within a Rural Village. So it's those two items.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: Thank you. Does everyone understand the four additions?

COMMISSIONER SCHMITT: I got them, all four.

COMMISSIONER VERNON: Yes. I'll second -- I'll second the motion.

CHAIRMAN FRYER: It's been moved and seconded. Further discussion from the Planning Commission? Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Just clarity real quick. None of this touches Golden Gate Master Plan, correct?

MS. MOSCA: It does not.

COMMISSIONER SCHUMACHER: All right. That's all I needed to know.

CHAIRMAN FRYER: Thank you. Thank you very much. Any further discussion?  
(No response.)

CHAIRMAN FRYER: If not, all those in favor of the motion with the amendments, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: I'm glad to say it passes unanimously.

Oh, Mr. Bosi.

MR. BOSI: Just to accentuate the point that you made related to the time frame and the slight clarification. I want to at least make the newer planning commissioners aware of this.

In 2015, the Board of County Commissioners said there was the Golden Gate Area Master

Plan, the Immokalee Area Master Plan, the Rural Lands Stewardship Area, and the Rural Fringe Mixed-Use Districts -- sorry for all the acronyms -- that needed to be restudied, and they directed staff, myself, to go out and restudy those, bring back amendments.

We started the public planning process with the -- with the Rural Fringe Mixed-Use District, took that out to the public, had some discussions, had some tentative potential amendments, had the Board tell us to make some modifications. And in that time, we adopted the Immokalee Area Master Plan, we adopted the Golden Gate Area Master Plan, we adopted the Rural Lands Stewardship Area amendments.

This is the last of those four. It was the first. It was the last of the four. So now we are on the precipice of going to the Board of County Commissioners seeking for transmittal ultimately, hopefully, by September. But just to let you know, and I think what -- your point exactly, Chair, was these public planning processes can sometimes take on the span of two or three or even four commissions, and they -- and it's not by staff's decision, it's not by the Board's decision, or the Planning Commission's decision. It's just sometimes politics and the public planning process.

And the Rural Fringe Mixed-Use District is the area that we've always known was going to be the most difficult because of the fractionalization of ownership. I think you heard Mr. Schrotenboer and Mr. Mulhere say the aggregation of properties within this -- within this district is slow and cumbersome, and because of that nature and because of some of the other natures, it has been difficult to get, you know, significant village developments. But we're hoping that some of these modifications can lead to them and then future studies and future changes could help promote even further.

CHAIRMAN FRYER: Thank you. And thank you for that addendum to our record on this matter, and you're to be complimented for all your -- you and your staff are to be complimented for all the work that you've done, and the developers and their agents as well.

Thank you, Planning Commission, and that concludes that matter.

COMMISSIONER VERNON: Oh, sorry. Go ahead.

CHAIRMAN FRYER: No -- oh, I've got two people who want to speak.

COMMISSIONER VERNON: Mine's just a minor admin matter after you're done, so I didn't mean to interrupt.

CHAIRMAN FRYER: All right. Well, Ms. Lockhart.

MS. LOCKHART: Yes. I just wanted to clarify that there are no changes in the Neutral areas. We have four or five school sites in the Neutral areas. So to ensure that no boundaries have been changed or uses.

MS. MOSCA: No boundaries, no uses. We have provided for additional TDR credits, though.

MS. LOCKHART: And that's also a concern, too, as far as the provision of educational services. I encourage anyone that's planning on submitting a petition to contact the school district so that we can be sure -- because there is an increase in densities, that we be sure that we can provide adequate capacity.

MS. MOSCA: So the Neutral Lands -- just for clarification, the Neutral Lands are not changing in terms of density. The only increased density for affordable housing would be limited to the Receiving areas.

MS. LOCKHART: Yes, thank you.

MS. MOSCA: Okay.

CHAIRMAN FRYER: Thank you very much.  
Commissioner Vernon.

COMMISSIONER VERNON: Yeah, it's an admin. I just want to make sure there's a quorum, because I don't think I can be here -- my phone was off when you asked. I don't think I can be here April 6th. I can be here April 20th. So I just wanted to say it in front of everybody in case that screws up a quorum.

CHAIRMAN FRYER: I don't think it will.

COMMISSIONER SCHMITT: I'll be here.

COMMISSIONER SHEA: I'll be here.

CHAIRMAN FRYER: Thank you for letting us know, though. I think we're going to be all right.

So that concludes this matter.

Under 9B, notice, nothing.

10, old business, I don't believe there's any. Seeing none, new business. There's none of that either.

Any public comment on matters that were not on our agenda?

MR. BOSI: Chair.

CHAIRMAN FRYER: Yes, sir.

MR. BOSI: Under new business, I do want to make the Planning Commission aware that -- and this happens every second meeting in June. The Board of County Commissioners is occupying this room for budgetary hearings on the 15th of June. It's the second meeting in June. We're not going to have a second meeting in June. So June's only -- will only have, I believe, the first of June, and then you guys can have a summer break.

CHAIRMAN FRYER: Darn. Thank you very much.

COMMISSIONER SCHMITT: Just for clarification, the next meeting we are still on track to talk NIMs?

MR. BOSI: The next --

COMMISSIONER SCHMITT: The whole policy of neighborhood information meetings?

CHAIRMAN FRYER: That's the 20th.

COMMISSIONER SCHMITT: Is that the 20th, or that's the next meeting?

CHAIRMAN FRYER: I believe on the lookahead -- well, maybe I'm wrong.

MR. BOSI: The next -- the next hearing we tentatively have scheduled one, two, three, four --

CHAIRMAN FRYER: Is one of them NIM etiquette? I guess that's what the Vice Chair's asking.

COMMISSIONER SCHMITT: Yeah.

MR. BOSI: Yes.

CHAIRMAN FRYER: Okay.

MR. BOSI: So there are six -- there are six petitions on the April 6th hearing. And I spoke -- and I apologize -- yesterday to the Chair. We ended up canceling three of the first four meetings of this year, and it was not by staff's choice or the Planning Commission's choice. It's just the petitions weren't ready for whatever reason and, inevitably, once the -- once the damn broke, the damn is now -- we've got four -- or it's, like, six petitions. The next hearing on the 20th, I believe we have five petitions, and the first -- and the two meetings in May, I think it's, like, three and four. So there's some busy work ahead for the Planning Commission.

CHAIRMAN FRYER: And we understand completely and have no blame to cast at the staff or anyone else. But I want to reiterate what I said yesterday as well, as unpaid -- as volunteers, my view of things is that we'll start work at 9:00, and we'll work till about 4:00 or 4:30. And then if matters need to be continued, they will.

I personally have no appetite for working until 10:00 p.m., so that's just one commissioner. But as your Chairman, that's what I would recommend. So we'll get to them when we get to them. Thank you.

Anything further before we -- again, public comment, anybody want to be heard on something not on the agenda?

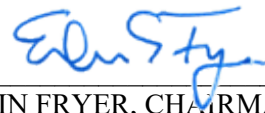
(No response.)

CHAIRMAN FRYER: If not, and without objection, we stand adjourned.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:28 p.m.

COLLIER COUNTY PLANNING COMMISSION



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EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 4/20/23, as presented  or as corrected \_\_\_\_\_.

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