

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
April 6, 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
Robert L. Klucik, Jr.
Paul Shea
Randy Sparrazza
Chuck Schumacher

ABSENT:

Christopher T. Vernon
Amy Lockhart, Collier County School Board Representative

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.

Very good morning to all, and welcome to the April 6th, 2023, meeting of the Collier County Planning Commission.

Would everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Mr. Secretary, please call the roll, sir.

COMMISSIONER SHEA: Ms. Lockhart is absent, excused.

Commissioner Schumacher?

COMMISSIONER SCHUMACHER: Here.

COMMISSIONER SHEA: Commissioner Sparrazza?

COMMISSIONER SPARRAZZA: Here.

COMMISSIONER SHEA: Commissioner Klucik?

COMMISSIONER KLUCIK: Here.

Commissioner Vernon has an excused absence.

Commissioner Shea is here.

Mr. Schmitt, Vice Chair?

COMMISSIONER SCHMITT: Here.

COMMISSIONER SHEA: And, Chairman Fryer?

CHAIRMAN FRYER: I'm here.

COMMISSIONER SHEA: We have a quorum, sir.

CHAIRMAN FRYER: Thank you very much, a quorum of six.

Let's see. Addenda to the agenda; first of all, before calling on Mr. Bellows, I'm going to propose that we add a new business item in the event we have time, and it's going to be at the Planning Commission's discretion, because I'm just not at all sure how much time we will have today. But if, in our discretion, we do have time, I'd like to ask Mr. Bosi to give a detailed report to us under new business on the Live Local -- new Live Local Florida Statute where we can ask questions and have discussion. It's a very important development for us.

In case we don't get to that, when it comes time for the Chairman's report, I'm going to just say very briefly what the highlights of that are perhaps to whet your appetite for the new business item when Mr. Bosi and possibly our County Attorney representatives will go into greater detail.

Mr. Bellows, addenda -- any more addenda?

MR. BELLOWS: No changes to the agenda.

CHAIRMAN FRYER: Okay. And I assume there's no objection from the Planning Commission for that new business item that I'm proposing.

COMMISSIONER SPARRAZZA: No objection.

COMMISSIONER SCHMITT: No objection.

CHAIRMAN FRYER: Planning Commission absences; our next meeting is on April 20, 2023. Does anyone know if he won't be able to attend that meeting?

COMMISSIONER SCHMITT: I will not be able to attend that meeting.

CHAIRMAN FRYER: Okay, Vice Chair. Anybody else?

(No response.)

CHAIRMAN FRYER: All right. Same question for our meeting on May 4.

COMMISSIONER SCHMITT: I will miss that meeting as well. I'm going to be in the Far East for a couple weeks.

CHAIRMAN FRYER: Understood. Thank you.

COMMISSIONER KLUCIK: May 4?

CHAIRMAN FRYER: May 4.

COMMISSIONER KLUCIK: I will not be here.

CHAIRMAN FRYER: Okay. Well, we'll be hoping for a quorum. We'll hope that

Commissioner Vernon can be here.

All right. Let's see. Approval of the minutes; we have the minutes of the afternoon and the evening sessions of our March 2, 2023, meeting. Unless there are any corrections, changes, or additions to the minutes of either of those two sessions, I'd entertain a motion to approve them both.

COMMISSIONER SCHMITT: Make a motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHUMACHER: Second.

CHAIRMAN FRYER: So it's been moved and seconded that we approve both the afternoon and evening sessions' minutes of the March 2, 2023, meeting.

All those in favor, please say aye.

COMMISSIONER SCHUMACHER: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you very much.

BCC report/recaps, Mr. Bellows.

MR. BELLOWS: Yes. On March 28th, the Board of County Commissioners approved the GMP transmittal for the four initiatives to address housing -- for affordable housing, and that was passed by a vote of 4-1.

CHAIRMAN FRYER: Thank you, sir.

Under Chairman's report, as I mentioned, I'm going to speak very briefly about a development in Tallahassee that will affect all of us on this side of the daises -- dais, rather, and on the other as well, and then, time permitting, at the end, we'll have an opportunity for a more detailed presentation from Mr. Bosi and possibly the county attorneys and questions and comments at that time as well.

But under this new Live Local law, which becomes effective on July 1 of this year, a county must administratively authorize -- and by that it means no Planning Commission or Board of County Commissioners herein must administratively authorize a proposed residential or mixed-use project on any parcel zoned as commercial, industrial, or mixed-use provided that, No. 1, the project contains at least 40 percent affordable units. And "affordable" in this case, there's no requirement to blend the AMI limits. All of the units, therefore, could actually be at 120 percent AMI. So that No. 1 condition is 40 percent of affordable units.

Number 2, a density that does not exceed the highest density allowed on any parcel where residential use is allowed.

Number 3, with a building height that does not exceed the highest allowable building height for residential or commercial structures within one mile of the parcel, and -- I missed the density one. No, I didn't. Okay. We got them all. And the project satisfies all other applicable land development regulations.

So that's all I'm going to say about it at this time. It's a very substantive change to the law of affordable housing in the state of Florida and, if time permits, we'll go into it in greater detail under new business.

Now, bear with me one moment.

Okay. Consent agenda; none today.

***Public hearings; the first advertised public hearing will be on two companion applications, PL20220001043. This is the Airport Carlisle Mixed-Use Subdistrict Small-Scale

Growth Management Plan amendment, and its companion, PL20220001042, The Haven at North Naples Mixed-Use Planned Unit Development PUDZ.

All those wishing to testify in these matters, 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 Mr. Schumacher.

COMMISSIONER SCHUMACHER: Staff materials.

COMMISSIONER SHEA: Staff materials and site visit.

CHAIRMAN FRYER: Staff materials, site visit, meeting with staff, conversation with applicant's representative.

COMMISSIONER SCHMITT: Spoke with Mr. Yovanovich, applicant's attorney, and I briefly spoke to Bob Mulhere about the project this morning. But I had a phone call with Rich Yovanovich concerning the project.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Just a meeting with the county staff.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SPARRAZZA: Staff materials, drove by the site, and also had a conversation with the attorney for the submittal here. Thanks.

CHAIRMAN FRYER: Thank you very much, Planning Commission.

At this time the Chair recognizes Mr. Yovanovich on behalf of the applicant.

MR. YOVANOVICH: Thank you. Good morning. Rich Yovanovich on behalf of the applicant.

You have two items before you today that are related. One is a Small-Scale GMP Growth Management Plan amendment to create a subdistrict that will allow for and provide for income-restricted housing. The timing is probably a little ironic with regard to the changes in the legislation at the state but is timely with regard to what everybody knows is a need in Collier County as well as throughout the state of Florida, and second is a companion PUD amendment to amend -- implement the proposed Growth Management Plan change.

The team that can answer any questions with me today is Kerry-Ann Wilson with Johnson Development Associates. Johnson Development is not foreign to Collier County. They have two existing Class A multifamily rental complexes in Collier County. I had both of them approved. I remember the PUD names but don't remember the names of the apartment complexes.

One of them is in Briarwood, which we will mention in our presentation, similar density and intensity as what we're proposing today; and then Courthouse Shadows right across the street. Both of those are projects that Johnson Development is developing.

Bret Boyd is part of the team. He actually led the efforts on the Briarwood project. So he, too, is familiar, and a Collier County residents. Bob Mulhere you all know; myself; Norm Trebilcock is our transportation consultant; Tim Hall is our environmental consultant; Jeremie Chastain with Hole Montes is one of the planners on the project; and Kevin Dowty is here to answer any civil engineering related questions that you may have regarding the proposed project.

I'm going to give some brief comments and overview of the proposed project and then turn it over to Bob to get into the details and explain the master plan and compatibility with what's around us in the neighborhood.

But I wanted to start with where's the property. The property is basically at the intersection of Orange Blossom Drive and Airport Road. It's outlined in red. It's 27.8 acres where the Carlisle project is existing and will remain. What will be added is the apartment complex, and I -- in the green vacant area on this site.

There are certain things I want to address right at the beginning because I know you've received a few emails. We've had a very -- we had two neighborhood information -- we had a neighborhood information meeting, and then we had a follow-up meeting with leadership of the

different associations. So there's been a lot of attempts at public outreach to explain what the project really is and what the project isn't.

The project itself will be two projects within the PUD. The Carlisle will remain. The Carlisle has an access on Orange Blossom. Our project will not be interconnected with the Carlisle and will not have access onto Orange Blossom.

Bob will take you through greater detail, but I want to get through this early on as to what's really being requested.

Access will be onto Airport. There will be emergency access through Bear Creek. That's our only access points for this project. There's no direct access to Orange Blossom.

This corner is essentially -- although not actually designated as an activity center -- functions like an activity center. All four corners have commercial approved on it. You have -- on the northeast corner, you have a Greek church as well as a subdistrict that allows commercial on the vacant piece that you see right there allows commercial. The southeast quadrant allows commercial. The northwest quadrant is the county complex. It's office buildings and a library. And then the southwest quadrant is the Italian-American Club in the five acres adjacent to it to the south, all either zoned for or designated in the Growth Management Plan for commercial uses.

And, candidly, the Carlisle can be designated as commercial under the county's different zoning designations. It can either be considered institutional, it can be considered residential, or it can be considered commercial. So this quadrant is a commercial quadrant for purposes of how it's been approved and will be operated.

The -- Orange Blossom Drive, for those of you who have been here for a long time, was originally approved for, on the master plan, as a four-lane road both on the east and west sides of Airport Road. Several years ago, the Commission, at the request of the residents along the western portion of Orange Blossom, restrained the road to two lanes. That did not mean that density was going to be removed. It just meant you were going to have a two-lane road instead of a four-lane road, and you were going to have to deal with a little additional traffic to go on two lanes versus what was previously designated four lanes. There was no corresponding downzoning of anything around there to implement the proposed designation of this as a restrained roadway.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes. Go ahead, Commissioner.

COMMISSIONER KLUCIK: Just for clarification, if I may. Mr. Yovanovich, could you look at the first page of this matter on the agenda. I think it's the first page. And it's just a heading. It's the heading where it just says "item summary," and then it gives the PL number and the ordinance number. Do you know where I'm talking about?

MR. YOVANOVICH: Could you tell me your page number.

COMMISSIONER KLUCIK: Oh, in the book it says 9A1 or Page 38.

COMMISSIONER SPARRAZZA: Thirty-eight.

CHAIRMAN FRYER: Thirty-eight in the agenda.

COMMISSIONER KLUCIK: I'll just read what my question is. So when it says "adding the Airport Carlisle Mixed-Use Subdistrict," is that the area in red?

MR. YOVANOVICH: Yes, sir.

COMMISSIONER KLUCIK: Okay. That's all I wanted.

MR. YOVANOVICH: Okay. I've got two binders. One for the Comp Plan --

COMMISSIONER KLUCIK: Oh yeah, no, no.

MR. YOVANOVICH: That's why I need that.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: So there were -- and Mr. Trebilcock's available to answer any questions you have regarding the transportation analysis and the impacts on the roads, specifically Orange Blossom, if those become questions that you may have.

But as you know, your staff is recommending approval of both projects, both the Growth Management Plan amendment as well as the implementing PUD, and your Transportation staff specifically is recommending approval to both as being consistent with the Growth Management Plan provisions that they review and analyze for not only PUDs but for Growth Management Plan amendments.

CHAIRMAN FRYER: Mr. Yovanovich, what you say is correct, I learned recently from Mr. Mulhere, but it I think you might want to bring everyone up to date with respect to the 130 feet, because that was an open item.

MR. YOVANOVICH: I understand, and I'll do that now.

CHAIRMAN FRYER: Why don't you.

MR. YOVANOVICH: I will. There was a commitment to our neighbors -- you received letters of support from the two residential neighborhood -- residential neighbors to a setback of 130 feet. We're committed to 130-foot setback.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: So if we need to modify the table to make that clear, we are committed to the 130-foot setback from that western PUD property.

CHAIRMAN FRYER: Okay. Thank you. I just wanted to correct the record on that before we went too far down the road.

MR. YOVANOVICH: Okay. Thank you.

The project, in summary, is basically a 336-unit multifamily Class A residential development with 22.6 percent of the units being committed to income restricted, 38 of which will be at the 100-percent-or-below income threshold median income and 38 of which will be at the 80 percent and below.

COMMISSIONER KLUCIK: Say that again, please.

MR. YOVANOVICH: Thirty-eight at the 100 percent and below and 38 at the 80 percent and below, so -- median income.

COMMISSIONER KLUCIK: As a specific number?

MR. YOVANOVICH: Yes.

COMMISSIONER KLUCIK: Seventy-six total?

MR. YOVANOVICH: Seventy-six total.

That -- for those of you who may be new -- and I know that Mr. Schumacher for sure. I don't know if Mr. Sparrazza was around when we did -- just so you know where the 22.6 percent came from is for a long period of time, when we were asking for income -- I mean, sorry -- density increases, staff, rightfully, tried to get us to commit to do as much affordable housing or income-restricted housing as possible. Their standard number was 30 percent. Our number, basically, was 20 percent. And they said, well, until you can prove to us that our 30 percent number doesn't work, we're going to stick with 30 percent.

So a little over a year ago -- I think it's a little over a year ago, somewhere between a year or two ago, a client of both Mr. Mulhere and mine came forward with an actual pro forma to show you what we can physically afford to build and have a project that we could finance.

So the long and short of it, in order to get financing for the project, the bank wants to make sure you have the potential to earn a certain percent of the money you invest. And if you can't show you have the ability to earn that potential percentage return, they're not going to finance the project. Then you're going to get -- then you're going to get zero affordable housing.

So based upon cost of land, cost of permitting, cost of construction, cost of maintaining the facilities, we provided the analysis, showed you what the market rates are versus what the restricted rates would be, what the income would be assuming we leased up the project.

And at that time, when interest rates were lower, we could -- we could afford, actually, 22.6 percent if you broke it out with half of those units being at the 100 percent and below and half of the units being at the 80 percent and below.

So that's why you're seeing that number. It's a unique number, and you'll see that number

carried forward in other petitions that Mr. Mulhere and I and others are bringing forward in the future. So it's an odd -- it's an odd number, but I thought you needed to understand where that number came from.

So we did share with staff and then the Planning Commission the numbers and the math and why we could not go to 30 percent and still can't go to 30 percent. And, candidly, it's going to be a stretch to get to the 22.6 percent with the change in income -- interest rates that are being charged today.

So as an overview, the project basically keeps the Carlisle exactly like it is. It will be on a little bit smaller footprint; thus, the request for a .65 FAR, floor area ratio. Typically, projects are coming forward with a .60 floor area ratio. So the .65 is related to the existing Carlisle. There will be no changes there. There will be no changes to the access for the Carlisle. And, again, we have no access through the Carlisle to Orange Blossom.

You heard in the emails, and we kept hearing at the neighborhood information meetings not only for this project but for another project that I'm involved in in the same quadrant, that we're at a tipping point. Now, they're referring to a tipping point as far as traffic goes, but we're at a tipping point with regard to income-restricted affordable housing.

So we're at a point now -- and you're going to see a lot of projects, and hopefully you're going to see some more either by right or through the zoning process based upon the legislature providing incentives for developers to come forward and bring forward affordable housing.

Every project you're going to see from this point forward is going to be on a major road. Every project you see from this point forward is going to add traffic. Every project that you see from this point forward is going to slow down how quickly you can get from Point A to Point B in Collier County. But every project that you see from this point forward is going to meet your transportation concurrency laws, and this project is no exception; we meet the transportation concurrency laws for purposes of this project.

So we're at a crossroads. We're at a tipping point. Pick whatever words you want to use. Are we or are we not going to provide the private sector an opportunity to participate in helping to solve a housing crisis? And we're bringing several projects forward. This is one of many that I'm working on. And we will see how we fare as we go through this process, because you're going to see like you see tonight -- or today neighborhoods that are not happy about the potential impacts to their community. I don't belittle their feelings, but we have to address this one way or another, or the housing won't be here, the employees won't be here, and the overall quality of life in Collier County will go down if we do not have workers.

CHAIRMAN FRYER: I'm going to take this opportunity right now to ask that we have no expressions of any kind from the audience.

MR. YOVANOVICH: They don't have to agree. This is exactly what we experience at neighborhood information meetings when we go through this process. We believe what we say when we're at the podium. And I do believe -- I've been here a lot longer than probably most people -- not longer than everybody, but a lot longer than most people in this room, and it has gotten harder and harder for people to find affordable, safe, decent housing in Collier County. And we have to decide what we want to do, because if we don't provide it, they'll live somewhere else, and once they can find a job somewhere else, they're just going to stay where they are and not come here.

So those are my opening comments. I'll turn it over to Bob to take you through the details of the master plan and the project, and we're available to answer any questions.

I'd like to get through our presentation first if at all possible before any questions but, obviously, ask questions whenever you deem.

COMMISSIONER KLUCIK: I do have two basic questions.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Chairman, thank you.

I'm sorry, I forgot I can push my button. I was just at another meeting where we don't

have a button, and I forgot, so...

CHAIRMAN FRYER: Proceed.

COMMISSIONER KLUCIK: The current zoning -- because I see something saying that, like, technically the zoning is agricultural. But what is the actual zoning right now?

MR. YOVANOVICH: Well, technically, it is agricultural. And in Collier County when the Growth Management Plan was originally adopted, the vast majority of the land in Collier County was zoned agricultural, so it's kind of a holding category, if you will, until the Comp Plan and people come in and rezone the property. So, technically, it is agricultural.

COMMISSIONER KLUCIK: So right now what --

CHAIRMAN FRYER: Excuse me, Commissioner. The short answer to your question is it's agricultural with a conditional use.

MR. YOVANOVICH: True.

COMMISSIONER KLUCIK: That could be --

MR. YOVANOVICH: I was focused on the vacant piece. You're right, Commissioner.

COMMISSIONER KLUCIK: And the conditional use right now is?

MR. YOVANOVICH: The conditional use is for the group housing for the Carlisle.

COMMISSIONER KLUCIK: Which is considered residential or mixed use?

MR. YOVANOVICH: Again, it could be institutional, residential.

COMMISSIONER KLUCIK: See, what I'm getting at is I'm trying to just figure out where this would lie with this Live Local.

MR. YOVANOVICH: What we're proposing on the vacant land is actually better than the Live Local for income-restricted categories. Under the Live Local, 120 percent and below would be the living category.

COMMISSIONER KLUCIK: And I think -- I will let you give your presentation, but that's -- I would think that that's really interesting for me when I'm making, you know, a recommendation with my vote to see, you know, what could you do -- could you just do this by right now that we have this Live Local or much of, you know, what you're asking for with this Live Local. That, I think, is important to know just, first of all, because this legislation is new, and it's important for us to know the impact and how it affects petitions, you know, like the one that, you know, is before us right now.

CHAIRMAN FRYER: Commissioner, it would have to have a larger percentage of affordable housing.

COMMISSIONER KLUCIK: Right.

CHAIRMAN FRYER: And the law doesn't take effect until July 1.

COMMISSIONER KLUCIK: Right, right. And then it would also have to have 65 percent residential, I believe, as well, the proposal.

CHAIRMAN FRYER: Yes, yes.

Mr. Bosi, did you want to say something?

MR. BOSI: No.

CHAIRMAN FRYER: Sorry.

COMMISSIONER KLUCIK: Yeah, I won't belabor the details at this point.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Two questions. How -- the Carlisle, obviously, in its right, does group-care facilities as it is. How does this project tie into this, or is this completely separate where it's just going to be residential?

MR. YOVANOVICH: Well, I'll take away some of Bob's thunder. What we're doing is we will be sharing the access off of Airport Road with the Carlisle. They'll go to the left to come to our project, and they'll keep going straight to go into the Carlisle.

We will be providing some additional parking for the Carlisle on our property that's currently being provided off site of the Carlisle at the Italian-American Club property. So the relationship there will be we'll provide some additional parking for them, and we'll share some

infrastructure. But as far as -- they'll be totally separate from an operational standpoint and no interconnection.

COMMISSIONER SCHUMACHER: Okay. Second question is you said you had two letters of recommendation from neighbors.

MR. MULHERE: Yes.

COMMISSIONER SCHUMACHER: Which two were those?

MR. YOVANOVICH: From neighbors.

COMMISSIONER SCHUMACHER: From neighbors, okay.

MR. YOVANOVICH: From neighbors, yes, yes.

COMMISSIONER SCHUMACHER: Okay.

MR. YOVANOVICH: And it would be the immediately adjacent neighbors right here.

COMMISSIONER SCHUMACHER: Along the back, okay.

MR. YOVANOVICH: Where the apartment complex is proposed to go, yes.

COMMISSIONER SCHUMACHER: Got it. Thank you.

MR. YOVANOVICH: And I didn't point out, and I should have, this is also an apartment complex right here.

COMMISSIONER SCHUMACHER: Yes.

MR. YOVANOVICH: And you probably know that. And so is Arbour Walk.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Yes. Rich, you talked a lot about traffic. You talked about the -- of course, levels of service. And this may be something that staff will have to address during their presentation. But I vaguely recall my days with the county, there was a significant objection to the widening of Orange Blossom Road going west from Airport-Pulling and, in fact, it was a pretty significant issue in regards to the communities not wanting that portion of the road widened.

Now we're facing a situation where had it been widened, we would not have -- be discussing the significant impact of traffic. So either that's something Mike Sawyer may be able to answer, or do you recall, or part of your testimony, you want to raise that issue?

MR. YOVANOVICH: Well, we can, and I tried to briefly bring that up, yes. And Mr. Sawyer and Mr. Trebilcock can get into greater detail.

Yeah, the community asked the Commission to restrict it and keep it at the two lanes that existed at the time. We have minimal traffic going on Orange Blossom.

COMMISSIONER SCHMITT: Right.

MR. YOVANOVICH: There will be -- there are other projects -- Orange Blossom is a road that's traveled; there's no question.

COMMISSIONER KLUCIK: Yes.

MR. YOVANOVICH: It was always intended to be a connector from Goodlette-Frank Road all the way to Livingston. It was always intended to be on the master plan. That's what it was supposed to be.

Yes, they restricted it to two lanes. That's fine, but that means because you only have two lanes, you're going to carry more traffic on two lanes versus four lanes.

COMMISSIONER SCHMITT: Correct. Okay, thanks.

MR. MULHERE: Good morning. For the record, Bob Mulhere here on behalf of the applicant. I'll try not to repeat what questions and what information Rich already provided.

But in response a little bit, Commissioner Klucik, to your question about the ag zoning, if you look at what's on the visualizer, it's our county's comp -- Future Land Use Map. The Future Land Use Map and the Future Land Use Element through policy identify what types of uses should go where within the county. It's required by the state.

And so any of those ag-zoned pieces that are designated either urban or activity center or industrial where the zoning does not allow that but the Future Land Use tells you what should go there, it's only a matter of time before that changes. There are still -- probably relatively few, but

there are still some ag pieces in the urban area of Collier County. This is one of them.

And this is the zoning map, so you can see clearly that it is presently zoned ag right here.

And just briefly, presently to the north of us right here, that parcel is zoned ag, but that will be converted to commercial. It's got the allowance for commercial. And then you've got the Italian-American Club parcel just north of that.

This is the PUD master plan. A fair amount of information on there but, as Rich said, the total parcel size is 27.78 acres. Tract A which will -- houses the Carlisle, is 13.21 acres. Tract B, which will house the apartment complex, is 14.57 acres in size. And the commitment -- well, actually, there's a slide that shows it better, so I'll wait and get to that. So that's your PUD master plan. It shows the required landscape buffers, the surrounding land use, and the deviations we requested.

This is a colorized plan which shows the layout -- the general layout of the development. Rich mentioned that we would be providing some parking. Well, presently, even in this aerial, you can see some offsite parking in this area here for the Carlisle. By agreement, they're parking a significant number of vehicles on the undeveloped portion of the Italian-American Club. When the Italian-American Club gets developed, that's not going to be developed for them. And it's not that they don't meet the LDC requirements for parking. It's that the amount of employees that they have demands a higher amount of parking spaces; shift work.

And so we will be providing -- is it 80, a minimum? A hundred and two spaces on this site that we'll construct that will support the Carlisle, and those are generally located in this area. Shared entrance, as Rich indicated.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Could you go back. Yeah, I guess it's a little confusing because, of course, you're showing an elbow, and now we have something that's kind of the opposite of the elbow.

MR. MULHERE: I'll try to -- so traffic will come in here. You'll have a circle.

COMMISSIONER KLUCIK: No, no. I'm sorry. The parcel shows an elbow that would start in the, you know, top left corner and then go down and then go across, and this is a different shape. I'm just trying to orient.

MR. MULHERE: I'll show you.

COMMISSIONER KLUCIK: This is just a portion of that elbow?

MR. MULHERE: Yeah. This is just the -- here. I'll just clear this. So you would include --

COMMISSIONER KLUCIK: And the section that you said was -- okay, all right. And that section there is the section that isn't really part of that parcel that you've had highlighted as an elbow. That's the part that's just above it that you just mentioned?

MR. MULHERE: That's where the Carlisle is, yes.

COMMISSIONER KLUCIK: Right. Okay.

COMMISSIONER SCHMITT: It's existing.

COMMISSIONER KLUCIK: Which isn't changing?

MR. MULHERE: It is not changing. I can briefly tell you --

COMMISSIONER KLUCIK: It's just tied in because it's --

MR. MULHERE: Yeah. It's actually --

COMMISSIONER KLUCIK: You're working it into your proposal, yeah.

MR. MULHERE: It's actually in my presentation. This design will incorporate stormwater for the entire site. We'll incorporate the additional parking needed. But also, interestingly enough, the Carlisle was approved in the early '90s prior to the county establishing a floor area ratio for these types of facilities, CCRCs, ALFs. So they got approved through a conditional-use public-hearing process.

Since probably 1995, or somewhere around that time, the county has applied a floor area

ratio, because these are really not residential dwelling units. You know, they are -- people live there, but they're supported.

So the Carlisle presently would not meet that requirement. They exceed the 0.45 floor area ratio, which is why we're requesting a floor area ratio of 0.65, which has been granted numerous times through the PUD process. So this will actually take a nonconforming use, which is to benefit the Carlisle, and make it conforming. There are challenges with nonconforming uses in terms of what can you replace that with for any reason there's any destruction. So making it conforming is very beneficial for them.

The buffers adjacent to Orange Blossom is a 20-foot Type D; to the north, since we're adjacent to commercial, it's a 10-foot buffer; to the south it's a like use, multifamily, it's a 10-foot Type A; 20-foot adjacent to Airport Road; and there will be an enhanced buffer adjacent to the residential to the west. So that's going to include an 8-foot concrete block stucco wall and enhanced plantings as well. This is a rendering of that western perimeter if you were looking at it from the adjacent residential perspective.

This is a rendering of the proposed multifamily project, and a little closer view.

This exhibit here shows those adjacent single-family homes and the setbacks from them, and this is the property line. And the setback from the property line to the closest multifamily structure is a hundred and -- slightly greater than 131 feet. The distance to the actual structures is significantly greater than that; here and here.

CHAIRMAN FRYER: Commissioner Klucik.

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

Where do you foresee, or is it not, you know, specified, and it will just, you know, kind of organically unfold, but where would you see the workforce housing or the income-restricted housing?

MR. MULHERE: It's throughout, throughout those buildings. There's no particular unit designated, and I don't think the county actually wants us to designate particular units.

COMMISSIONER KLUCIK: Well, right. That's my question. I just am curious as to how that -- how that ends up unfolding.

MR. YOVANOVICH: The way it works is we have to do an annual PUD monitoring report, and we have to show the 76 units on our annual PUD monitoring report, and we have to show the 38 that are the 100 percent category, 38 that are in the 80 percent category, and then we have to show that we're either renting it and verify we're renting it to people who meet those income qualifications or that it's vacant and eligible to be rented to people who make those income-restricted categories.

So we have an ongoing obligation annually to -- and we can be audited at any time, but we have an obligation to provide an annual accounting to how we're meeting those requirements.

We -- at other times we've been asked -- I think you were around at that time where staff said, hey, we want you to identify X percent of the three-bedrooms at each income category, Y percent of the two-bedrooms, and Z percent of the one-bedrooms. And what we said to you then and we say to you now is it's hard enough to make the project pencil out but, two, the market's going to tell us if we need one-bedrooms, if we need two-bedrooms, or we need three-bedrooms to satisfy those requirements.

So we need the flexibility to be able to satisfy the demand. And the more restrictions you put on us probably makes it harder to provide --

COMMISSIONER KLUCIK: No, no.

MR. YOVANOVICH: I'm not saying that. I know --

COMMISSIONER KLUCIK: I was just wondering if there were designated areas or -- you know, it seems to me the better way to go is for there not to be.

MR. YOVANOVICH: It's not. But I'm anticipating some public comments that you're going to hear that they would like to see more specificity as to the number of three-bedrooms, the number of two-bedrooms, the number of one-bedrooms, and --

CHAIRMAN FRYER: On behalf of the court reporter, I'm going to ask speakers who have been recognized, nonetheless, to please refrain from talking over one another.

MR. YOVANOVICH: Mr. Klucik and I do that quite a bit; I apologize.

COMMISSIONER KLUCIK: I used to think it was my beard that caused me to do that.

MR. YOVANOVICH: Younger.

COMMISSIONER SHEA: That didn't help.

MR. MULHERE: Mike, did you want to --

This is a perspective that shows the view from a pedestrian in the adjacent single-family looking eastbound towards the project. Yes, they'll be able to see some of the building, but with this landscape buffer and 8-foot wall, that will direct the perspective to the higher level.

I think Rich already went over this. I'm not going to repeat that.

There are similar projects throughout the county and more in the works. Lord's Way First Assembly was approved for 384 units on 19.1 acres; that is 25 dwelling units per acre.

Blue Coral was approved 234 units on 9.35 acres; that's 25 units an acre. Briarwood was 320 units on 14.07; that's almost 23 units an acre, 22.7.

A project was recently approved in Lely Resort on nine acres for 184 units; 20 units an acre. And then there's the Randall Curve project out in the Oil Well -- vicinity of Oil Well and Immokalee, which is probably the first multifamily project out in that area, which is 20.5 units per acre.

We had a NIM. It was very well attended. On September 26th, 153 members were in attendance. I'm sure the public can share their thoughts of the major issues, but from the tape and audio, we've highlighted the issues as traffic; access related to Orange Blossom; the design, particularly building height; and property development standards; and the incomes for the affordable housing units to be served and the number of affordable housing units.

We subsequently met at the Monterey clubhouse with the Orange Blossom Alliance which is -- consisted of the leadership of those communities along Orange Blossom. That was on February 7th.

And in response to the feedback that we received at the NIM, we did make changes. We originally proposed a five-story building, which we've reduced to four stories. We removed any access from Tract B, this multifamily project, to Orange Blossom. There is an existing -- I think it's a right turn only, but there is an existing access that the Carlisle can use, and that will remain in place, but we will have no access from the multifamily project.

With Norm's help -- we did hear from some neighbors on the east side of Airport Road, and perhaps it would help if I got -- well, I was thinking an aerial, which I know is way up here. But -- so Lone Oak, which is, you know, right here, I believe has just the one access out to Airport. You also have Windward Isles right here. The original access was a little further to the north, right about here. And there was concerns that those U-turn movements from folks exiting this project and then heading northbound on Airport would conflict with folks from Lone Oak and Windward Isles' ability to get out onto Airport Road. There was also a concern that more traffic would head north and then go down Orange Blossom.

And so what we did was move that access further south so that the U-turning movements now occur further to the south and are, A, less likely, that is some traffic will head south on Airport and will reduce the conflicts. And, of course, Norm can answer any detailed questions, but reduce the conflicts for folks who are exiting, you know, for example, Lone Oak or Windward Isles.

Norm can speak specifically, but we did do a specific traffic count study on Orange Blossom to determine the actual traffic versus the initial estimates, and the TIS was updated with that.

We improved the landscaping and design at the entrance feature at Airport Road, and then we increased the setbacks to the west to 130 feet, which we committed to and for which we received letters of support from a couple of the single-family homeowners on Anthony Court.

The p.m. peak-hour trips are 343. We don't create any significant or adverse impacts in

this area as it relates to the roadway networks in accordance with the county's concurrency management plan. There's sufficient capacity on the roadway to accommodate this development. Based on the turn lane results -- the turn lane analysis results performed, the turn lane improvements are warranted for the Airport Road main access, and we'll make those improvements at the time of Site Development Plan. And as I mentioned, the p.m. peak hour two-way trips are capped at 343.

Some other questions that came up was, were we going to try to access Yarberry Lane to make a connection to this project. We are not. There is no access to or from Yarberry. And the only egress, as I indicated, on Orange Blossom is for the Carlisle.

A barrier -- I forgot to mention that a barrier to the median cut will be utilized at the southern egress to prevent immediate U-turn movements which will further force that south -- further south, which will reduce those conflicts that I talked about.

And we do have that emergency access. There's already a connection, an easement allowing connection to Bear Creek. And that shows the emergency access into Bear Creek.

CHAIRMAN FRYER: Excuse me. Would you say a word about how that is controlled, and by that I mean limited to emergency vehicles.

MR. MULHERE: Yes. I mean, it's -- it could be either gate controlled or a temporary barrier. There is an easement that actually allows for connection here, but both -- as the developer's consultants and also the county, we didn't think it was appropriate to put, you know, a full access here running traffic through this existing development. But we do have that emergency access. So they can access either through our project or through their project.

CHAIRMAN FRYER: Yeah. Mechanically, though, are you going to use a Knox box? How are you going to control it?

MR. MULHERE: Typically that's how it's done, says Norm. So we'll coordinate with the Fire and Sheriff's Department on that.

CHAIRMAN FRYER: Thank you.

MR. MULHERE: This is a -- just sort of a blow-up of that right-out that exists today for the Carlisle and will continue to exist for the Carlisle only, because the intersection's right here. So it's fairly close.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, Commissioner.

MR. MULHERE: That concludes my presentation, so...

CHAIRMAN FRYER: Okay. Thank you.

COMMISSIONER KLUCIK: I Googled if for the benefit of those in the audience that are like me and don't know what a Knox box is. I now know it's, apparently, a key box that the Fire Department would have access to, and then they would be able to --

MR. MULHERE: I think it's done either that way, or there's actually an electronic --

COMMISSIONER SCHMITT: It's done electronically.

COMMISSIONER SPARRAZZA: It's almost like a garage door opener. You press a button. It allows emergency, EMS, fire, police, anybody to get through quickly.

CHAIRMAN FRYER: It is one of several, possibly, effective ways of prohibit public access but allowing for emergency and, of course, emergency access is important to everyone if there is -- if the emergency involves the main access, you want your emergency vehicles to have a way to get in and out.

Okay. Let's see. We've got Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you. I just wanted to double-check with anyone from the great commission board up here and also the petitioner. I believe we are still looking at the AMI, area median income, still being at 98,6-. That hasn't changed yet, correct?

MR. YOVANOVICH: I don't think -- it's annual, and I don't think the new annual number has come out.

COMMISSIONER SPARRAZZA: The new one has come out yet, correct? Okay.

Great. Thank you very much.

CHAIRMAN FRYER: That's correct. That's for a family of four, assuming two wage earners.

COMMISSIONER SPARRAZZA: Two, correct.

MR. YOVANOVICH: Or four.

COMMISSIONER SPARRAZZA: It's all online.

MR. YOVANOVICH: It's the total family income. It's the total family income.

COMMISSIONER SPARRAZZA: Household income.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. If you would help me understand again the density. So we have A and B, and A and B are the elbow, or A is the elbow and -- you've got to help me understand that.

MR. YOVANOVICH: I will. I will. Let's just get the master plan. A is that rectangle, which is the Carlisle.

COMMISSIONER KLUCIK: That goes -- yeah, okay.

MR. YOVANOVICH: And it goes in a north/south direction, and then B is elbow, upside down L, whatever you want, that's Tract B.

COMMISSIONER KLUCIK: Okay. And so your density for B is -- the proposed density is going to be 23?

MR. YOVANOVICH: If you look at -- the county does it one of two ways. Overall, 27.8-acre density, that would be roughly 12 units an acre. But if you wanted to focus purely on net density for Tract B, it would be 23.

COMMISSIONER KLUCIK: No, that's what I'm trying to figure out is --

MR. YOVANOVICH: I just wanted to --

COMMISSIONER KLUCIK: Right. I'm looking at -- I'm looking at the staff report, and they walk through density.

MR. YOVANOVICH: Right.

COMMISSIONER KLUCIK: So Tract B would be 23 acres if you just pulled that out.

MR. YOVANOVICH: Twenty-three per acre.

COMMISSIONER KLUCIK: And then Tract A would be what density?

MR. YOVANOVICH: Well, it would -- that's the floor area ratio for the Carlisle, and that's 26.5.

COMMISSIONER KLUCIK: Okay. And that was at -- and then if you combine those, the whole project ends up being 12; is that right?

MR. YOVANOVICH: Well, no. No, no, no. The Carlisle itself is standalone. It's 350 beds is my understanding.

COMMISSIONER KLUCIK: Well, here's what I'm looking at, so maybe staff can answer the question. But it says in the staff report, the proposed residential density for the entire subdistrict is 12.1 dwelling units per acre. And I'm just trying to understand that versus the net residential density for Tract B.

MR. BOSI: The manner in which you calculate density for a mixed-use project is over the entire course of the entire project, including commercial, institutional, nonresidential, the commercial being -- or the Carlisle being institutional. Commercial is included in the gross density. So we provide you 12.1, I think, units per acre as a gross density. But on the tract, Tract B, is -- it calculates to 23 units an acre.

COMMISSIONER KLUCIK: Okay. And so when you're saying 12, that would apply to Tract A and B combined?

MR. BOSI: Yes.

COMMISSIONER KLUCIK: Okay. But, really, the project -- the housing project that's at issue is 23?

MR. BOSI: Correct.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: I'm going to follow up on that if I may, because it touches on -- it really centers on the issue that is most significant to me with this proposal.

The way assisted living facility dwellings are calculated is based upon the assumption that they are commercial in nature rather than residential, and so you use intensity measured at floor area ratio, FAR, and that, effectively, takes that out of the mix when you calculate the actual density, because those people in the ALF, that's where they dwell. That's their dwelling units.

And so if you look at both of these lots to see how many people reside there or are dwelling there, you're going to have to add the Carlisle, which is whatever it is, 350, plus the proposed 336. And, you know, I understand that the calculation that's been done by the applicant is accepted by the county, but I think in reality, the way it -- the feel that it has for neighbors, let's say, is that this -- these two tracts are occupied by 700-plus residents. And I think we have to keep that in mind. And when you eliminate the people who are actually dwelling on Tract A, you get, I think, an unrealistic picture of density.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER KLUCIK: Yeah. No, I know. It seems as though what they've done is they've just set Parcel A to zero, and so it's just basically you're dividing it, then, by twice as many acres.

CHAIRMAN FRYER: That's pretty much right.

COMMISSIONER KLUCIK: Which if you have a lot of people dwelling there, granted, they're not going to be engaged in maybe as much activity that affects, you know, externally as -- you know, as others by the nature of who's there. But it -- but, yeah, it really seems like the density -- in theory, it's 12 but, in fact, it's actually -- that's an interesting number. It doesn't really tell us the whole picture.

CHAIRMAN FRYER: And I think that's exactly right.

MR. YOVANOVICH: Right, and that's why we provide the net number as well.

COMMISSIONER KLUCIK: Right, okay. Thank you.

CHAIRMAN FRYER: I just want to finish up on that thought that to me the -- and I have not decided how I'm going to vote on this yet. I'm thinking out loud. And to me, the most significant issue is the density potential incompatibility. When you recast the occupancy on Tract A to what it really is, you're going to have lots more people there than -- than compares to or is similar to the surrounding areas which are more in the 12 and 13 range. Again, I'm not --

(Applause.)

CHAIRMAN FRYER: Ladies and gentlemen, yeah, please. Members of the public are going to have their opportunity to speak, and we will -- we will allow for that at the proper time, and I'd just ask that you give us the courtesy of not interrupting.

COMMISSIONER KLUCIK: Mr. Chair.

CHAIRMAN FRYER: Go ahead, Commissioner.

COMMISSIONER KLUCIK: Yeah -- no. And I don't want to at all imply that -- obviously, Mr. Yovanovich, you clearly have, you know, the 23, you know, as the density for Tract B, so I don't want to suggest that you've been anything but -- you know, but candid in, you know, offering that calculation.

MR. YOVANOVICH: Correct. And let me -- a couple things. First of all, remember that the Carlisle is not a standard residential community. It's a senior living community, and the county looks at it as a floor area ratio versus density because of that reason, because they don't travel as much, they have -- they have their own transportation through buses, et cetera.

The county historically would say and -- before -- before they did the FAR, they would say, four senior housing units equals one residential unit. That was the typical conversion because of all of those factors.

So when you say the 350, that's not 350 typical units. That would be less than 90. I can't

do that number in my head, but it's right around 90. So let's be careful about saying 350 assisted living units is the equivalent of 350 apartments, if you -- however you want to go about doing that.

The real factor you have to look at is there's no question we're adding 336 units, and what does it do from an infrastructure of the county's standpoint, and what does it do for addressing the need for income-restricted housing. But it's not apples -- the Carlisle is not the same thing as a typical multifamily project from a density standpoint and an impact standpoint.

CHAIRMAN FRYER: We really don't know that. And I'm not taking away from the point you're making, because that's -- that's how the county looks at it, and I accept that. But one factor to me, at least, that is not taken account of when you view it that way is that people in an assisted living facility are going to have more visitors coming to them day in and day out --

MR. YOVANOVICH: And I can tell you --

CHAIRMAN FRYER: Please, Mr. Yovanovich.

And people who live in apartments probably don't have as many. And so until we have a study showing the number of visitations to assisted living versus the ingress and egress of the occupants, we really don't know.

MR. YOVANOVICH: Well, you do know. You do know because there's an ITE manual that does -- factors in trips generated for that type of use, which factors in visitors. And Mr. Trebilcock will come up and tell you that there is a dramatic decrease in the number of people -- the trips that are generated, including visitors, to senior housing versus -- whether or not I have anybody coming to visit me at my apartment or not, the trips that are generated from my apartment.

CHAIRMAN FRYER: Interestingly, the ITE is, in my judgment, flawed in one significant way, and that is that it paints a national picture. It doesn't look, for instance, at Collier County. It doesn't take account of, for instance, the family relationships that might be here where there might be more visitation to people in assisted living than somewhere else in the United States.

MR. YOVANOVICH: And we can have that discussion. But I tell you that Mr. Trebilcock done an analysis of apartment complexes in Collier County compared to the national average in the ITE, and, ironically, they're the same. So the ITE is a legitimate tool, for not only nationally, but for Collier County. We have tested it.

CHAIRMAN FRYER: All right. Anyone else want to be heard on this at this point?

COMMISSIONER SCHMITT: Yeah, I do.

CHAIRMAN FRYER: Vice Chairman.

(Cell phone ringing.)

COMMISSIONER SCHMITT: I'm sorry. I thought I turned that off.

CHAIRMAN FRYER: The Vice Chairman wants me to acknowledge that everyone here should please turn their phones off.

COMMISSIONER SCHMITT: I did.

MR. YOVANOVICH: We did a test.

COMMISSIONER SCHMITT: I turned it off.

I just want to state -- and I understand the Chair's point, but I do have to accept the national -- what they would deem as the national average or -- unless we have specific -- unless Norm has gone out and actually done a traffic study. I mean, we can assume something, but if there is testimony that says this is what the typical traffic pattern displays and this is what we would approve -- and I'm looking forward to hearing from Norm, then, on this, because we can -- we can make an assumption, but I want -- I want to hear the real facts. I don't know if he's ready to do that now, or do you want to proceed?

CHAIRMAN FRYER: Let's do it.

COMMISSIONER SCHMITT: Do it now.

MR. TREBILCOCK: Okay. For the record, my name is Norman Trebilcock, a professional engineer, certified planner with over 30 years experience here in Collier County. We prepared the traffic study for the project.

And as Rich had mentioned, the assisted living, we do use the ITE trip generation, because that is the standard that Collier County has for trip generation. So there wasn't any particular one run. So we do use that. We actually -- we use beds. Conservatively, we usually use the overall square footage for the Carlisle as well, so it actually created a higher trip generation than typically you get for beds --

CHAIRMAN FRYER: Pardon me for interrupting, but I want to focus you on the exact question that's on the floor.

MR. TREBILCOCK: Okay.

CHAIRMAN FRYER: Mr. Yovanovich says that you have done a study, your firm has done a study, that has concluded that assisted living facility traffic in Collier County is the same as the ITE. And don't correct me, Mr. Yovanovich, because the record is the record.

MR. YOVANOVICH: I'm going to have her read it back to you. What I said was he did apartment complexes. So if you'd like her to read it back, I'll have her read it back.

CHAIRMAN FRYER: No, that's fine. So you did not do a study on assisted living facilities in Collier County?

MR. TREBILCOCK: No, sir, not specifically. What he meant was for the multifamily portion of it. But, again, we do use that as the adopted. The ITE trip generation is what we do use.

CHAIRMAN FRYER: Well, the record will speak for itself, of course, but that clarifies it for me. I thought I heard Mr. Yovanovich saying that you had done a study that says assisted living facility traffic in Collier County is the same as the ITE national study. If I'm wrong, I'm wrong.

MR. TREBILCOCK: Yes. Yeah, he didn't say that.

COMMISSIONER SCHMITT: He said apartments.

CHAIRMAN FRYER: Okay.

MR. TREBILCOCK: It was for apartments.

CHAIRMAN FRYER: Then I stand corrected. Thank you.

MR. TREBILCOCK: Okay. Is there anything else or --

CHAIRMAN FRYER: Not for me.

MR. TREBILCOCK: Okay. Thank you.

COMMISSIONER SCHMITT: I do have a question. And, Norm, from a standpoint, what is the impact in comparison to a typical apartment building? The ITE states that a -- is it less intense or more intense or the same or what? From an ITE standpoint. Because that's your standard and that's the national average. And I'm -- you did not go out and do an actual traffic study?

MR. TREBILCOCK: As far as --

COMMISSIONER SCHMITT: Did you actually go out and measure traffic at the Carlisle in and out?

MR. TREBILCOCK: No. No, we did not.

COMMISSIONER SCHMITT: But you did use the IT -- so from the ITE standpoint, assisted living facility, continuing care facility, whatever we're calling that, how does that compare to a typical apartment building from the standpoint of trip generation?

MR. TREBILCOCK: Okay. When you typically compare beds to units --

COMMISSIONER SCHMITT: Yes.

MR. TREBILCOCK: -- the assisted living is a less intensive. What we actually did for the Carlisle is we use the total square footage of the facility. And so that actually creates a higher trip generation in the analysis. So that's what we did in the report.

So for the Carlisle assisted living facility, its p.m. peak hour is 178 p.m. peak-hour trips. That's 350 occupied beds. But what was really controlling was the larger square footage of the development. If you just use beds themselves, that's a much less trip generation. I have that -- I can find that and get that number for you.

MR. MULHERE: I just want to say, Norm is saying he used the most conservative calculation.

MR. TREBILCOCK: Which is the highest trip generation.

COMMISSIONER SCHMITT: Which is the highest?

MR. TREBILCOCK: Yes, sir.

COMMISSIONER SCHMITT: But how does that compare to a typical apartment complex from the standpoint the ITE -- which is deemed to be more intense?

MR. TREBILCOCK: So they're basically comparable here --

COMMISSIONER SCHMITT: Yes.

MR. TREBILCOCK: -- is really what happens when we use the square footage, which is the highest number, because -- so, in other words, for our 336 units, we're at 165 p.m. peak-hour trips.

COMMISSIONER SCHMITT: Okay.

MR. TREBILCOCK: For the 350 assisted living beds at that larger square footage, we're at 178. So they're actually comparable here because we're using conservative. But if I use just 350 beds and not the square footage, it would be a much lower number per what was referenced.

COMMISSIONER SCHMITT: Okay. All right.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: No, I guess I was just going to -- I think -- I think I understand now that you erred on the side of a more intense number --

COMMISSIONER SCHMITT: Yep.

COMMISSIONER KLUCIK: -- which I'm glad to hear that.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: Thank you.

Anything else from the dais? Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I'm going back to this traffic. So your a.m. peak exit's at 97. So if you've got 78 units that are affordable housing, how are you calculating -- that's less than one car per unit. I would think that affordable housing, you have two cars per unit, a.m. peak hours. If you've got a working-class family, both of those individuals would be leaving at that peak hour. What's the calculation on how you split that out?

MR. TREBILCOCK: So that's -- again, this is the multifamily housing. I mean, the reality is, for any development, the actual numbers that we find are less than what we would just say intuitively "everybody's leaving at the same time." This isn't reality in terms of any residential development. You have people that work different times of day, some folks that work from home. So this reflects the reality of how trips, you know, function within a community.

COMMISSIONER SCHUMACHER: So is that a.m. peak hour a blend of 8:00 to 10:00 --

MR. TREBILCOCK: Oh, I'm sorry.

COMMISSIONER SCHUMACHER: -- 7:00 to 9:00?

MR. TREBILCOCK: Yeah, I see your point. That's -- a.m. peak for traffic is the hours between 7:00 and 9:00 a.m. That's the peak-hour period.

COMMISSIONER SCHUMACHER: Thank you.

MR. TREBILCOCK: So it would be that peak hour within that period of time. Such as for a p.m. peak, it's between 4:00 and 6:00 p.m. So it would be the peak hour within that time frame.

So I know a lot of -- that's the -- I know it's troublesome for a lot of folks. Intuitively, they say, hey, there's 336 units; everybody's leaving at the same time. And that's really not the reality because there are different lifestyles and people work different shifts. You've got first shift, second shift, third shift for folks.

COMMISSIONER SCHUMACHER: I understand. I get that.

MR. TREBILCOCK: But this is typically the peak periods, and that's what we look to do, and that's why the county uses the p.m. peak hour, because that's the highest trip generation overall

that they experience on the road network.

COMMISSIONER SCHUMACHER: Thank you.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. And so as your -- what you just addressed, which was specific to the multifamily, correct, that was what you were just discussing?

MR. TREBILCOCK: Yes, sir.

COMMISSIONER KLUCIK: That is where you actually have done your own analysis to compare our local situation with national numbers?

MR. TREBILCOCK: We had overall, but this is using ITE standards as required by the county.

COMMISSIONER KLUCIK: No. But what I'm saying is Mr. Yovanovich indicated that you have compared and your analysis -- and I guess I'll just ask you -- and your analysis, is that national standard actually probably, you know, an accurate standard based on what you've looked at and the data that you've compiled yourself?

MR. TREBILCOCK: Yes, sir, it's comparable to the local conditions.

COMMISSIONER KLUCIK: So when you're talking about these a.m. peak and p.m. peak hours and this idea that it's not necessarily intuitive, you're saying that, yeah, that that actually -- it also bears out in your experience locally that the national numbers make sense and should be applied?

MR. TREBILCOCK: Yes, sir; yes, sir. That's why the county adopts them.

CHAIRMAN FRYER: Okay. Anything else from the dais?

(No response.)

CHAIRMAN FRYER: If not, I have a few comments. I want to be sure that with respect to concessions that have been made and issues between the applicant and the county that have been resolved, that they're reflected accurately in the material that will find its way into the ordinance and not just like -- a picture, like a master plan, but text.

And as I mentioned to staff on Tuesday when we met, there are a number of things that I just -- I want to be sure get locked in place. Not to change anything that has been agreed to, but just be sure that it is -- that it is accurately set forth and can happen by way of text in a number of different places.

Developer commitments seems to be the easiest one, but it really doesn't matter to me as long as it finds its way into text. And the first one was the 130-foot setback; is it on the south or southwest corner?

MR. YOVANOVICH: It's the west.

CHAIRMAN FRYER: The west corner. West side.

MR. YOVANOVICH: West boundary, yes, of Tract B.

CHAIRMAN FRYER: Okay. So the entire west side of Tract B will be 130 feet?

MR. YOVANOVICH: Right.

MR. MULHERE: Minimum.

CHAIRMAN FRYER: Okay. Where would you prefer to see that in text?

MR. YOVANOVICH: We would put that in the Development Standards Table itself.

CHAIRMAN FRYER: Okay. As a footnote?

MR. YOVANOVICH: As a number, hard number. I think we have -- we have it measured --

CHAIRMAN FRYER: Okay. All right. That's fine if that's where it is. Is it there now?

MR. MULHERE: Yes.

MR. YOVANOVICH: I don't -- yes.

MR. MULHERE: No. We haven't submitted it. It was a condition from staff, but we have already revised the PUD document.

CHAIRMAN FRYER: Okay. So -- all right. So when we come time to a resolution, if the resolution happens to be favorable, we're going to ask that that appear in the development standards as text.

Okay. All right. Then the emergency exit that we've already talked a little bit about on the south side, that certainly appears in the master plan. Is it anywhere in text and, if not, could it be so?

MR. YOVANOVICH: We can -- yes, we can add that to the commitment section, the transportation portion of the PUD commitment section if you would -- and I'm looking real quick. We can absolutely include any of the transportation-related commitments we've made. We already have that we'll have no access for Tract B onto Orange Blossom. And if you want us to add a commitment that we will provide emergency access through Bear Creek to the south, we can add that as a commitment.

CHAIRMAN FRYER: Yeah, unless you can show me where it's already in text.

MR. YOVANOVICH: I don't think it is already in the text. It's just on the master plan, if you don't mind.

CHAIRMAN FRYER: Thank you. The next one is your commitment, and it's not a height commitment, but it's a number of stories to four. Can we -- can we build that into the text?

MR. YOVANOVICH: We can put that into the table, if it's not already there. I'm looking to see. It is. It says under the table under maxed zoned height, 55 feet not to exceed four stories.

CHAIRMAN FRYER: That's in the development standards?

MR. YOVANOVICH: That's in the Development Standard Table, Exhibit B.

CHAIRMAN FRYER: Okay. All right. I think that's all I have. Let's see. We've got --

MR. YOVANOVICH: Mr. Chairman, we were asked to make a slight modification or slight modifications to the affordable housing provision, and it really deals with eliminating references to for-sale units. So on the visualizer you can see what we've been asked to delete regarding the income restrictions and data we need to apply for, and it had to do with owner-occupied units. Staff just wanted us, since we're providing rental, to clarify that it's just income related to rental units, essentially.

CHAIRMAN FRYER: Got it. Thank you.

MR. YOVANOVICH: I think that's everything we have as part of our --

CHAIRMAN FRYER: Hang on, Mr. Yovanovich.

MR. YOVANOVICH: Of course.

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

COMMISSIONER SPARRAZZA: Thank you.

Just doublechecking, when you spoke of height, is that 55 feet actual structure, or does that convert to 60 actual?

MR. YOVANOVICH: Sixty is the actual. And as you know, that's the tippy top.

COMMISSIONER SPARRAZZA: Of the top of the crest of the --

MR. YOVANOVICH: You got it. The highest element of that is 60 feet, and the 55 feet is the zoned height, which is typically midpoint of the roof or parapet, things like that.

COMMISSIONER SPARRAZZA: Correct. Just quadruple checking. Thank you very much.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: So just to kind of summarize -- I'm a little slower. What could you put on this property without having to be here looking for a change?

MR. YOVANOVICH: One unit per five acres.

COMMISSIONER SHEA: That's it. But consistent with the Growth Management Plan,

which is what --

MR. YOVANOVICH: It's just --

COMMISSIONER SHEA: -- the future plan is.

MR. YOVANOVICH: Sure. Consistent with the Growth Management Plan, depending on how we wanted to move forward. If we wanted to just move forward with -- and this is the reason it varies, because if we -- if we're not doing it with the Carlisle, then it's a different number. But since we're doing it with the Carlisle, we could do four units per acre base, and then we can use the standard affordable housing density bonus, which I think gets us, Mike, is that to 16?

MR. BOSI: Yep.

MR. YOVANOVICH: Sixteen units per acre over the entirety of the project, so -- but as -- you know, as we've told you, if that matrix worked, you wouldn't be seeing Growth Management Plan amendments because they just don't work financially to get to that 16 units per acre.

So, theoretically, we could get to 16 units per acre if we use the existing Land Development Code and Growth Management Plan provisions.

COMMISSIONER SHEA: What about height?

MR. YOVANOVICH: Unlimited. It's basically what's compatible around. It doesn't -- there's no -- there's no prescribed height in your code. I find it hard to believe that a four-story building isn't compatible with a three-story building, so -- so you would look at those types of factors.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

Regarding the -- and you mentioned -- your last comments before we started questioning you were the red line that you added. Can you put that back up? So those last-minute changes are, that you were asked to make, I guess, by staff?

MR. YOVANOVICH: Yes, sir.

COMMISSIONER KLUCIK: So what you're saying is these units are all going to be rentals for the duration of their -- of the income-restriction period?

MR. YOVANOVICH: Which is the 30-year commitment, yes.

COMMISSIONER KLUCIK: Right.

MR. YOVANOVICH: Yes.

COMMISSIONER KLUCIK: Okay.

MR. YOVANOVICH: These are rental units, yes.

COMMISSIONER KLUCIK: Got it.

CHAIRMAN FRYER: No other person is signaling at this time, so I assume nothing further from the Planning Commission.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Sorry. Just one more question. When we were doing this in conjunction with the Carlisle, what is the Carlisle's ownership of the apartment complex?

MR. YOVANOVICH: Of the apartment complex?

COMMISSIONER SCHUMACHER: Yeah.

MR. YOVANOVICH: They're not involved at all in the apartment complex.

COMMISSIONER SCHUMACHER: Just shared entryway, then?

MR. YOVANOVICH: Shared entryway is it, and then we have some parking for them on the apartment complex property.

COMMISSIONER SCHUMACHER: Okay. Thank you.

MR. YOVANOVICH: There's no unity of ownership. They're totally separate from each other.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just confirmation, if you went to the 16 units per acre, would

that basically take one floor out of it? Make it a three story -- besides financially killing it? I understand that.

MR. YOVANOVICH: Other than killing the project?

COMMISSIONER SHEA: Yeah.

MR. YOVANOVICH: I guess it would be -- I don't know. I'd have to figure out -- I don't know -- I don't know what number it would bring it down to, but we could figure that out. But it doesn't matter, because we looked at that. And it -- the project just dies.

CHAIRMAN FRYER: Thank you. Anyone else from up here?

(No response.)

CHAIRMAN FRYER: We're going to take a midmorning break in 15 minutes. That will be 10:30. Let's see if we have time for staff's -- oh, I'm sorry. Mr. Yovanovich, were you finished?

MR. YOVANOVICH: We are done, yes, sir.

CHAIRMAN FRYER: Okay. Thank you.

Mr. Bosi, staff's presentation?

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

Staff has reviewed the project both from a GMP consistency. Obviously the -- it is not consistent with the GMP without the approval of the submitted GMP amendment.

Per code, the gross acreage is just over 12 units an acre as we said the actual utilization is more -- is 23 units an acre.

What I would note in terms of overall consistency, the one thing that we looked at in terms of this corner, similar to some of the comments that were made by the applicant, there are -- each one of these corners of Orange Blossom and Airport Road are nonresidential. By every stretch of the imagination, that corner is considered more of a commercial industrial -- or not industrial, but institutional type of a use.

The Bear Creek Apartments that sit to the south of this project were approved as an affordable housing project at the highest density that was allowed during the '90s. The project beneath that was approved as an affordable housing project at 12 units per acre. Below that, you start your industrial -- your industrial zoning land uses.

So from a transition standpoint, we have an intersection, a nonresidential intersection that provides for a variety of institutional and commercial uses. And then we have a higher -- a higher density residential project being proposed at 23 units an acre. We've got a high residential density affordable housing -- prior affordable housing project that was approved at 14 units an acre. Then we have 12 units an acre stacked below that that was an affordable housing project of the '90s.

So this area has clearly been designated and perceived by the county in past actions of this county as a higher intensity area allocated for affordable housing, and below that you have industrial use, and then below that you have an activity center.

So from Pine Ridge Road up into Orange Blossom Ranch [sic], you have high intensity uses. This county incorporates -- or imports over 45,000 people a day to fill the economic needs of this county. So we are an importer of people. That relates to the traffic issues that we have.

This is an opportunity to provide for affordable housing within an area that is -- that is south of an activity center, that is north of an activity center, that is clearly within the urbanized area. We feel that the density being proposed with the public benefit of, you know, just over 22 units an acre dedicated -- or 22 percent of the units being proposed being dedicated to income restrictions has true community benefit.

The fact that the apartment complex will not access, ingress or egress, on Orange Blossom Ranch, is extremely important. So what that means is the intensity of this project will be designed to be incorporated and be absorbed by Airport Road and the volume of traffic and vehicles that are associated with that road.

We feel that, and Transportation concurs, that there is capacity within that road system to handle the additional load. Staff is recommending approval of the PUD request and GMP request.

I do have one aspect to put up, and this is related to the affordable housing commitment. We have added some additional robust language related to some of the concerns that were brought on by some of the adjoining property owners' concerns about the specificity.

Unfortunately, we have not incorporated this with the applicant. There's nothing that's outside of -- there's nothing that's outside of what is required by the housing, the housing monitoring, and what's being proposed by the applicant. It's simply we provide a little bit more specificity in the text in terms of the monitoring, the income limits, and what's required -- what's required to ensure that these units are made available.

One of the things that we have often dealt with during those affordable housing proposals is statements that it's unenforceable; that we haven't been able to monitor.

I've had extensive conversations with Cormac Giblin, who is the interim Housing director, and he has indicated to me -- his conversations with the Public Services Division that maintains the monitoring for the affordable housing income, they -- once they are made aware of it and they are fully aware of these commitments, once it's approved, it's on the radar. They maintain a strict policy of making sure that they contact on a quarterly basis to make sure that these facilities are available and that they're adhering to the terms that are contained within the proposed language.

CHAIRMAN FRYER: Thank you. This is the same thing that you showed me on Tuesday?

MR. BOSI: Yes, sir.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Do we have this at all in our packet or anywhere?

MR. BOSI: No, you don't.

CHAIRMAN FRYER: Can it be provided in paper to the Planning Commission before our break; is that possible?

MR. BOSI: Yes, sir.

MS. ASHTON-CICKO: Just for clarification, B doesn't apply because those are related to owner-occupied units. That's a template that the Zoning division is using for projects for consistency.

CHAIRMAN FRYER: So B comes out?

MS. ASHTON-CICKO: Yeah.

CHAIRMAN FRYER: Is that agreeable with staff?

MR. BOSI: Absolutely.

CHAIRMAN FRYER: Okay. And we'll ask for the applicant's concurrence, unless you're ready to speak on it now.

MR. YOVANOVICH: I was about to say, it looks like the only thing that really changed was B, and that doesn't apply, and if it does apply, the 68 needs to be 76. Other than that, I understand that. That makes all the sense in the world.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Klucik, did you have more?

COMMISSIONER KLUCIK: No, that was --

CHAIRMAN FRYER: Okay. Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yes. Rich, can you put up that slide again with -- it was the chart that shows density. Because I want staff to address that as well. I want to get -- you had a little chart that kind of displayed the density.

MR. YOVANOVICH: Bob, do you remember where that was?

MR. MULHERE: No, but we could find it.

CHAIRMAN FRYER: I'm going to ask for something to be done during the break that may be exactly what you're going after.

COMMISSIONER SCHMITT: Because I want -- I think it was Bob had that up, and -- it was just a simple chart. I wanted to --

MR. YOVANOVICH: No. Those are other projects, Mike.

COMMISSIONER SCHMITT: No, not that. It was a chart displaying the density, Tract A, Tract B, and a combination of the two.

MR. YOVANOVICH: I don't have a slide, but I can read you the numbers, if that helps.

COMMISSIONER SCHMITT: Yeah. Please go ahead. I'd like to have that in the report.

MR. YOVANOVICH: Tract B is 14.57 acres, and that comes to 23 units per acre.

COMMISSIONER SCHMITT: Correct. Okay. Tract B?

MR. YOVANOVICH: On Tract B.

COMMISSIONER SCHMITT: And if you would take the entire parcel, holistically, it is how many units an acre?

MR. YOVANOVICH: Twelve units per acre.

COMMISSIONER SCHMITT: Twelve units per acre.

And, staff, do you concur with the way that was calculated?

MR. BOSI: It's required by the code.

COMMISSIONER SCHMITT: By the code. And you concur with it?

MR. BOSI: But for transparency, we asked the applicant, and the applicant agreed that they were going to show what would the net acre be on Tract --

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: As you stated and what was stated in the report, if this was deemed to be part of the activity center, what would be the allowed density?

MR. BOSI: The allowed density currently would be 16 units an acre, but remember the Board of County Commissioners just transmitted amendments to our GMP related to housing.

COMMISSIONER SCHMITT: Yes.

MR. BOSI: And we've recognized that 25 units per acre is the number that we are comfortable and we are trying to obtain related to affordable housing.

COMMISSIONER SCHMITT: Because my --

COMMISSIONER SHEA: But isn't that in a restricted area, in activity centers only, to go to 25?

MR. BOSI: No. There's 25 units an acre within activity centers; 25 units an acre within the strategic opportunity sites, which are high-employment job creation centers; there's 25 units an acre that are along any of the transit lines that run throughout the urbanized area. So 25 units per acre throughout the major portion of the transportation network is being -- has been transmitted to the state as what we will allow as the new requirements related to projects that have affordable housing within them.

COMMISSIONER SCHMITT: I mean, what I'm trying to get at is the standpoint of development. The intensity is far -- or deemed to be accessible. Based on any criteria that were going to be applied to this area, it's accessible right now, the density that's being proposed?

MR. BOSI: With the -- with the approval of the GMP.

COMMISSIONER SCHMITT: With the GMP amendment. Because I'm reading the statement in the GMP amendment, and it says -- it basically says that we could achieve this under the county's identified activity center rules. So, basically, the argument of the density falls within all of the criteria that would -- deemed to be allowable, correct?

MR. BOSI: Correct.

COMMISSIONER SCHMITT: Is that the way I'm looking? That's the answer.

MR. BOSI: As I said, we're instructed by the LDC and the GMP to include the total gross acreage. That's 12 units -- that's 12.1 units an acre. You can get 16 units an acre with an affordable housing density bonus.

COMMISSIONER SCHMITT: So there's nothing that we're approving here that would be deemed to be not accessible under an applicant's application for the allowed density in this area. And what you stated, the Board is now saying that it's -- they would go up to 25 units an acre?

MR. BOSI: That's what was transmitted -- what was approved to be transmitted to the State of Florida.

COMMISSIONER SCHMITT: Okay, thanks.

CHAIRMAN FRYER: Here's what I would like to know after our break. I think there's been testimony from Mr. Trebilcock that -- just a rough calculation of the traffic -- or the density of assisted living facilities versus apartments is maybe one to four, and if that's the case and we've got 350 assisted livings, I would like to know where we are in relation to the 16 dwelling units per acre of affordable housing if we took the entire lot, the 27-plus acres, and added a quarter of the 350 occupants to the 336. It's a simple equation, but I'd just like to see how close we come to the 16 on that.

And, Commissioner Shea, if you can within four minutes, and then we'd take a break.

COMMISSIONER SHEA: I just wanted to follow up with Mr. Bosi.

Just so I understand -- in my mind I'm putting this in the right order. Under the current regulations, they can get 16 dwelling units per acre with affordable housing. The areas south of it that have affordable housing are in the same general area. So they want to go to 23. And the only reason we're going to 23 is in the future we would accept 23, or -- because we're actually giving them more for credit -- we've already given them credit for affordable housing to get to the 16.

MR. BOSI: No. They have not submitted an Affordable Housing Density Bonus Agreement. They've submitted a GMP amendment. What they've put up in one of the slides that was shown is five individual projects that have been approved in the last two years that we have been over 20 units an acre when we have affordable housing projects that are being proposed. That's the standard that has been accepted by this county.

COMMISSIONER SHEA: Well, I don't care about the last ones because they're -- I don't want to get into all the individual ones. I'm just looking at this area.

MR. BOSI: Okay.

COMMISSIONER SHEA: And the affordable housing in the area is 14, 15, you said.

MR. BOSI: The ones that were approved during the '90s, yes.

COMMISSIONER SHEA: Yeah.

MR. BOSI: And the density cap on the affordable housing at that time was eight units an acre. The Board of County Commissioners, based upon the ULI study of 2017, increased that density from eight units an acre to 12 units an acre if you're providing for affordable housing. Showing the transition in the greater need in the overall urbanization of this county in recognition of the need for higher densities to be able to provide for higher -- or for affordable housing.

CHAIRMAN FRYER: Commissioner Sparrazza, can you do it in two minutes?

COMMISSIONER SPARRAZZA: Yes. Quick calculation comes to about 16.7, am I correct, as far as if we took 350 homes times .25, added that -- which is, like, 87, added that to the 336, gives you 426, -7?

MR. YOVANOVICH: 427.

COMMISSIONER SCHUMACHER: Divided by --

MR. YOVANOVICH: 27.8.

COMMISSIONER SPARRAZZA: Twenty-seven. I just did 27. It came out to 16.3. So if I did that correct, we are very close to meeting that 16 units -- 16 dwelling units per acre if we were to have done nothing.

MR. YOVANOVICH: I just did -- I'm sorry. I just did -- what did you say, 427?

COMMISSIONER SPARRAZZA: I think that was my --

MR. YOVANOVICH: I did 427 divided by 27, and that is --

COMMISSIONER SPARRAZZA: 16.3 or --

MR. YOVANOVICH: -- 15.8.

COMMISSIONER SPARRAZZA: Okay.

CHAIRMAN FRYER: Okay. So we're definitely in the ballpark. Thank you.

MR. YOVANOVICH: And if you did the 27 -- for the complete record, if you did 27.8

times 16, that would be 444 total dwelling units.

COMMISSIONER SPARRAZZA: Which we are under?

MR. YOVANOVICH: Which we would be under if you did the 87-and-a-half plus the 336.

CHAIRMAN FRYER: All right. Thank you. Thank you both for your calculations. It's 10:29. We will take a break. We'll be in recess until 10:40.

(A brief recess was had from 10:29 a.m. to 10:40 a.m.)

CHAIRMAN FRYER: We've re-established our quorum on the dais, so let's return to session.

Anything further from staff at this point?

MR. BOSI: None from staff, sir. Thank you.

CHAIRMAN FRYER: All right. Thank you very much. So now we're going to ask for questions from staff, and we'll start with Commissioner Shea.

COMMISSIONER SHEA: Mike, I don't know the answer to this, but when I look at the affordable housing side of this, it seems like, obviously, you can't put a lot of handcuffs on them because they're dealing with the financial feasibility of the study.

But based on what we end up approving, they could put 78 one-bedroom apartments in there, and probably mostly one-bedroom apartments to make them affordable.

Is there any way that we can put a restriction and say half of the 78 has to be two -- or some kind of a size on it? Because you're only going to serve a small portion of the community that are looking for low-income -- lower-income rentals at one bedroom.

MR. BOSI: I mean, the Planning Commission, if it feels that that was an appropriate commitment, most certainly can impose that upon the applicant. That may prevent -- that may create some issues for the applicant, but that's well within your purview to have a specificity such as that.

CHAIRMAN FRYER: Commissioner Schmitt -- Vice Chair Schmitt.

COMMISSIONER SCHMITT: Yeah. The -- we've had discussion upon discussion about floor area ratio and other issues in the past, as well as I cannot recall where we ever restricted the number of bedrooms and, in fact, we got into arguments one time about developments where they were so small that some of the members of the Planning Commission would not approve it when at that time it seemed like a practical alternative to solve some of these living challenges within the county.

So I don't know. Is there -- have we ever restricted to one-bedroom? I don't know if we even could do that.

MR. BOSI: If you have an Affordable Housing Density Bonus Agreement as required by LDC Section 2.06.02 or 2.06 of the Land Development Code, it does get to that specificity towards where they call out the number of units that are restricted and the number of bedrooms that are associated with it.

COMMISSIONER SCHMITT: But even if we restrict the bedrooms, I mean, there's no way we're going to be able to restrict the number of occupants.

MR. BOSI: Oh, no.

COMMISSIONER SCHMITT: That's sort of -- it's a win-win or win-lose, I guess, from the standpoint -- it just -- we would -- we would still be faced with a problem of then, technically, of too many people living in the units, and we created the problem.

MR. BOSI: What I would say is this is an apartment complex, so I imagine there would be a management issue that --

COMMISSIONER SCHMITT: Yeah, then the whole management issue. Okay.

CHAIRMAN FRYER: The applicant put some material in that we've not -- at least not yet asked for a developer commitment, but their present intention, how they would -- how many single, double, and triple bedrooms they would have. So I think we've got an indication at least of what their present intentions are.

Mr. Yovanovich.

MR. YOYANOVICH: Well, we have -- yes, I'm sure we have what we think is going to be our mix, if you will.

I just want to -- I don't know if the word "correct" is the right thing, but I recently did a project that actually used the affordable housing density matrix because it was a big enough parcel to be able to do that.

Mike is right, we did identify the breakdown of the units, but that was our selection of the breakdown of the units. It was not mandated in order to get the bonus.

We just had to meet a certain percentage of units, and we decided how to break that down. We could do that in that particular case. And what I've told you before, and I'm telling you now, is the hamstrings of telling me I've got to have X percent one-bedrooms, Y percent two-bedrooms, or Z percent three-bedrooms may miss the mark on what the real need is. There's a lot of need for younger new teachers to come here, and they want the one-bedroom mix. The important thing is, you're getting 76 units that are income restricted.

Whether -- why would you not want to have 76 units fully occupied, and why would you want to put us in a position that if we miss the mix we have to leave them vacant because I didn't have enough people who wanted to come use the three-bedrooms? That's why we're -- that's why what we're asking you is don't get into that level of detail because you need the units, and let us fill the units.

CHAIRMAN FRYER: I understand. And I happen to agree with you. I'm not asking for that kind of a commitment.

All right. Let's now -- staff is finished with its presentation. No one is signaling at this point.

So, Mr. Youngblood, how do we look with registered speakers, sir?

MR. YOUNGBLOOD: Mr. Chairman, I apologize. I have a dead battery in my microphone.

CHAIRMAN FRYER: All right, sir.

MR. YOUNGBLOOD: Our first speaker's going to be Dave Renner. He has been ceded time by several people. I'm going to read the names off, and if you could just raise your hand to let us know that you're here. William Eckels?

(Raises hand.)

CHAIRMAN FRYER: I saw the hand.

MR. YOUNGBLOOD: Jeanette Provance?

(Raises hand.)

CHAIRMAN FRYER: I see the hand.

MR. YOUNGBLOOD: Bill Drackett?

(No response.)

CHAIRMAN FRYER: Where's Mr. Drackett?

(No response.)

MR. YOUNGBLOOD: No Bill, okay.

Mame Drackett?

(No response.)

MR. YOUNGBLOOD: Okay. No Mame.

CHAIRMAN FRYER: I did not see a hand there.

MR. YOUNGBLOOD: Karen Flinn?

(Raises hand.)

CHAIRMAN FRYER: Saw the hand.

MR. YOUNGBLOOD: Dan Flinn?

(Raises hand.)

CHAIRMAN FRYER: Hand.

MR. YOUNGBLOOD: John King?

(Raises hand.)

CHAIRMAN FRYER: I do not see --

MR. YOUNGBLOOD: He's over here.

CHAIRMAN FRYER: Oh, okay. Sorry.

MR. YOUNGBLOOD: Patricia Bradford?

(Raises hand.)

MR. YOVANOVICH: Ken Moffat?

(Raises hand.)

CHAIRMAN FRYER: See it, okay.

MR. YOUNGBLOOD: Linda Altemus?

(No response.)

MR. YOUNGBLOOD: No Linda, okay.

CHAIRMAN FRYER: All right. So what does that do to our numbers, then, Mr. Youngblood, as far as time is concerned?

MR. YOUNGBLOOD: I've got three more.

Let's see. Is this Tony Kinnear? Did I pronounce that right?

(Raises hand.)

CHAIRMAN FRYER: Okay. I see your hand.

Thank you.

MR. YOUNGBLOOD: Natalya Lvovich?

(Raises hand.)

MR. YOUNGBLOOD: Back there.

And then, let's see. Joseph Lvovich?

(Raises hand.)

MR. YOUNGBLOOD: Okay. So that brings Mr. --

MR. SMITH: Lawrence Smith, I was here. And, Mr. Chairman, I have to be in court at 1:30.

CHAIRMAN FRYER: Would you stand up to the microphone if you're going to address us. Identify yourself.

MR. SMITH: My name is Lawrence Smith. I'm president of Bridgewater Bay Property Owners Association, and I have --

CHAIRMAN FRYER: Have you been sworn in?

MR. SMITH: I submitted my thing. No, I have not.

CHAIRMAN FRYER: Okay. Well, if you're just talking about your scheduling, go ahead and speak, but if you're going to testify --

MR. SMITH: I have to be in court in front of Judge Collier about the APMS scandal at 1:30, so I'd --

CHAIRMAN FRYER: You'll make that.

MR. SMITH: I'll make that. Okay, thank you.

CHAIRMAN FRYER: All right. So, Mr. Youngblood, did you get a new -- Vice Chairman, go ahead.

COMMISSIONER SCHMITT: On all these folks that have waved, are they all in the same community? That's what I was wondering from the standpoint, are they being represented by one speaker, but are they -- is this a coalition or -- I guess I would -- I don't need the audience to answer that, but I would like the speaker who comes up to speak, you can address if these folks are from different residential areas and this is some kind of coalition that has come together and has ceded you the time. So if you could give some clarity on that so I have an understanding of who the people are that ceded the time and where they are located or at least where they come from and understanding holistically, I guess, from the objections, but --

CHAIRMAN FRYER: Are you Mr. Renner?

MR. RENNER: Yes.

CHAIRMAN FRYER: Okay. Well, we won't start your time yet. You can answer the Vice Chairman's question first.

MR. RENNER: Yes. We represent -- I'm representing --

COMMISSIONER SCHMITT: We've got to get -- he's got to come up, because then we've got to get you on the microphone. Go ahead, thanks. Sorry.

MR. RENNER: For the record, Dave Renner. I'm a resident of Monterey. It is one of the communities off of Orange Blossom. And I'm part of the leadership group representing the Orange Blossom/Airport Road Alliance, which is about 14 communities that run along Orange Blossom.

COMMISSIONER SCHMITT: And that alliance was formed after the --

MR. RENNER: It's been around for about 15 years, before I was part of it. It's a long-running alliance really just to gather so we can have a common voice, meet, and have a single voice when dealing with issues like this.

COMMISSIONER SCHMITT: Well, wow, that's excellent. I think that's great for the community. But thank you. Go ahead.

CHAIRMAN FRYER: Well, before you do, Mr. Youngblood, is your mic working now? So how much time, with all the time that's been ceded, does Mr. Renner have?

MR. YOUNGBLOOD: He is good for 55 minutes.

MR. RENNER: I'm not going to go that long, don't worry.

CHAIRMAN FRYER: Okay. And I just -- I want to remind everyone before you start that when you cede time, that means that you can't stand up later on and speak. That's what ceding your time means. So if everyone understands that, I just want to be sure that that's the case. So it's 10:52. You're on the air. Go ahead, sir.

MR. RENNER: Mr. Chairman and the Planning Commission, first of all, just thank you for the opportunity to meet with you today and kind of voice the concerns of the residents.

The slide I have up here now are the 14 communities that run along Orange Blossom and Airport Road surrounding where the applicant is proposing this New Haven project. It's over 3,300 households. And I can tell you, and the applicant saw at the neighborhood information meeting, there's overwhelming opposition to what they're proposing. And what I'm going to do today -- my presentation's about 20 minutes -- I'm going to walk through why the residents are opposing it and the overall position and viewpoints of the residents that are part of our Orange Blossom Alliance. But we have residents from all of these communities that are participating.

And just as an example, we have a petition that has been running for opposing this project. We are now up to over 2,500 signatures on our petition opposing this. So, again, the vast majority of residents are against it.

Before I go any further, I just want to -- and I'm sure all of you have driven along Orange Blossom.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yeah, okay. Just -- so who can -- where is this petition located and who can sign it?

MR. RENNER: This is on change.org.

COMMISSIONER KLUCIK: Okay. So I could have signed it?

MR. RENNER: Yes.

COMMISSIONER KLUCIK: Someone in Nebraska could sign it? Okay.

MR. RENNER: I'm not sure --

COMMISSIONER KLUCIK: So it doesn't necessarily --

MR. RENNER: I could provide a list of the -- which shows the addresses of where these people are.

COMMISSIONER KLUCIK: Well, right. So of those 2,470 who have signed, are -- you know, what percentage of them do you think are actually in the area, in your coalition area?

MR. RENNER: I believe 100 percent of them are --

COMMISSIONER KLUCIK: Okay.

MR. RENNER: -- residents of Naples, of Collier County.

COMMISSIONER KLUCIK: Okay. Well, residents of the county.

MR. RENNER: Yes, residents of the county.

COMMISSIONER KLUCIK: Can you speak to being more local?

MR. RENNER: You mean to this area?

COMMISSIONER KLUCIK: Yeah.

MR. RENNER: To the Orange Blossom area?

COMMISSIONER KLUCIK: Well, in the coalition. How many of those 2,470 would be considered eligible to be members of your coalition for the Orange Blossom area?

MR. RENNER: Probably 80 to 90 percent.

COMMISSIONER KLUCIK: Okay.

MR. RENNER: I haven't added those numbers up, but what's --

COMMISSIONER KLUCIK: I mean, you can understand that that does -- you know, that makes a difference if it's people who are actually there --

MR. RENNER: Sure.

COMMISSIONER KLUCIK: -- in your local area, or if they're just people who are sympathetic to anyone who has a plight, which there are a lot of people like that.

MR. RENNER: Yeah. No, I understand.

COMMISSIONER KLUCIK: Okay. Thank you. That just helps us.

MR. RENNER: This is one way just to display that people are upset and, obviously, you can see the group here today.

Before I go any further, just talking about the areas that they're proposing this, along Orange Blossom/Airport Road, this is primarily a family -- full-time family residential area running from Goodlette Road all the way to Livingston Road, mostly family neighborhood. What else is there? There's a library. This is an area where families and people walk to the library. This area where there are churches, which I guess library and churches is technically considered commercial, but that's part of the fabric of a residential area.

Parents are walking their children to the library, across Airport Road, across Orange Blossom all the time. So on both sides of Airport, both sides of Orange Blossom here, primarily probably 90 percent are residential communities. Mostly single-family homes and low-rise condominiums or low-rise apartment complexes, and I'll talk more about that as we go further.

But it's -- and we met with -- and, actually, just a little background. Over the last few months, we have met with the developer. We've met with Trinity Scott and the Transportation group. We've met with Mr. Bosi and his staff. We met with Cormac Giblin and his staff, and the staff has been phenomenal in giving us information and helping us.

But when we met with Mr. Bosi, he did say, and he did say it again today, that this is not considered an urban activity center, this corner. This is a residential area. It's not like Founders Square. It's not like Vanderbilt and Airport. It's not like Pine Ridge and Airport. It's not like Pine Ridge and Goodlette where there are more commercial properties. Now, these areas may have zoning of commercial, but the existing area is residential with a library, some vacant lands, a nursery, a church, and that's the nature of this area. Not a commercial and industrial area, even though that does exist to the south, but this corner does not.

So overall, what's our viewpoint of residents? I'm kind of starting with the summary. We believe that the Planning Commission and the Commissioners can find a win-win situation, something that can work on this parcel that is appropriate.

And what the residents want and what we've heard from everyone, they want responsible growth in our town, in our area, because this is our neighborhood. I've lived here for 21 years. You can see people here; this is our neighborhood.

We want projects that are consistent and compatible with the neighborhood in both

character, height, and density, and I'll get into more specifics on that.

They're asking the Planning Commission and the Commissioners to follow the Growth Management Plan that's in place. And I realize this is an amendment, and I realize the Commissioners can -- you can approve this, the Commissioners can approve it, but we believe there's a balance. And the existing Growth Management Plan is a good starting point thoughtful process for how we should grow in Collier County.

The county commissioners, the Planning Commission, and the residents, we realize we need more affordable housing. And just as an example, the residents -- and we've talked about this -- we would be fine with 100 percent affordable housing on this parcel if it was lower density; lower height, lower density. We have no problem with affordable housing. We agree that it's needed in Collier County. We just want it to be more compatible with what's in the area.

I understand the developer wants a profitable, successful project, and just -- you may know or may not know, it's my understanding the developer's from South Carolina. At the neighborhood information meeting, they told us they have one employee living in Collier County. That may have changed, but that was in September. One employee.

We believe there is an option of a lower-density, lower-height project that's more appropriate with this residential neighborhood can work on this parcel. Maybe not with this developer, but there are others that could make something work here. There's a middle ground. We are not saying don't build anything. We just want it to be compatible with what we have here.

We don't believe what they presented is compatible. And at the top -- the first bullet, they were talking about 55 -- it's a 60-foot-high building. What they didn't say is that the next tallest building, the Carlisle, is only 42 feet. This is 43 percent higher than what the Carlisle is. And the next building after the Carlisle is even lower than that. So at 43 percent higher, even though it's just one story, that is a dramatic increase in height.

The density is 130 percent higher density than what they're eligible for. It is our understanding, when we met with Mr. Bosi, that with a density bonus, they were eligible, under the Growth Management Plan, the existing Growth Management Plan. And I know there's been talk in the last week or so, but the one that's been in play, it's our understanding, is 10 units per acre. But I'll talk about that -- and we can talk about that in a second. But this is much higher density, even with the density bonus, is what they're asking for.

And Mr. Yovanovich did mention this, but we do believe this is a tipping-point project in this area that's going to set a precedent that's going to change what this -- this is a low-density residential area. It's going to change into an overbuilt congested area, overcrowded schools. And just so you know, all the schools in this district are at capacity right now: Barron Collier, Pine Ridge, Pelican Marsh Elementary, Osceola Elementary. They are at capacity already.

The safety concerns of pedestrians and people traveling along Airport Road, we have a huge concern. It's a high-accident area. My wife was almost in an accident two days ago along this stretch. We are concerned of whatever project goes in here, what's going to happen to this whole intersection. And we believe it will blow it up.

And right next to this, there are four vacant parcels at this intersection where we believe developers, whatever is approved for the applicant, will use to get additional approvals. And there are four as you've seen in the -- if I go forward here -- so our big -- two concerns. One is this is -- we don't think this is appropriate as residents, but it is going to set a precedent what's approved here, and it is going to add congestion and traffic and change the nature of what is built along this stretch.

And if you -- if I go to the next page here. So this is the site plan of what's there now. You have the Carlisle. You have the vacant property where they're planning to build The Haven project. Just north of that you have a vacant parcel where the Lutgert medical building is being proposed. It's something you'll be hearing down the road this year.

Whatever goes in on this Haven property, that next developer will use as a precedent. The Italian-American center, we know that they've been receiving offers from developers; that will be

developed.

Right across the street, across Airport Road, there's a 10-acre nursery. It's been there for years and years. That will, at some point in the near future, probably be developed.

So whatever goes in here -- so we're going to have growth in this area. And, again, as residents, we're not saying we should not have growth. We're just saying, let's find a balance, because all of these parcels are going to be built on, and let's protect this beautiful section -- residential section of Naples.

As I mentioned, we met with the county staff, and I already talked -- my first point, Mr. Bosi -- this is not an urban activity center. It's a residential area. It's already a high-density, high-intensity area.

The developer told us at the meeting we had with them, they're expecting The Haven to add 5- to 700 cars, all of them turning right onto Airport Road. Half of those cars are going to want to go north, half are going to go south. So they're all going to be doing U-turns just south of their exit. This little section is a high-accident area already. Schools -- we have three schools near by here. We have Barron -- four -- five schools near by: Barron, Osceola, First Baptist Academy, The Village School. This is a dangerous area already. This project is going to be throwing 5- to 700 cars in and out, right turn only, rushing over to do a U-turn coming north, and we think it's going to be a disaster at this size, and it should be smaller.

The Lutgert medical building right next door, they're proposing -- and, again, it hasn't been approved, but they're proposing another 3- -- or they're suggesting another 3- to 500 cars daily on that project, because they just had their information meeting. Also, right turn only and then U-turns on Airport if you want to go north.

So if you look at this, all these cars dropping to the -- taking rights onto Airport, trying to turn right in front of Marbella Isles, right in front of Walden Oaks, that are -- residents are represented from those communities here -- Windward Isle, it is going to be a disaster.

So, again, we believe something smaller is appropriate for this parcel so it doesn't blow up this area and just create havoc.

So you've already seen this. And the reason I put this up here, this is the site plan for The Haven.

CHAIRMAN FRYER: Commissioner Klucik, go ahead, sir.

COMMISSIONER KLUCIK: I'd like to understand what -- the impact that you were trying to make us aware of. So you were concerned about people turning right or --

MR. RENNER: Yes.

COMMISSIONER KLUCIK: Explain to me exactly what your concern is on that turning situation.

MR. RENNER: So if you look at -- this project's going to have right turn only onto Airport Road.

COMMISSIONER KLUCIK: Show me where it is that you're talking about. Over at the entrance? So that's going to be right turn only where the island is? And below as well? Both of those are going to be right turn only, okay.

MR. RENNER: It's going to be right turn only, and what goes in above them is also going to be right turn only. We're going to say that it is going to create havoc at that area. And, again -- and this is directly across from family residential areas.

COMMISSIONER KLUCIK: So on Orange Blossom, you're saying people are also turning only right? No, no, no, I'm talking -- you were saying it was going to mix with the residents who are already there, I thought, was your point.

MR. RENNER: The point was it's going to create a difficult situation if -- that many cars on this project, and what's coming next on the Lutgert medical center, it's going to create havoc along Airport Road to have an additional 5- to 700 cars on one project, 3- to 500 on the next, and -- because half these people are going to want to go north. They're going to turn right, but they're going to be heading north, so they're going to be doing U-turns and coming north, is the

point.

And my other point, just the traffic -- and we met with Trinity Scott with the Transportation group. Actually, everyone with the staff has been excellent, by the way. The Transportation group made it very clear to us -- this is new to me -- but their only criteria for recommending this is, is there capacity? Capacity. I didn't hear them say anything about this is going to create more congestion. All they talked about was capacity. And do we have capacity, sure. But there's a balance here between capacity and what is reasonable for a 90 percent residential area.

CHAIRMAN FRYER: Vice Chairman Schmitt.

And before you go ahead, sir, commissioners may interrupt speakers at any time. When they do, and if the answer takes more than just a yes or a no, the speakers will be credited with additional time. It doesn't apply in your case because you've got way more than you need. But when that happens, we won't hold you to the amount of time that you've been given.

Go ahead, Vice Chairman.

MR. RENNER: Thank you.

COMMISSIONER SCHMITT: Mr. Renner, you -- I'm just trying to understand from the standpoint, you prefaced most of your statements with "we believe," "we assume," or "it's our concerns," but you have done no independent studies. You stated a lot of what are perceived to be facts on the record, but these are just your assumptions and assertions. Have you done -- have you hired anybody to provide any professional assessment of the statements you made in regards to the traffic impacts, the impacts on capacity? Because that's the only criteria we use is capacity. Capacity means traffic. And the capacity means how many -- how many vehicles are going to be on the road at a given time.

It also has a presumption of -- what was the term you used? I just -- congestion. Thank you. But -- so just to clarify, are you a professional engineer, professional traffic -- or anybody on your staff provided you this information, or are these just assumptions that you all sort of feel and internalized and want to state on the record? Because I want to understand. And I'm going to look to the applicant to counter this, because these are facts that you're presenting to us to consider. But I want to know whether these are just beliefs or just facts that you've hired a professional traffic engineer or somebody else who has done this and provided you the information.

MR. RENNER: Thank you. No, we have not. I'm not a traffic engineer. We have not hired -- we have not hired or paid for a separate traffic study. We don't have the budget for that.

COMMISSIONER SCHMITT: Okay.

MR. RENNER: But I guess the point -- my point would be, this project's adding 5- to 700 cars. It's going to be tremendous additional congestion and intensity on that area. That's the point. And no one's disputing the 500 to 700 cars. That's what was presented to us by the applicant.

COMMISSIONER SCHMITT: Okay. I understand. At least now you quantified and qualified your opinions, and I appreciate that. Thank you.

MR. RENNER: So when we met with Mr. Bosi and the Zoning team, as you've already heard today, this 10-acre parcel that they're probably primarily going to be building on is currently zoned agricultural, which -- so the applicant has a right -- a right for one unit per five acres, which you've already heard and discussed that today.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I would just like -- because you're moving on to a different point, so I want to go back to your point about the cars. So your point about 500 to 700 cars, what is your point? I mean, obviously, there's going to be a parking lot filled with cars, and the issue is when are they moving and, you know, what's the impact. So what is your understanding of -- you know, you're --

MR. RENNER: The point is is that this -- oh, go ahead. I'm sorry.

COMMISSIONER KLUCIK: No, no, no. Because it's not like 500 or 700 cars are going to be turning right all at the same time, you know, obviously. So, like, what is it -- because you throw that number out, what does that mean to you? Because obviously it is important how many cars are going to be there, but what are -- what do you think is going to be happening with those 500 to 700 cars that we should factor in that, you know, bolsters the concerns that you have?

MR. RENNER: We would believe that most of the residents of this apartment complex will be full-time. I'm sure there will be part-time people as well. But this is going to be a lot of people coming and going. The applicant told us it's 5- to 700 cars. It's going to add tremendous traffic and congestion to what's already there, what's already happening at already a very busy area. So that's -- our point is is this is going to add.

So whatever is approved here, if it's larger, higher density, it's going to have a larger impact on the roads here.

COMMISSIONER KLUCIK: So 500 to 700 cars is going to have a much more -- a much greater impact than 300 to 500 cars?

MR. RENNER: Exactly.

COMMISSIONER KLUCIK: Yeah, yeah, okay. I will say that I would have staff and the applicant ready to answer, you know, what is the concern about people who have to go right but then actually needed to go left? Because, obviously, you know, I would like to know what we think people are going to be doing, you know, to make that change in direction and how that impacts, you know, the traffic.

MR. RENNER: I did want to just go back again to this slide, because this wasn't discussed at all at how this project differs dramatically in height. The residents are fine with a project going in here that's consistent and compatible in height with what else is already there, and that would be 42 feet at the Carlisle right next door, and that's a dramatic departure from what's in the adjoining properties there.

So we talked about -- the commissioners -- if the Planning Commission commissioners agree to a zoning change, the owner's eligible for four units per acre per the Growth Management Plan.

And so this was just a note that was in the public record from Mr. Klopf saying the subject property is located in urban residential subdistrict and urban residential designation. This limits the base available density to a maximum of four units per acre. The applicant has proposed an approximate 300 units over the entire 15 acres which equates out to approximately 20 units per acre, which it's actually 23, as you've heard.

This would require a density bonus of approximately 16 units per acre. The applicant must provide justification in the form of a needs analysis. And in this email it says that that should contain an aspect of affordable housing at 20 percent of units at 80 percent AMI. The applicant's proposing 10 percent at 80 percent, and then 10 percent at 120 percent AMI. So this is suggesting that 30 percent is the number. They're suggesting 20 percent on the affordable component. And we have no problem with the affordable component, by the way, as I've already mentioned.

Another thing that hasn't been brought up -- and we met with the developer, and this is what they shared with us, that this Haven complex is going to be a luxury apartment complex. They're going to be charging \$4,200 for a carriage unit, \$4,100 for a three-bedroom, \$3,200 for a two-bedroom, and \$2,200 for a one-bedroom.

CHAIRMAN FRYER: What is a carriage unit?

MR. RENNER: The carriage unit, it's my understanding, is that a low-rise?

UNIDENTIFIED FEMALE VOICE: It's an apartment.

CHAIRMAN FRYER: We can't -- we can't have people talking from the audience. If you don't know, just say you don't know.

MR. RENNER: Carriage unit, it's my understanding, there's the 60-foot building, and along Airport Road it's my understanding they're suggesting some two-story buildings along -- let me go back to this. This is my understanding and they --

CHAIRMAN FRYER: Hang on. Just pause for a moment, sir. Mr. Bosi, is that a term of art? And if so, what does it mean?

MR. BOSI: I do not know. I wasn't at the neighborhood information meeting. We don't have a carriage unit within our Land Development --

CHAIRMAN FRYER: Okay. All right.

MR. RENNER: So if you look at this page, this is my understanding from when we met with the developer --

COMMISSIONER SCHMITT: That is a typical term in Naples, carriage, and what's the -- I can't think of the other term. But it's a typical real estate term to identify a unit. Typically it will be a --

UNIDENTIFIED FEMALE VOICE: A villa, villa?

COMMISSIONER SCHMITT: It's like a villa. That's what it is. I mean --

CHAIRMAN FRYER: Okay.

MR. RENNER: And on this page here, this is my understanding, is just these six buildings along Airport Road are going to be two-story buildings, and the other two larger buildings here are going to be the 60-foot-high buildings.

The other point we want to make as residents, right now just south of this parcel, well, there's four other more affordable apartment complexes already existing: Bear Creek; the Oasis, which is just south of Bear Creek; the 10X apartments just south of that; Gulf Shore apartments right next to Barron Collier on Pine Ridge Road. And there is availability there. The 10X -- if you drive by, the 10X apartments have a big sign right in front, leasing available.

All of these apartments are older apartments that have been approved in the past, and, as Mr. Bosi said, the Bear Creek, I believe, is 14 units per acre, the Oasis is 12 units per acre. Something more like that, the residents feel, is accessible and more compatible, not 23 units per acre, almost doubling the density of what this area has -- the maximum density. You know, most of these surrounding areas are single-family homes. These are the highest density, and they're at 12 and 14 units per acre.

But this area which we are fine as residents with more apartments, more affordable apartments right in this area, right on this parcel. We just want to make the point that there are other -- many other apartments available in this part of town. There are a lot of condominiums that are rented out that would be less expensive condominiums in some of the older neighborhoods there that rent at a lower rate than a new luxury apartment complex.

So my point here is, it's not crucial to have this size project on this lot. There are other options, a lot of other options in this area that would be less expensive than what they're offering.

So the next, I just want to get -- and we've talked a little bit about the Tract A and Tract B. The residents -- the Carlisle has been there for 20-some-plus years. It's a different owner. They're working together, I guess, because of the entrance, but we strongly believe that the Planning Commission and the county commissioners should consider the density strictly on this Tract B. This is what's new. This is what they are proposing, and that density is 23.05 acres -- 23.05 units per acre.

And then this is, again, from the public record. You can see where the Carlisle is. This is the existing Carlisle, and this is the parcel that the applicant is planning to purchase to put The Haven project in. And you've seen this chart prepared by Hole Montes already.

So we're asking the commissioners -- the Planning Commission, excuse me, to make this decision based on the density of Tract B. It just -- that is what's new here. That's what they're adding. And I did talk to someone during the break who has family in the Carlisle, and they made a point that only 25 percent, I believe, units in the Carlisle are assisted living. Most of that is independent living, if you know anyone there. Like, three-fourths independent living. Only a quarter's assisted living.

But that aside, we believe that you should consider the Tract B and the density there. And then -- I mean, if you want to -- if you want to approve that, but it's -- this is not adding 12 units per

acre. This is adding 23 units per acre. That's the density impact of this area, and that's clearly stated here.

And they say that as well, the Tract B is 23. So the applicant's not disputing that. That is 23 units per acre on the Tract B. Carlisle's been there 20-plus years.

And this is just from one of -- from Laura DeJohn who works with Mr. Bosi. The email we got two weeks ago, we were just trying to get, you know, what's the current applicant's proposal? Again, actual height, 60 feet, and this came from Laura on Mike Bosi's -- Mr. Bosi's staff. And at the very bottom, net density on Tract B, 336 units on 14.57 acres, 23 dwelling units per acre.

One of the other speakers is going to get into more detail on the density bonus. But we met with Mr. Bosi, and this is what we heard, and I heard something different this morning. But based on the Land Development Code 2.06, which is my understanding was developed for -- to provide affordable housing density bonuses to have bigger units for developers who are going to have an affordable component, that the maximum density, even with an affordable component, based on the Growth Management Plan and the Land Development Code, was 10 units per acre. That's what we heard. And maybe -- and that's -- we had that in our notes, and maybe that has changed, but that's what we heard.

The Growth Management Plan -- so we -- our position is this should be no more than 10 units per acre. That's 150 units, and that's still a sizable property.

CHAIRMAN FRYER: Commissioner Klucik.

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

I would -- I think it's really important for everyone to understand the point, you know, that you just raised. And so maybe -- you know, if you don't mind --

CHAIRMAN FRYER: Please, go ahead.

COMMISSIONER KLUCIK: -- if we could have Mr. Bosi confirm.

So right now do I understand correctly that the applicant has proposed more affordable housing than would be required to meet this density bonus of 10 units per acre?

MR. BOSI: As I've stated earlier, the maximum density allowed by the LDC and the GMP on this property currently with four units per acre as a base and an eligible of 12 units per acre with an affordable housing that's 16 units per acre.

COMMISSIONER KLUCIK: But my question is, are they proposing more affordable housing in their current proposal than they would have needed to have to get this density bonus under the -- just under the code?

MR. BOSI: No. They are -- they're not proposing to be in compliance with the code. They're proposing a GMP amendment that is requesting a net density of 23 units an acre.

MS. ASHTON-CICKO: Doesn't the code require 100 percent affordable housing --

MR. BOSI: No, the code does not require.

MS. ASHTON-CICKO: -- under the LDC; no?

MR. BOSI: It does not. An arrangement. It depends on the income levels that you are providing for. The percentage that's going to be allocated to those income levels dictate the density bonuses. To get to a full density bonus, it's not 100 percent, but you have to dip to more of your low and very low income to get that full 12 units an acre.

COMMISSIONER KLUCIK: Okay. So it really isn't -- my question is not really easy to answer, so...

CHAIRMAN FRYER: Thank you. We won't charge you -- charge this time against you, sir.

MR. RENNER: Oh, sure.

CHAIRMAN FRYER: Although you've got lots of --

COMMISSIONER SCHMITT: I'm up here keeping track. No, just kidding.

CHAIRMAN FRYER: Well, I am.

Mr. Bosi, could you give us some history in the county with respect to the policy, the

tactic, if you will, and the accessibility and the frequency, the history of combining adjacent lots in order to reduce density? What can you say about how that happens or how that has happened historically in this county?

MR. BOSI: I really don't have any real anecdotal information to provide to you other than that's how our code dictates that you evaluate the density of a mixed-use project, that the residential and the nonresidential acreage is utilized to provide for the overall gross density of a project.

CHAIRMAN FRYER: But what I'm confused about is the word "tract." If we were talking about a lot, I would understand that the entire lot would be subject to the calculation. But when we talk about different tracts, is that just an informal expression and geographical expression?

MR. BOSI: It's a geographical expression of how you subdivide a PUD. A PUD is divided within the development tracts, and a -- the Land Development Code and the Growth Management Plan informs us to say, when you have a PUD that's mixed use, you combine all the tracts that are in there regarding what the use is, whether it be residential or whether it be commercial, institutional, or whatever the proposal would be, to calculate the full gross density. So that's what our -- that's how our code instructs us to arrive upon what the total density of a mixed-use project is.

CHAIRMAN FRYER: Okay. And so what you're saying, then, it is appropriate for the applicant to combine A and B. And I would go further to say that if we go one to four, 25 percent -- 25 percent occupancy of an assisted or an independent living facility is equal to 100 percent of an apartment, the arithmetic seems to come out to around 16 dwelling units per acre.

MR. BOSI: Yeah, that's what the math comes out to.

CHAIRMAN FRYER: Okay. All right. Don't make me use this, please. Okay. So that's what I wanted to know.

Vice Chairman Schmitt.

COMMISSIONER SHEA: That's regardless of who owns the land, right?

MR. BOSI: Correct.

COMMISSIONER SHEA: I mean, because we have two separate ownerships here.

MR. BOSI: Correct. It's the same PUD, and that's why we're calculating gross and net, for your benefit.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Mr. Renner, you're completed with your comments? Because I have a couple of questions.

MR. RENNER: No. I'm almost done, though.

COMMISSIONER SCHMITT: I'll wait till you're done, because I want to follow up with a couple of statements you made just for clarity. But I'll wait till you're done.

MR. RENNER: All right. Thank you. So the residents, as I'm sure you're aware, we strongly believe that this -- the Carlisle has been there for 20 years, and even though maybe there's a technicality that you can use those acres in this amendment that they're presenting, when deciding what is appropriate density for a project, it just does not make sense to the residents. And we've talked a lot about this. And even though it's a -- even the applicant has been using both numbers. So we -- the residents of the Orange Blossom/Airport Road Alliance representing people from these 14 communities are asking you to consider this based on what this new development truly is, 336 units on 14.57 acres.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Am I interrupting you, Joe?

COMMISSIONER SCHMITT: Well, I just -- if he's completed, I was going to --

MR. RENNER: I'm sorry.

COMMISSIONER KLUCIK: I did want to address the point he just made, though.

COMMISSIONER SCHMITT: Go ahead. Go ahead.

COMMISSIONER KLUCIK: I guess I would just say that, you know, a lot of people

have no idea my background. I wasn't wearing an orange shirt, but that's basically the position that I have played over the years -- I'm out in Ave Maria -- with different things. And so I understand a lot more now than I did when I was sitting, you know, as a member of the audience and, you know, leading the charge, so to speak.

And all I'll say is that you have to, you know, understand what doesn't make sense for -- you know, for a landowner is to not be able to use their land with the highest and best use that's going to -- you know, under the law, under what's allowed under the law and under the -- what we have -- you know, the County Commission and then we as planning commissioners taking their lead what we, you know, think is appropriate development in the county, and treating all landowners, you know, with that respect that they don't get -- based on how neighbors perceive what's going to happen, that that is important to understand how neighbors perceive what -- you know, what's being proposed, but it doesn't control things.

And what controls things is the guidelines that we are -- you know, that both of code as well as the direction. In this case the direction is is that we very much want and we do give very important bonuses for the workforce housing. And that's just -- you know, it -- you already addressed that you thought there could be a win-win that, you know, comes down a little bit in the density, and I'm just telling you that what I'm hearing so far is that while you're making points that make a lot of sense from your perspective, that we have to factor in, you know -- you know, fairness to the landowner as well as, you know, what the policy goals are for the -- you know, for the county regarding the lower-income housing.

MR. RENNER: I appreciate that. And I just -- I put the Tract A/Tract B back up. The applicant does not own or is not planning on owning or buying Tract A. That is not going to be --

COMMISSIONER KLUCIK: No, I know, but the restriction that ends up being imposed on that whole Tract A and B combined, that restriction, then, binds everybody, all owners, you know. So, then, everyone's hands are -- all the owners' hands are tied to what's approved.

MR. RENNER: It seems like accounting -- using accounting numbers to try to reach a number to the residents, we can tell you that, because -- and they've even said this is 23 units per acre that they're planning on building here, and --

COMMISSIONER KLUCIK: I'm the one who drew that out to make sure that we knew exactly what was being proposed. So I'm the one who highlighted that very fact.

COMMISSIONER SCHMITT: It's in the report as well.

MR. RENNER: Yeah. Well, thank you, I appreciate that.

COMMISSIONER KLUCIK: Well, no, but I'm the one that focused on it to make sure I understood that it was -- Tract B alone was going to the 23 density. So I'm totally aware and understand that's a factor, you know, looking at it, what is this new -- the new aspect is 23 density, and that -- that certainly, you know, weighs on our decision.

MR. RENNER: All right. Well, thank you.

Just a couple more slides, and I'll be done here. So as I'm sure you're aware, everyone we've talked to, just being involved with this the last six months, since the neighborhood information meeting, along Orange -- everyone, all residents -- all residents all throughout Collier County, there's major issues affecting us because of the tremendous growth in popularity of Collier County. But the one I hear more than anything is people believe we need to have respons -- we know we're growing. We can't stop the growth. People are coming. And there's -- as even the applicant mentioned, they're involved with other projects. There's going to be a lot of new projects coming around Collier County. But all the residents I've spoken with, everyone that's come to our meetings even outside this area, the number-one concern they're hearing in Collier County or they're stating is controlling the overbuilding, overcrowding, congestion, and traffic, the density, controlling that.

Everyone wants to protect our beautiful neighborhoods. That's the reason we're in Naples in the first place, and that's why we're here today, to protect this primarily 90 percent residential neighborhood.

We all agree we need affordable housing, more affordable housing, and we're not disagreeing with that. And we've been respectful to the county staff, to the developer, to try to work out something that's reasonable for everyone. And we believe there's a balanced approach to this. And this is just an example. This is the -- this is another project that's going to be coming to you down the road, I believe; that's my understanding. The proposed Ascend Naples apartment complex, which is being proposed to be built off of Vanderbilt Beach Road. It's 208 units on 17.5 acres. It would be 11.9 units per acre including 62 attainable units. Something like this is compatible and appropriate for this area along Airport Road and Orange Blossom.

And there is a developer that can make something like this work. I'm not sure if the applicant can, but someone more appropriate. There is something that can be done that's consistent, that's appropriate. It's still going to add a lot of congestion and traffic -- we understand that. It's coming -- but also can help with the affordable. So just how much?

So all we're asking, that this should be smaller in density, smaller in height. We feel it's very reasonable, and we've tried to speak to all the parties involved. And there is something like this that can be approved. And we're asking the Planning Commission to reject the applicant's proposal as presented for that 60-foot-high 336-unit building.

And that's the -- I've completed my prepared comments.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Let me follow up, because this is a perfect segue into where I wanted to go with this. You stated on the record it's -- what I believe was your statement, you-all would agree and you would consent to 100 percent affordable housing.

MR. RENNER: Yes.

COMMISSIONER SCHMITT: Do you have anybody on your staff or anybody in the community or anybody that you talked to -- because the way -- a little bit of background from an understanding of affordable housing, a developer comes in based on the financial feasibility. The feasibility of building the development because -- and you cited the rents. The rents are high, but you understand that the renters who rent at the market rate are technically subsidizing the affordable housing units, because all the units are essentially the same. But the -- from the standpoint of the renters who qualify for the affordable housing units, they're not going to be substandard units. My understanding --

And I asked the petitioner this specifically on the phone: Are there going to be two different type interiors or whatever? They're all going to be the same. They're just going to rent to -- those who qualify, the units -- and, I mean, from a standpoint of financially feasible, the renters are subsidizing the payoff what -- really, what they would cost on those units.

But do you have anybody that has done an analysis on the staff? Because you stated here, again, they could build this type of facility, but I'm -- in order to build this type of facility, understand the cost of construction, the cost of land, and typically a builder comes in. We've been through this up here on the dais before looking at how many units does it take to construct a facility or a development in order to provide the number of affordable housing units? And if it goes below a certain point, the job -- the construction costs and everything associated, it becomes not economically feasible; therefore, the project just can't be built.

So I just want to know, you made statements on the record. Do you have anybody that has done any -- that type of analysis? Because, again, you point out this facility could be built. Certainly, it could be built, but at what cost? And what would the rents have to be in order to subsidize the affordable housing? That -- but you -- have you -- do you have anybody in the development field that has done that kind of an analysis?

MR. RENNER: No. Again, I am a resident.

COMMISSIONER SCHMITT: Okay.

MR. RENNER: I don't have a staff. And the purpose of this is, this is something that the -- something like this, the point is, the residents would be okay with that. And my point about 100 percent affordable housing is to make the point, we want to make sure the Planning

Commission knows that the residents are not against affordable housing. We're not NIMBYs. We're not saying we don't want anything there, but there is a balance there. This is something that's being proposed off Vanderbilt Beach Road, so this developer figured out a way to do it on that piece of property, but we don't know.

COMMISSIONER SCHMITT: I understand.

MR. RENNER: But the applicant doesn't have to buy this piece of property. It's my understanding they haven't purchased it yet. It's contingent. Maybe the next applicant, next developer, can figure out a way of doing it.

COMMISSIONER SCHMITT: We don't get into deciding zoning by the rents. Now, the rents are controlled. If it's affordable housing, then there's some stipulation.

But I'm just going back to what the petitioner stated on the record. If they went below a certain number of units -- and I'll ask Mr. Yovanovich if he would qualify that again -- that it basically becomes economically infeasible to develop this project.

And I clearly respect your -- and I appreciate your views and those things that you stated, but the reality is, you just don't go in there and say, I want to build this type of facility you just pointed out, or your 100 percent affordable housing, because there's a cost. Unless somebody subsidizes the 100 percent affordable housing, somebody would have to subsidize it, because -- just the cost of land alone in that area probably far exceeds what they would be able to -- they wouldn't even be able to build such a facility and make it affordable.

So this is -- this is building, yes, luxury apartments in order to provide an affordable housing option. I mean, that's technically what they're proposing. But you've not done that analysis, but thank you very much.

MR. RENNER: No, I have not.

COMMISSIONER SCHMITT: Okay.

MR. RENNER: But all we're asking is something smaller, lower --

COMMISSIONER SCHMITT: All right.

MR. RENNER: I mean, 43 percent higher than the next highest building, and whatever's approved here today, and if the commissioners agree with that, is going to set a precedent for these other parcels. So we believe -- the residents believe that needs to be taken into consideration also because -- and we know that the Lutgert medical building proposal -- right now there's already one on the way to you. But thank you.

COMMISSIONER SCHMITT: I would just ask, Mr. Yovanovich, in your rebuttal -- not now, but in your rebuttal if you would address, again, for the record. I heard you state it at the beginning, but just to address the feasibility and the breakeven point here. Because we've been through this before in great detail, and it's just a matter of economics and the feasibility.

CHAIRMAN FRYER: Further to that, if I may, we have been through this many, many times, and if this were to be 100 percent affordable or workforce housing, the trade-off would have to be more density in order to make it work financially, which means more height and more traffic.

MR. RENNER: My point on that, again -- and I appreciate that -- was just we're not against affordable housing.

CHAIRMAN FRYER: And we accept that, and we appreciate that. Thank you.

COMMISSIONER SCHMITT: Yeah, thanks.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you, Mr. Chairman. If I may, two quick questions of Mr. Bosi.

CHAIRMAN FRYER: Of course.

COMMISSIONER SPARRAZZA: Thank you.

We currently have, throughout even this area of Naples, many programs that are 16 units per acre within the general area, correct? Some of those other --

MR. BOSI: Within the immediate area, the highest residential density is 14 units an acre --

COMMISSIONER SPARRAZZA: Okay.

MR. BOSI: -- at Bear Creek.

COMMISSIONER SPARRAZZA: At Bear Creek right below it. Okay. So this one coming in at 16, it's not drastically different --

MR. BOSI: Well, what they're proposing is 23.

COMMISSIONER SPARRAZZA: Correct. And 16 on 27. Do you know -- anywhere within Collier, do we have anything at the proposed 23 dwelling units per acre currently?

MR. BOSI: And the applicant provided five individual slides of recently approved development at --

COMMISSIONER SPARRAZZA: Close to that.

MR. BOSI: -- 23 units per acre, 20 units an acre. I mean, the highest residential density that we currently allow is 92 units an acre. So we have density within --

COMMISSIONER SPARRAZZA: High-rise.

MR. BOSI: -- the county.

COMMISSIONER SPARRAZZA: Correct. So my point is that while this may be, quote, a high number, it is not out of the normal that we have here within Collier County, the 23 units?

MR. BOSI: There have been instances where locations have had higher density than what's being requested.

COMMISSIONER SPARRAZZA: Great. Thank you very much.

CHAIRMAN FRYER: Thank you.

Sir, you want to finish it up, then?

MR. RENNER: Yeah. And, yeah, thank you for the time. And I guess my concluding points, again, this is a residential area. This is not an urban activity center. I don't know where those other projects were built that the applicant mentioned at higher densities or what you're talking about here, but this area is not an urban activity center. This is not -- even though there are some commercial -- I guess the library's considered commercial. Maybe the church is considered commercial. Maybe that nursery that's been there for 40 years is considered commercial. This is not a high-activity commercial area, so that should be taken into consideration.

And my last point is, I just hope the people -- we live and we raise our kids in this neighborhood and that the -- everyone I've talked to along this stretch in these 14 communities is against what's being proposed. I hope what the residents of this area want -- and we've been trying to be reasonable in what we're asking for for our neighborhood -- we live every day with our family and we raise our kids -- that the Planning Commission will take this into consideration, you know, our voices today. But thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Shea, do you have something for this witness?

COMMISSIONER SHEA: Yes.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SHEA: I just wanted to thank you. That's one of the best presentations I've had presented -- seen presented here in terms of understanding your positions; very clear, very professional. And I would just ask that additional speakers, if you're going to be redundant, he's made your point for you, to me anyways.

CHAIRMAN FRYER: Thank you.

Thank you, Mr. Renner.

(Applause.)

CHAIRMAN FRYER: Ladies and gentlemen, I'm going to say it again, please, no applause, no, you know, extraneous comments or comments of any sort. We just can't run this operation that way, please. I ask for your understanding on that.

Mr. Youngblood?

MR. YOUNGBLOOD: Mr. Chairman, our next speaker is Diane Flagg. She's been

ceded up to 35 minutes. My question for you, sir, is would you like for Mr. Smith to go first since he has an appointment coming up?

CHAIRMAN FRYER: I thought you'd ceded your time, sir. You didn't?

MR. SMITH: No. I have additional comments.

CHAIRMAN FRYER: Do you want to go -- that's fine with me.

MR. YOUNGBLOOD: Lawrence Smith is our next speaker, and then we will go to Diane Flagg.

CHAIRMAN FRYER: All right.

MR. SMITH: Thank you, Mr. Chairman.

My name is Lawrence Smith. I am the president of Bridgewater Bay Property Owners Association representing over a thousand residents in the -- on the Orange Blossom Road.

I wanted to add to Mr. Renner's presentation. I have been -- 44 years I've been a developer in the state of Massachusetts. I understand the ITE Trip Generation Manual extremely well, and I'd like to point out, I trust they're using the 11th edition. It was published in 2021, and it's based on data that predates COVID. Everyone in this community knows post COVID how that has impacted the traffic. More residents are staying year-round; more traffic is occurring in local communities all around America.

The Trip Generation Manual, it lags. It's a tool that traffic engineers use, but it lags. And it will be rewritten. It will be rewritten with new criteria. They use capacity.

We require -- in Massachusetts we require traffic analysis that looks at level of service. I guarantee you Orange Blossom Road and Airport Road would be, like, a Level of Service F or fail. They look at the peak hour and the morning hour. It looks well beyond capacity. It looks at safety.

So I would ask that you absolutely require a detailed in-season trip generation study.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: You mention COVID, right?

MR. SMITH: Yes.

COMMISSIONER KLUCIK: Okay. I guess I'm -- you know, in my mind, COVID means more people are working from home and doing a lot more and not going out, you know, and then the aftermath of that is there is more people working from home as a result of what -- you know, the idea that it can work for -- you know, for more people than prior, it was thought of as absurd. You know, you wouldn't have a Zoom conference. You would go to a meeting.

I'm just trying to figure out what is it that you -- why would you mention COVID? What do you think means that -- would make more traffic because of -- in the aftermath of COVID? You brought it up. I was just trying to make sense of it.

MR. SMITH: They're finding that the peak hour is getting longer and longer and longer, that people are going out to the community, to the stores because they're working from home. So the peak hour and the traffic problems are broadening. Your peak hour -- in Massachusetts they require them to look at a three-hour time segment because of that.

COMMISSIONER KLUCIK: I mean, it seems to me that that would be -- you know, everyone would be happy that you now -- instead of having a concentrated, you know, heavy, ridiculous traffic, you now have, you know, that same amount of trips, but it's over a broader time period.

MR. SMITH: They're showing more trips, so the trip generation's increasing over a longer period of time. You might get a slightly lower peak at those peak-hour times, but the, you know, broadening of the --

COMMISSIONER KLUCIK: Because they would be going to lunch at their workplace instead of going to lunch at their apartment?

MR. SMITH: Right.

COMMISSIONER KLUCIK: Out to lunch from their apartment instead of from their

workplace?

MR. SMITH: Correct.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: Further to your comment, Commissioner, I look at the 2022 Attachment F to the AUIR. We've got two segments of Airport Road that are implicated here, Segment 2.2 and 3.0. And, interestingly, in both cases, the traffic on those segments have gone down. In the first case it's gone down minus 3.24 percent; in the second case, minus 2.29 percent.

Now, I can't say categorically that that's a result of the pandemic, but by way of anecdote, in other cases, it seems to have been, and there's been testimony in other cases that the pandemic does weigh into that. But for these -- the two segments of that important road, traffic has actually gone down 3.24 percent and 2.29 percent respectively.

Go ahead, sir.

MR. SMITH: Also on traffic, the -- all the right turning onto Airport Road is going to create what's called a weaving problem. They need to get over to the left lane almost immediately to make that U-turn. It's going to be a very dangerous movement to something that does not occur right now. So that's also very important to consider, safety.

Another point I'd like to make -- I was involved with a mixed-use development in Massachusetts -- let me back up. Massachusetts governor many years ago required 10 percent of the housing stock to be -- on any new development to be placed into affordable housing, in-distinguished mix. So in other words, what that means is if you have a housing stock of 15,000 new building permits a year, 1,500 of them have to be affordable housing. So that was a mandate that was occurred [sic].

And it required a minimum of 25 percent, and they would give bonuses above 25 percent for a project, like I was involved with, with 120 units, 48 units were provided, 40 percent affordable housing. We were certainly able to pencil our numbers even at that level because of the rents in the town of Lincoln, Massachusetts.

Okay. Also on the affordable housing, it's critically important that that affordable housing really be in-distinguishable. It should be all the way across the mix, three-bedroom units, two-bedroom units, one-bedroom units. That's absolutely critical.

This area needs affordable housing; we all know that. At Bridgewater Bay, we weren't able to hire one of our assistant property managers because she was coming over from the East Coast and could not find affordable housing less than 40 minutes away for her and her family.

So, anyway, I really request that this board, you know, deny the applicant, at least bring them back down to the by-right. Anything that they're asking for is not by right. It's by privilege. So I would ask this board to deny their application for the additional units. And even at that, trust me, they will pencil their numbers. Thank you.

CHAIRMAN FRYER: Thank you.

Ms. Flagg -- and I'm going to give you your choice here. We have a -- we have a break coming up at noon. I don't want to --

MS. FLAGG: I'll be done by then.

CHAIRMAN FRYER: You will?

MS. FLAGG: Yes.

CHAIRMAN FRYER: All right.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: Has everyone been sworn?

CHAIRMAN FRYER: That's a good question. Ms. Flagg, you've been sworn, I think.

MS. FLAGG: Yes.

CHAIRMAN FRYER: We'll check on that as we go.

Okay. Go ahead. Go ahead, ma'am.

MS. FLAGG: It's still good morning. Good morning, Mr. Chair, Planning

Commissioners. Diane Flagg, for the record.

This presentation is obviously about The Haven at North Naples. You can go ahead and put it on there.

As you know, a Growth Management Plan amendment means that the developer has made the decision not to follow the Growth Management Plan that is the Commissioners' Growth Management Plan but to create their own Growth Management Plan.

As you know, MPUD ordinance means that they have elected not to follow the Land Development Code regulations of the county commissioners but to write their own regulations. In most cases, this project did comply with the regulations of the Land Development Code. County staff indicated that the reason that they were going to recommend this was because of the affordable housing component. So what we found very interesting is that one of the regulations that they chose to exempt themselves from is the affordable housing regulation. Thousands of other regulations apply, but they exempted themselves from the affordable housing regulation. And it would seem to me that that should be a decision by the county commissioners.

The Haven exempted itself from an 11-page regulation, which is 2.06, and instead has now substituted what we learned today, two paragraphs, Paragraph A and Paragraph C.

So this is your 11-page regulation by the county commissioners that if you're going to provide affordable housing, this is how you do it, and, instead, they've substituted two paragraphs.

One of the things that they've exempted is number of bedrooms. At a recent presentation by the Community Foundation, they indicated the most important need for our community in affordable housing is families. Families, multiple bedrooms. Families need affordable housing, because when a property manager comes to town, they're not coming typically as a single individual. They're coming with children and a husband or a wife. So number of bedrooms, which is in the 11-page regulation, is required to be stated because they need to know, are we meeting the need. You cannot meet the need for affordable housing with studios and one-bedrooms.

The Haven also excluded a process for annual income verification certification; conditions under which the units will be sold, although we heard today they're not selling; a lien instrument with specificity to be recorded with the Clerk of Courts; the ratio of number of bedrooms per affordable housing unit equal to the ratio of number of bedrooms per residential unit; an agreement that constitutes the covenants, restrictions, and conditions that run with the property. So what happens if The Haven, an out-of-town developer, sells the property? I can guarantee you these two paragraphs don't cover any of that, because there's no separate agreement.

Remember, if it's not written in the PUD, this (indicating), it doesn't apply. None of this applies. Only these two little paragraphs apply.

It also doesn't allow for random inspections, doesn't allow a process for violations. So if they decide to rent these units at full market rate, there's no process in these two little paragraphs.

There's no process for criminal enforcement, no process for civil enforcement. All of that is covered in the commissioners' regulations.

Next page. The Haven proposes to build 336 multifamily units on the 14.57 acres, and that's Tract B which, as you've heard multiple times, 23 units per acre. The Carlisle already exists on Tract A.

County staff advised, what are they entitled to, they are entitled by zoning one unit per five acres. If the commissioners agree to change the zoning, then they're eligible up to a maximum, not that you have to give it to them, but a maximum of four dwelling units per acre, or 59 units. If they provide affordable housing pursuant to the regulations -- and the reason I think that Mr. Bosi told us it was 10 at the meeting as opposed to the 16 is because they did not qualify for the maximum density bonus based upon what they were providing. So if it's 10 dwelling units per acre, it's a total of 146 units. If it's 16, it's a total of 234 units, which is 100 units less than what they're proposing.

They're exempting themselves from the GMP, although it's -- they're allowed to. Any

developer is allowed to come to you and say, we're going to write our own Growth Management Plan; we don't want to follow the commissioners'. They're allowed to do that. And developer can come in and say, we don't want to follow the commissioners' PUD or land-use regulations; we want to write our own. They're allowed to do that, too. But you, as planning commissioners, are also allowed to say, thank you but no thank you.

Why is it important to include the GMPAs and PUD ordinances with the regulations for affordable housing? Because one of the many, many developments that have received affordable housing density bonuses is Allura. Allura was an apartment complex on Livingston Road just north of Immokalee Road. And what happened was the commissioners on the fly had to try and negotiate an affordable housing density bonus.

Next page.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: I can wait till she's done.

CHAIRMAN FRYER: Okay.

MS. FLAGG: So if you'll look at your screens, BCC minutes, September 24th, 2019, Allura PUD ordinance, these were the minutes from the BCC meeting.

Mr. Klatzkow: Well, yeah, but if someone is at 93 percent, are we -- is it going to be pro rata? I mean, what -- I love doing things on the fly.

Commissioner Solis: They're not eligible.

Mr. Klatzkow: Were there [sic] between 80 and 90 [sic], right?

Mr. Yovanovich: That was our goal was to meet that need, and that's why we did the restriction. If you want to open up who's eligible, that's fine, but we thought we were doing a good thing by targeting nurses and teachers and firefighters and police officers.

Mr. Klatzkow: But it's a 42,000 floor. You may not find a lot of nurses and teachers making less than 42,000.

Commissioner Solis: We may not.

Mr. Klatzkow: But if you're limiting it to essential services and they're opening it up for 45 days and they don't find anybody making less than that, you're never going to have it. That's all I'm saying.

In this exchange, Mr. Klatzkow, as you know, Chief County Attorney, is attempting to point out that the 24 affordable housing units in this PUD is meaningless.

The proposed PUD ordinance limited the 45-day advertising to teachers, firefighters, and police officers, all who generally have a salary greater than 42,000. After 45 days, the PUD ordinance would permit them to rent these units at full market rate to the open market. If rented to essential service, it's still rented at full market rate, which is thousands of dollars a month.

Next page.

CHAIRMAN FRYER: You're talking about a right of first refusal, which is clearly not what's being proposed here.

MS. FLAGG: Correct, but this is an example of trying to do things on the fly, because you're excluding -- exempting yourself from the regulations. That's what they've asked to do. They want to replace an 11-page regulation with two little paragraphs.

Mr. Yovanovich: The answer is, you know, you have [sic] -- to work this?

Ms. Ashton drafted the language we believe is consistent.

You can read it as well as I can, in the interest of time.

In the second exchange he states that there's -- 31 units will be limited to households at 80 percent or less AMI. The proposed ordinance does not require the units to run with the land.

What is developer rents at full market rate? There's no enforcement provision. And these two little paragraphs, same thing, doesn't run with the land. No enforcement provision. No violation process.

Then we go on to Exchange 3, Commissioner Saunders asks -- I'm not sure if it's for Mr. -- next page -- Mr. Yovanovich or for our staff. I don't know if you have a breakdown of the

units. We have 30 units set aside for 30 years. Will there be a mix of one-, two- and three-bedrooms?

Mr. Yovanovich: The answer is in -- your code requires that we do a mixture of one-, two- and three-.

But this is the problem: If it's not written in the PUD ordinance, the code doesn't apply.

And so, in this exchange, Commissioner Saunders is asking for a breakdown of the units. He states it's in the code, and it is in the commissioners' regulations; however, the developer has no requirement to provide a mix of one-, two- and three- affordable bedroom units because, like this one, it's not in these two little paragraphs.

So this whole conversation this morning was granting a significant density bonus. Remember, they are entitled to one unit for five acres. They are eligible up to -- not at, up to four units per acre. And the only reason that we're talking about 23 units per acre is because they're saying they're providing affordable housing; however, this (indicating) is not affordable housing. This is affordable housing.

Significant density bonuses have been granted to developers based on a few incomplete or unenforceable PUD paragraphs in the PUD ordinance. Don't let this happen again.

The residents in the Orange Blossom Alliance, representing more than 3,000 households, request that the Planning Commission deny this project.

Thank you.

CHAIRMAN FRYER: Thank you very much.

(Applause.)

CHAIRMAN FRYER: We will absolutely hear from staff and petitioner on the points that you've made and satisfy ourselves that we have meaningful restrictions and conditions with respect to affordable housing. I guarantee you we will do that.

Commissioner?

COMMISSIONER KLUCIK: Yeah, I just want to thank you. That was -- that was really -- those were some really good points for us to consider. You know, I don't know what the answer is -- you know, if these things are covered or not, but you certainly, you know, made me -- you know, made me --

MS. FLAGG: They're not covered.

COMMISSIONER KLUCIK: Well, we'll find out.

MS. FLAGG: Not in this.

COMMISSIONER KLUCIK: Well, we'll find out what that's missing, if anything.

CHAIRMAN FRYER: We will go over it thoroughly.

COMMISSIONER KLUCIK: My point is to compliment you, because you brought up some good points, and we will -- we will thoroughly, you know, render those interesting, even more interesting.

COMMISSIONER SCHMITT: Diane's no stranger to the podium.

MS. FLAGG: Good to see you, Joe.

CHAIRMAN FRYER: All right. It's five minutes -- four minutes after noon. There's no way that we could have completed this by 1:00 p.m., and so the general rule is that we break every hour and a half. We might as well go to lunch now. We're going to be here this afternoon anyway.

COMMISSIONER SHEA: How many more speakers do we have?

CHAIRMAN FRYER: We've got five or six, right?

MR. YOUNGBLOOD: Mr. Chairman, I have eight more speakers here in the room with us and one online for this item.

CHAIRMAN FRYER: Okay. All right. So without objection, we stand in recess for lunch until 1:00 p.m.

(A luncheon recess was had from 12:04 p.m. to 1:00 p.m.)

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Mr. Youngblood, who is next on the registered speaker list?

MR. YOUNGBLOOD: Mr. Chairman, our next registered speaker is Tyler Day. He's going to be followed by Robert Leitner.

CHAIRMAN FRYER: Mr. Day.

MR. DAY: Well, if you don't mind, I have my notes in front of me here, and I would like to go over those with you. I thank you for the opportunity to speak to you people before.

My name is Tyler Day, and I've lived in the Village of Monterey on Orange Blossom for over 30 years. As a former president of our master association for six years and president of our villa association for six years and a member of our master and villa boards for another 14 years, I'm quite familiar with what works and doesn't work with our communities and the county.

As cofounder of the Orange Blossom Alliance, I worked with the county planners and commissioners over the years who have protected Orange Blossom corridor to properly direct our fire [sic] commissioners and establish Orange Blossom as a constrained and protected road.

In summarizing, David Renner has done an excellent job, described the rationale for our opposition to -- or modification to this Haven project. He is supported by virtually all the 3,000 residents in the communities surrounding the area. There are 14 communities. And consideration needs to be given to the residents that already live there, not only the people that will be coming in in any proposed Haven project.

Based on the proposal, this Haven development is definitely not consistent or compatible with the character, height, and density of our established and lovely surrounding communities. The infusion of any additional 5- to 700 automobiles from this Haven project will severely tax the already crowded and busy and accident-prone Orange Blossom Drive adjacent to this proposed 336-unit project.

Now, if you consider that these 4- to 700 cars are going to need to have a place to park when they come home from work or wherever [sic] they are doing, they only have 102 parking spots. So where are the other cars going to park?

This shows somewhat of a lack of planning in this proposal and is questionable for a lot of other things that they are proposing, which are not consistent with the communities that surround them. Monterey and other Orange Blossom residents support the more affordable housing but with a more balanced approach, more consistent and compatible with the existing neighborhoods.

In short, despite the builder's big-building pitch by everybody and anybody, this Haven project is the wrong approach in the wrong place with only a -- that can only negatively affect the 12 communities surrounding the area.

I've been in your place. I've been a company planner and marketer not only in the U.S., but in 11 countries. Sometimes it's painful, as it might be, that you have to say no. In this case, this project is not the right place for this -- in our communities as presented, especially at 23 units per acre.

So I thank you for the opportunity of summarizing what -- some of the things Dave said and, once again, appearing before you, as I have done in past years when you were probably in grade school. But other than that, we are very serious as an Orange Blossom community. There are 3,000 people in 14 communities that are going to be affected by this. So it's very important that we -- if approved, it's moderated in such a manner that it is not destructive or negatively affects the communities that surround it. Thank you.

CHAIRMAN FRYER: Thank you, Mr. Day.

Mr. Youngblood.

MR. YOUNGBLOOD: Our next speaker is going to be Robert Leitner. He's going to be followed by, forgive me, Mariusz Pieczalski.

MR. LEITNER: Hello. My name is Robert Leitner. I'm a resident at Villages of Monterey on Orange Blossom. I began my relocation down to Florida in 2015, became a full-time resident in Florida at the end of 2021.

Despite coming from New Jersey, which I know is -- I'm in the minority when people ask -- when I tell people I came from the northeast, they assume it was Cleveland because everything is based on the Midwest.

But given the fact that the East Coast of Florida was just so overdeveloped, and that's the typical place where people from the northeast, as I call it, go, Southwest Florida was extremely appealing because it doesn't have that overdevelopment. I mean, to me, Miami is Manhattan with a beach. And I think what Collier County is, even though it's getting more crowded, it's still far from that, but I think that needs to be kept in check. We don't want to create something where, you know, we have that abundant amount of overdevelopment.

There is a Growth Management Plan in place to help manage that, and I strongly advise that we look at that. I mean, that was something I looked at before becoming a resident in the area, the Growth Management Plan, looking at where I was choosing, you know, to live and to relocate, and that was a very important aspect.

I know that things aren't going to stay the same, but understanding what guidelines and restrictions are in place to prevent, you know, a huge shopping center from appearing down the block from me -- I know that's not what this is -- but there are rules put in place to help control and manage development. And, you know, looking at what it was or what it still is, I think it's a good plan, and it's there for a reason. And, you know, I strongly hope, you know, that we can stick with that.

There were comments made -- I'll try not to reiterate any of the points already made, as the Chairman said. You know, things were said quite well before. But a couple of points I did want to bring up. It was mentioned that, you know, Orange Blossom was restricted to just two lanes based on some previous guidelines that were passed, and, you know, well, now we're going to suffer because, you know, it can't handle the additional traffic. I think everybody knew that at the time. I think the question needs to be asked, why did we want to keep it two lanes, is because we don't want all of that constant traffic, you know, utilizing that as a thoroughfare on an east/west. You know, that's why we have things like Pine Ridge and Vanderbilt.

There were comments made about, you know, however many additional cars, 500, 700, whatever you consider, and there was -- somebody was saying, well, it's not that bad. It's not like everybody leaves at once. True, but there's a reason we have rush hour, and that's because a lot of people leave in a small window. If everything was spaced out throughout the whole day, yes, none of this would be a problem. But people do tend to leave at certain times of the day, and they come back home at certain times of the day. So, you know, we shouldn't be ignorant to that fact as well.

It's also important not to look at this development in isolation, as several people have mentioned. You know, this is one of four corners at the intersection of Airport-Pulling and Orange Blossom, and I think it's important to remember that what we do here is going to be used as precedent for those other corners and, really, you know, that's part of a Growth Management Plan. This is not a, you know, what do we do with this one Tract B. It's what are we going to do with this whole area and how is this going to fit into it.

There was comments about the pending legislature [sic] that, you know, says you can't stand in the way of somebody wanting to develop if they're going to provide 40 percent of affordable housing. They're not going to so, I mean, that Live Local, I believe, doesn't sound like it's going to be applicable, unless I've misinterpreted it. If the developer can't make enough money by building something that is, you know, lower density and has the appropriate amount of affordable housing, maybe the project just doesn't make sense. Maybe they're overpaying for the land. Maybe development costs are just too high right now.

You know, if somebody says their land is worth a lot because of what can be built on it, well, if you can't build this on it, maybe the land just isn't worth that much. I'm not saying it's worthless. Clearly, it's very valuable. But maybe they've overvalued it based on what really can be built there.

CHAIRMAN FRYER: You're at five minutes, Mr. Leitner.

MR. LEITNER: Oh, I'm sorry.

CHAIRMAN FRYER: Please wrap it up.

MR. LEITNER: Two last points then. One, there's connection between what's being proposed for The Haven and the Carlisle but, yet, you know, they say that The Haven is not going to have access to Orange Blossom, but the Carlisle does. What's there to prevent the residents of The Haven from just exiting through the Carlisle's access out Orange Blossom? I mean, they're going to come in the same way. Can't they just go back out on Orange Blossom? And that's basically it.

CHAIRMAN FRYER: Thank you, sir.

MR. LEITNER: Thank you.

CHAIRMAN FRYER: Mr. Youngblood.

MR. YOUNGBLOOD: Our next speaker is going to be Mariusz Pieczalski. Is he still here?

(No response.)

MR. YOUNGBLOOD: I guess not. Our next speaker is going to be Glenn Trout. Is Glenn here?

(No response.)

MR. YOUNGBLOOD: Bob Rosenblum? There's Bob.

CHAIRMAN FRYER: There we go.

MR. YOUNGBLOOD: Bob's going to be followed by Willis Kriz.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Sir. Go ahead, Commissioner.

COMMISSIONER KLUCIK: I just -- I don't even know who did it. I heard it. But you're showing us as a board and certainly our chairman gross disrespect. He's already asked to not have reactions, and someone was just clapping. We're here to do our job, and the clapping, we've already explained -- our chairman has already explained on our behalf that that's not appropriate here. And to do that just tells us you don't really respect us. So I -- that's disappointing. It certainly doesn't help your position.

CHAIRMAN FRYER: Thank you, Commissioner.

Mr. Rosenblum.

MR. ROSENBLUM: Yes. My name is Bob Rosenblum. I live in Stonegate, which is on Orange Blossom, and I'm a member of the Orange Blossom Alliance, when I have time, with the Steering Committee. It's hard to keep up with them, because they are doing a lot of work on our behalf.

First of all, I'd just like to comment on Dave Renner's presentation to you all and your reaction to it. I know you were trying to understand the basis of some of the comments that he made, but I don't think what came out of it was as respectful to the Alliance as it could have been, to be honest, and that is, he's standing on the shoulders of 3,000 people, 2,500 of which have taken the opportunity to stop what they're doing during the day and sign a petition against this project.

And when he talks about traffic, 3,000 people, essentially, are telling him their experience with the traffic in that area, which is a pretty darn good description of what's going on on the streets, okay. And when I read -- when I took the time to read the traffic report -- and I know that Norm did it according to the, you know, the methodology -- that reports says we're going to get 2 percent of that traffic coming onto Stonegate, onto Orange Blossom.

So when people come out of this proposed project, they can only go south, as has been well established. The only way to go north, east, or west, which is a lot of the volume, is to do a U-turn, go up to the intersection, and either go straight or turn either way.

So for a methodology that's been developed over the decades here, to say that 2 percent of the traffic is going to go on Orange Blossom is not credible, and that's why you hear some of the emotion and the clapping and things like that, which you've asked us not to do and we shouldn't do.

But that's what's behind this. This is 3,000 residents who pay their taxes, try to follow the rules, and are not necessarily developers with, you know, assets or projects to protect.

And I hope that you're listening to that and get the import of what's been said, because, I mean, it's us. We're the ones that live there. You make a decision and move on. The developer potentially does a project and probably sells it and moves on. So we're the ones left holding the bag. And I know you know that from other projects, but it seems like it's not going our way.

I just traveled from Orange Blossom to here. It took me 25 minutes at an average of 25 miles an hour. And when I went through the intersections, I had to wait for two lights, sometimes three lights to get through an intersection. A stoplight's a stoplight driving. So if the methodology that's been adopted is yielding that kind of a result for your community members, I would hope somewhere, somehow somebody would re-think that.

I know the developers don't want you to re-think that, because it seems to go their way. But that is -- that's a -- you know, a real sentiment from the community to you. Not meaning to be disrespectful, but just trying to be a little bit provocative about accepting the standard as-is, because it's not working for us, okay.

Second thing about this project is, again, on traffic. I mean, the exit for this empties onto the third-most-prone-to-accident stretches of roads in all of the county.

Now, I got that from the '21 update. It took me a while to read it and find it in there. But that's what it says. This is one of the most accident-prone stretches of road, and we're going to add hundreds of cars, maybe thousands once these projects get going, okay. I mean, nobody's going to be happy with that.

So when you hear from the community that we're saying less is better, the hope that there's -- we know we can't stop it. I mean, we're pragmatists. But we hope that you can take and embrace something about less being better.

Now, I was in business. I've been a CPA and all that kind of stuff. So when I hear somebody come with a project and they haven't really modified it and then they complain that, geez, we can't do any less, they didn't come with Plan B. They came with Plan A. And you know they have a Plan B. I mean, you've sat through these things so many times. What happens if you say no and see what they came back with to the benefit of the residents who are already here? Is there an answer to that? I'm just interested to know.

CHAIRMAN FRYER: Your question is noted.

MR. ROSENBLUM: Thank you. Okay.

CHAIRMAN FRYER: You're also at five minutes, sir, so please wrap it up.

MR. ROSENBLUM: Okay. All right. I think that's it.

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

Mr. Youngblood.

MR. YOUNGBLOOD: Willis Kriz is our next speaker, followed by Linda Simon.

CHAIRMAN FRYER: Sir, I'll ask you to spell your last name for me, please.

MR. KRIZ: It's K-r-i-z as in zoo.

CHAIRMAN FRYER: Thank you.

MR. KRIZ: Good morning -- or afternoon, it is now. My name is Willis Kriz. And I'm retired, and I have lived in Collier County full time since August of 1994. That's 29 years. For most of those years, I lived in Eagle Creek, which is south of the intersection of 41 and Collier County and State Highway 951, and I watched the development that enveloped that intersection.

When I first lived there, there was one store, the Circle K, and the filling station on that corner, and now it's enveloped in massive development. And I think it's a textbook example of what can happen when the development process overlooks the impact on the surrounding area.

For the last year and a half, I've lived at Bridgewater Bay on Orange Blossom Road -- Drive. My wife and I access Orange Blossom several times a week to go to the intersection of Airport-Pulling Road and Orange Blossom, and we've witnessed that the volume of traffic -- in fact, have seen a couple of serious accidents there. It's hard for us to believe that a

high-density development such as we're talking about can even be considered.

It's been said that traffic emanating from The Haven development can only turn right, and I'm not sure it really, really was understood. It must turn right, and it has to travel south until it finds a place it can make a U-turn if it intends to go north. And U-turns impede the normal flow of traffic, and they're legal unless they're otherwise posted. And that's, in fact, what we have just south of the area. The first intersection where traffic can make a U-turn is posted no turn.

And then when that -- when traffic returns from the south, there has to be a cut through the median, which the plan shows, and that is going to create nothing but problems with -- left turning traffic into the development must cut across three lanes of southbound Airport Road.

I served on the Collier -- Conservation Collier advisory board from its inception for two three-year terms beginning in 2023. And in that capacity, I had the opportunity see the developments all across Collier County, and it really underscored for me that property owners have -- have a right to develop their property however they choose within the law and that people can move to anywhere they want if they have the means to do so. But it doesn't mean -- it doesn't mean that they have an absolute right to impact those who already reside in the area.

So I would simply recommend that you consider this development, that you deny -- not deny the proposal but reduce the number of units that can be built. The density that's proposed is way too high. It generates way too much traffic for the area.

So those are my comments, and thank you for the opportunity to speak.

CHAIRMAN FRYER: Thank you, sir.

Mr. Youngblood.

MR. YOUNGBLOOD: All right. Linda Simon is going to be our next speaker, followed by Kevin Barry. Is Linda here?

(No response.)

MR. YOUNGBLOOD: All right. Kevin Barry.

MR. BARRY: Good afternoon. My name is Kevin Barry, and I'm a resident of Naples. I am not a lawyer. I actually don't even have -- I'm not here to advocate for or against this particular development, but I am involved in the issue of workforce housing in the community, actively involved in that, and so my concerns really are resolving around the affordability or reduced -- what do you call that? Reverse -- reduced cost housing.

And so listening to all this has proven to be somewhat confusing to me, because my understanding from the applicant is that one of their main concerns and one of the main pillars of their argument is to -- by getting these significant density bonuses, is to serve the needs of affordable housing and workforce housing here. And so these are significant density bonuses and, yet, I understand that the -- excuse me. I just have to look at this -- the Land Development Code, which was written by the -- adopted by the county commissioners and updated as recently as 2019, and referencing 2.06 -- I believe that's the document that Ms. Flagg was holding up -- specifies very specifically what a developer needs to do to meet the density bonuses. So that's there. You guys wrote it, okay. The residents didn't write it.

And yet, if I understand this process correctly, an applicant or a developer can come in with the PUD and -- and please understand, if I don't understand this correctly, I'm happy to be corrected -- but can write a PUD that provides a workaround to the code that's in 2.06.

And so my first question is, I need somebody to explain that to me. I know that you're not going to do that right now, so that's okay. But the problem with these developer-written PUDs is that, historically, the affordable housing quotient has not been met, and I'm talking historically. And my understanding is they have not been met because there's no enforcement and there's no auditing process.

So I am aware of a number of developments in the community that have been built with these developer-written PUDs that, to this day, have not fulfilled their obligation regarding affordable housing.

So my final question to you -- and, again, I know you're not going to answer this here right

now. I understand that process -- is why is that the case? I mean, you have a code. You guys wrote it. I don't understand why developers are allowed to provide workarounds for themselves. And I will point out that the initial presentation this morning by the applicant was really largely built around their desire to help solve the affordable housing crisis in our community. And, frankly, noting the PUD that was submitted, I find that doubtful.

So I appreciate your comments very -- I mean, your allowing me to make my comments today. Thank you very much.

CHAIRMAN FRYER: Thank you, sir.

Mr. Youngblood -- Vice Chairman.

COMMISSIONER SCHMITT: Yes. Following the speakers, I would ask that Cormac come up and address that issue as well so the public is well aware. There were statements made that we are not monitoring or enforcing. I know of no such issue where we're not monitoring or enforcing. But, Cormac, I'd be -- ask if you'd be prepared to address that. I'll bring it up after we're finished with the speakers.

CHAIRMAN FRYER: Thank you.

Mr. Youngblood.

MR. YOUNGBLOOD: All right. We've had some folks rejoin us. I'm going to call on Mariusz Pieczalski again, or how about Glenn Trout?

(No response.)

MR. YOUNGBLOOD: All right. Then I will go online. Bill Diamond is going to be our online speaker, and he's going to be followed by Dottie Donnelly.

CHAIRMAN FRYER: All right. Thank you.

MR. YOUNGBLOOD: Mr. Diamond, you're being prompted to unmute your microphone, sir. Can you hear us?

MR. DIAMOND: Yes, I can hear you. Can you hear me?

MR. YOUNGBLOOD: Loud and clear.

CHAIRMAN FRYER: Yes, we can.

MR. DIAMOND: Thank you.

Honestly, I don't have much to add other than support for the project. I appreciate all the information and all the presentations that were made. I am actually the executive director of the Carlisle, so I've been listening in. We do -- are very interested in this project, as far as it's south of us.

And we understand all the information from the individuals that are on Orange Blossom and the communities that are there; however, we do like to see more growth in the area from a standpoint from rental communities just to help us with staffing. We are considerably low on staffing in many of the businesses in the area, as everybody stated, and this would help us as well to have our nurses and to have our staff to be able to service our residents.

And there was a comment prior as well that we are only 25 percent assisted living; however, our average age of our residents that are living here is just over 90, so many of our residents are not driving any longer. So the statements made as far as density and all, it is supported from that standpoint, in my opinion.

But we do support this and look forward to a partnership with the developer, and we think it's great for the community. Thank you very much for the time.

CHAIRMAN FRYER: Thank you, Mr. Diamond.

Mr. Youngblood.

MR. YOUNGBLOOD: All right. Our final speaker on this item is going to be Dottie Donnelly. Dottie, you're being prompted to unmute your microphone. Can you hear us okay?

MS. DONNELLY: Yes, thank you very much. Can you hear me okay?

CHAIRMAN FRYER: We can.

MS. DONNELLY: Thank you so much for allowing me the time to speak. I am an Emerald Lakes resident. I own two properties. I live in a home, and I also have a condo that I

rent. So I fully understand wanting to be able to make the most use of properties that a person or a company or a group would own.

However, I understand in my rental condo I can't simply rent out each bedroom of my three-bedroom condo separately to six people to live just because I want to make more money. That's a density issue and a rule issue, and I think that's what we're talking about here today. We're really not talking about low-income housing. We're really talking about density, and we're really talking about rules and regulations and codes that are already in place.

It was mentioned at the beginning of this meeting that the developers also had projects approved in Collier County, including one right across from these county offices. Respectfully, this strip of Airport-Pulling Road is not a similar residential area to Orange Blossom at all. The Orange Blossom area is a family residential area. It's not an urban center. And if you step outside this building and look at the apartment building across the street, it's four stories high with a tall roof making it practically five stories high. It's not an appropriate building for a residential area of one- and two-story homes.

Let's remind everybody today that the existing area of Orange Blossom that we're talking about is ag. It's not commercial. What's being requested is an exception or a change to the current regulations in place.

I'd like to first refer also to the Collier County Land Development Code in the general provisions, 1.03.01. Paragraph D, it states, in the interpretation and application of any provision of these regulations, it shall be held to the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. That's what we're talking about today. This means responsible and balanced growth.

In Section 1.05.01, Purpose Item B, it states: In order to foster and preserve public health, safety, comfort, and welfare and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Collier County, it is the intent of this LDC that the development process in Collier County be efficient in terms of time and expense, effective in terms of addressing the natural resource -- natural resource and public facility implications of proposed development, and equitable in terms of consistency with established regulations and procedures, respect for the rights of property owners -- I might repeat that. Respect for the rights of property owners -- and consideration of the interests of the citizens of Collier County. We are property owners. We are citizens of Collier County who are showing up today to appeal to you.

In Section D, it states: It is the intent and purpose of this Land Development Code to establish and adopt comprehensive zoning regulations governing the use of land and water in the unincorporated areas of Collier County, Florida. These regulations are based on a comprehensive plan for future development and are enacted to protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, et cetera. Multiple times this is stated in the code.

Section E, this Land Development Code intends to accomplish and to provide for efficiency and economy in the process of future development and redevelopment, appropriate use of land, preservation, protection, conservation, and development of the natural resources of land, water, and air; convenience in circulation of traffic for the transport of people, goods, and commodities; protection of persons and properties, et cetera, et cetera, et cetera; promotion of amenities both public and private to maintain and improve the quality of life for all residents, and development consistent with the GMP.

The speaker for the developer earlier today falsely mentioned that the public does not want low-income or low-cost housing. He also stated that the residents living in this area would want all low-income units to be in one established area of the development rather than spread throughout the complex. Nothing could be further from the truth. The citizens from the not Orange Blossom neighborhoods that are here today online and in person --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Ms. Donnelly, could you take a pause, please, because

Commissioner Klucik has a question or comment.

MS. DONNELLY: Sure.

COMMISSIONER KLUCIK: I just think that -- you just stated something that was not factual about the petitioner, and I just -- I think that needs to be countered in real time. Perhaps I misunderstood, but I did not hear anyone -- the petitioner state that the residents are against the income-restricted housing at all.

MS. DONNELLY: He actually did state that, so I would ask the person who's taking notes perhaps go back to this morning's comments and look through that. But he did state, because I was taking notes throughout the meeting. He stated that we do --

COMMISSIONER KLUCIK: Ma'am, I think there's universal agreement on the Board that you're incorrect in that, which that's fine. There's nothing wrong with -- you know, with having that information incorrect. But like I said, it needs to be countered in real time, which I have.

MS. DONNELLY: Okay. Then I respectfully agree to your opinion -- that you can have your opinion. I would ask that after the meeting you go back and please read the notes, because he did say, in fact -- he did reference that the residents in this community would also want to have those low-income housing residents to be in one area, and that's -- nothing could be further from the truth. Those statements are false that were made earlier today, and it's a manipulation of the situation. This is not about low-income housing at all.

COMMISSIONER KLUCIK: Well, I'm going to interrupt you again. I'm going to interrupt you again, because you're not -- you're not gaining anything by repeating smears of the petitioner. You're smearing the petitioner, and you're smearing, you know, in a way that I think is important. You're trying to allege that they -- that they have a -- that they've said something about, you know, your community and they haven't, and --

MS. DONNELLY: Okay. So I'm just asking --

COMMISSIONER KLUCIK: No, no, no. I'm speaking. I'm speaking. And I'm just going to say adamantly again, you're also not helping your position by repeating the smear and then countering me and saying, you're wrong. Now, you might think I'm wrong all day. I'm just helping you understand that if you're going to go ahead and retort to me that you're right and I'm wrong on this particular point, that doesn't help you. But that's fine if you want to do that. Thank you.

MS. DONNELLY: Thank you for your comments and your advice. I will not retort that further, but I would ask that you would commit, then, to going back and reading the notes from this morning and the comments that the developer said. And once you've read those comments, then perhaps you can give me a call or an email to apologize once you see those comments that were, in fact, in the notes.

CHAIRMAN FRYER: Ms. Donnelly?

MS. DONNELLY: This issue today is --

CHAIRMAN FRYER: Ms. Donnelly, you've got -- you're way over time, but you were interrupted a couple of times, so I'll give you another minute to finish up, please.

MS. DONNELLY: Thank you. This issue is about density, housing density, volume of traffic, amount of noise, size of development, additional drain on land, sewer, air, roads, and water usage, capacity. The room everyone is sitting in today has a capacity, and that is assuming that everyone is sitting in their seats and not attempting to move about. That's similar to the traffic on Orange Blossom Road. There's capacity at standstill, and there's capacity when people are moving about. And also, more importantly, overall compatibility with the neighborhood community.

The project is not in compliance with the current Growth Management Plan and the code of the LDC today. It is not. It is asking for an exception, and we're asking for you to please not approve that.

Thank you.

CHAIRMAN FRYER: Thank you, Ms. Donnelly.

Vice Chairman.

COMMISSIONER SCHMITT: Yeah, I would ask staff a question. Because I've heard it almost throughout implied that for some way or fashion that we're bending the rules by allowing an amendment to the Growth Management Plan. Could you please explain to the public the process for amending the Growth Management Plan or processing a growth managed [sic] plan amendment and that this is not unusual and it's fairly common if somebody wants to amend the Growth Management Plan.

So I would ask staff if you could clarify for the public in general, because there are a lot of accusations that for some reason this is a smoke and mirror and an attempt to get around the rules. So could you please explain.

MR. BOSI: Well, any amendment to the --

CHAIRMAN FRYER: Your mic.

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

Any amendment to the Growth Management Plan is changing the rules that are within the GMP for a specific purpose, but that is a process that is codified within state statute as to how you go about to do such an amendment, the requirement for what data and analysis is required to provide the justification, how staff is to review that data and analysis, how the Board of County Commissioners, how the Planning Commission is to receive that information. We, on average, process probably seven to 10 GMP amendments with corresponding PUDs annually. It's a regulatory -- it's a regular process.

The one thing I will say about the planning/zoning in anything, within the regulatory structure, it's a constant evolving dynamic. What's needed in 1990 for this community when we were a county of 220,000 is different than what we need as a community of 400,000.

We evolve. Our plan evolves. The amendment process is provided for for either the Board of County Commissioners -- Planning Commission sometimes can direct Growth Management Plan amendments, sometimes there's staff-initiated Growth Management Plan amendments, and other times there is a private marketplace. The private marketplace identifies a deficiency within what the land use is yielding within a given jurisdiction, and they seek to cure that deficiency if the Growth Management Plan is not providing for it by amending the Growth Management Plan by a set criteria that needs to be satisfied. So it is a process that is not unusual and commonplace in most jurisdictions.

COMMISSIONER SCHMITT: And it's controlled by Florida Statute.

MR. BOSI: 163.

COMMISSIONER SCHMITT: In reviewing this, you complied with -- I just want to set the record straight. I mean, I'm not a proponent here, but I just want to make sure that the record is straight in regards to review by staff and the applicant and advising the applicant this is in full compliance with Florida Statute; is that correct?

MR. BOSI: Yeah. This isn't a comment about whether it should or should not be approved.

COMMISSIONER SCHMITT: Correct.

MR. BOSI: This is simply, from a statutory procedural due process standpoint, they've satisfied the requirements of the statute.

COMMISSIONER SCHMITT: Now, the second question, then -- because I've heard it a couple of times about capacity and water/sewer, other types. All of the essential public services, all of the staffs have reviewed this and have found it in full compliance with the impacts that it may have on the listed essential public services. I could go over -- through them, but were there any services that were identified that would deem this not acceptable as a request from the applicant?

MR. BOSI: The process, when we have a GMP amendment or a rezoning petition, we do a courtesy review. We look to see if there's water -- potable water, wastewater, all of the traffic -- traffic capacity, and we review it for consistency with our Concurrency Management System. None of the utility providers have -- or any of the infrastructure providers had indicated

this would create a deficit beyond the adopted levels of service that are associated with each one of those facilities.

COMMISSIONER SCHMITT: And schools as well, because I also heard that the schools were over -- understaffed or at least at capacity. Was there any objection from the Collier public school system in regards to school capacity?

MR. BOSI: No, and they were provided a copy of the --

COMMISSIONER SCHMITT: And, unfortunately, Amy Taylor's [sic] not here. She's our representative from the school board. But as far you're concerned, there was no objection in regards to the available capacity at any of the schools associated with this development?

MR. BOSI: There was none.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Further to, if I may, the Vice Chairman, with respect to process, I want the public to understand this. As a Growth Management Plan amendment, this is going to have to get a supermajority approval from the Board of County Commissioners. That's four out of five people on the Board of County Commissioners are going to have to approve that. So if you get two commissioners who don't, this doesn't go anywhere.

So -- and our -- we vote by majority vote, but we're only making recommendations, so that's something to keep in mind. And however this comes out, you will have every opportunity to be heard before the Board of County Commissioners. Thank you.

Anything further on the staff report?

MR. BOSI: No.

CHAIRMAN FRYER: Okay. Before we go -- before we go to rebuttal, and if this meets the approval of the rest of the Planning Commission, we have heard -- well, Ms. Flagg brought it up, but it's also been alluded to by others -- the whole issue of the single-page or double-page substitution or LDC 2.06.00 et seq. And I -- for me at least, I would like to hear a thorough explanation of what is gained or what is lost if we go from the 11-pager to the two-pager or the one-pager, and do others --

COMMISSIONER SCHMITT: Yes, I would like that, and included in that, Cormac, an explanation in regards to enforcement in regards to the rules either through enforcement -- because, again, it was stated on the record -- and, again, this may be an opinion, but the monitoring and the enforcement that the staff performs in order to assure compliance, can you discuss that as well?

MR. GIBLIN: Not a problem. For the record --

CHAIRMAN FRYER: Before you start, I just want to make clear to the applicant that this -- you will have an opportunity to respond, and it won't be considered part of the rebuttal, but we want to get a full picture.

Commissioner Klucik.

COMMISSIONER KLUCIK: Have you closed the public comments?

CHAIRMAN FRYER: No, I haven't, and I haven't intentionally because I'm probably going to want to re-call Ms. Flagg and maybe others, so I did that intentionally.

Commissioner Shea, did you want to be heard before we go --

COMMISSIONER SHEA: Actually, I was going to say the same thing that Joe brought up, is have Cormac address the 2.06 issue as well as the issue that none of the commitments are ever met. I mean, those are pretty big -- both of them were pretty big statements which we'd like to hear the other side of.

CHAIRMAN FRYER: I want a full exposition of this from all sides so that we have a complete understanding. Go ahead.

MR. GIBLIN: Sure, not a problem.

For the record, Cormac Giblin, your interim Economic Development and Housing director. I've been in the back taking notes most of the -- all morning, and I'm ready to run through what I saw as some of the highlights that need to be addressed.

I guess the number-one issue, why does not LDC 2.06 apply in this case? And the short

answer is, they're not using 2.06 to achieve their density. They're doing a Comp Plan amendment. They're achieving their density an alternate way. So if this development had decided to use the existing Comprehensive Plan and the Land Development Code to achieve the density that they're seeking, all of the requirements of 2.06 would apply.

There was a fork in the road before that, however, and they've decided, just like any other property owner in Collier County is entitled to, to seek an alternate means and propose something different to the Board of County Commissioners. So that is why the holistic 11 pages of 2.06 in your LDC don't apply.

One of the speakers said that that was a, quote, workaround. Well, quite frankly, every PUD that is approved in Collier County is a workaround of the LDC; otherwise, everything would be straight zoning. And we've got hundreds of PUDs in the county.

Emerald Lakes is a PUD. Villages of Monterey is a PUD. Mill Run is in a PUD. So that is the development model that the county has chosen to move forward in the best way that the County Commission sees best for the future of the county. Again, otherwise, everything would be straight zoning, and there would be no reason for you gentlemen here.

COMMISSIONER SHEA: But you're eliminating all the requirement -- detail requirement. Are you going to get to how --

MR. GIBLIN: I am, yes.

COMMISSIONER SHEA: -- how we get that back in there?

MR. GIBLIN: Yes. So let's talk about why 2.06 was written, who traditionally avails themselves of it, and what has historically been done. 2.06 was written sometime in the late '90s, and it's been amended a few times since then. But it is geared towards that affordable housing developer who has a mission to provide affordable housing units as a part of their core values and mission to the community.

Think Habitat for Humanity, think non-profit developer or those that use the -- make themselves available to use the state housing tax credit programs. Those programs come with their own set of very, very prescribed regulations down to how many bedrooms are in each unit, what the exact rents are for each unit, which units in each building are designated for which income levels. What brand doorknobs are you using has to be involved in these developers' pro formas. And they do that going in knowing that the payoff in the end is that the financing for the project, or majority of the financing, is underwritten by the state or federal government. So they're willing to make all those types of commitments in exchange to get the project financed and built.

Outside of those developers who have that as their core mission or are doing a, you know, tax credit deal, we've seen very, very little other -- market-rate developers avail themselves of 2.06 to incorporate a smaller percentage of affordable units in their property or in their development because of that requirement that it is very -- it's written to go hand in hand with someone who's ready to make those types of commitments in exchange for their financing. It's not written to coincide very well with a market-rate developer who's just trying to include a few affordable units for the public good.

So, therefore, to consolidate the 11 pages of affordable housing regulations down to one page that's in a PUD, we didn't want to take every requirement of the 11 pages and make them regurgitated in the PUD. What we wanted to do was take the salient highlighted points: The number of units, the income limits that's going to be served, how long they're restricted, and then the method that they're going to be monitored on an ongoing basis.

One of the speakers mentioned Allura. Allura was one of the first GMP/PUD projects that came through in 2019, and that one being the nature that it was one of the first, there was some sausage being made here at the podium in front of the Board of County Commissioners.

And while the developer and the Board are negotiating, sometimes it falls to staff later on to pick up the pieces and figure out how to write something that's enforceable. I feel that we did a very good job with that, with Allura. We have a PUD ordinance in Allura. The people --

CHAIRMAN FRYER: Before we move too much further into Allura, Commissioner

Klucik is signaling, so I'm going to ask him if he wants to speak now.

COMMISSIONER KLUCIK: Thank you. Yes, I would. Thank you, Mr. Chairman.

So regarding what I understand, is this the only language -- this one page is the only language that's going to be in there regarding --

MR. GIBLIN: (Nods head.)

COMMISSIONER KLUCIK: Okay. So what I'm confused by, then, is -- and maybe it's really easy. You know, maybe it's not confusing at all based on your answer. What happens, you know, if there was a violation?

MR. GIBLIN: Sure. That is an easy question -- that's an easy answer. Just like any other PUD commitment, whether it be the size of their landscape buffers, their right turn lane, their building height, whatever it might be, it's fully enforceable. It runs with the land no matter how many times that PUD is bought and sold. Those restrictions run with it, and they are referred to Code Enforcement.

COMMISSIONER KLUCIK: Right. So my question simply is, in the -- our public speaker, you know, brought out, hey, what about the -- you know, the lien language. So there's lien language in that particular housing language that isn't being used now, like you said, because it's for a particular instance. Is there similar language -- you know, what is the enforcement mechanism? What -- can Code Enforcement -- what can they do?

MR. GIBLIN: Well, the lien language, first of all, only applies in an owner-occupant --

COMMISSIONER KLUCIK: Okay, right. In this case we don't have that.

MR. GIBLIN: -- situation. In this case, as in Allura and the half dozen, or, actually more than a dozen that have been approved since Allura, they are enforceable to the full extent of the law as any other PUD restriction through Code Enforcement.

Now, in LDC 2.06, it enumerates what those are. I think it's \$50-a-day fine, brought before the Board, up to including revocation of CO. So just like if they were found in violation of any other restriction in this PUD, these hold the same weight.

COMMISSIONER KLUCIK: Okay. Thank you. That's a great answer.

And then, you know, what is the mechanism -- so, you know, whether this scenario is likely or not, let's assume, you know, that it does unfold this way. Oh, gosh, the more income-restricted properties, there's no takers. I don't know why that would be the case, but let's assume it. Is that accurate, then, that you wouldn't bump that up to the less-restricted-income category? It would just revert to market value?

MR. GIBLIN: That's not the case in this or any of the other approved PUDs that we've approved. They are required to -- these are --

COMMISSIONER KLUCIK: Is that what I heard earlier?

MR. GIBLIN: That is what you heard.

COMMISSIONER KLUCIK: Okay. So that was a misunderstanding from the speaker.

MR. GIBLIN: Yeah. Again, each of these PUDs was negotiated separately, so they all have different intricacies and nuances. But any of them that require units to be set aside as affordable housing, they can't just turn them into market rate if they don't fill them.

CHAIRMAN FRYER: Further to that, if I may, Commissioner.

COMMISSIONER KLUCIK: Yes, I'm done. Thank you very much.

CHAIRMAN FRYER: Thank you.

The issue was raised about whether these obligations run with the land, and so we've got an owner of these rental units. Say the owner sells the properties, the investment, to another owner. Is there more than just the ordinance in question that causes those obligations to run with the land?

MR. GIBLIN: It is not. It's just governed by the PUD ordinance, which is a law.

CHAIRMAN FRYER: All right. And, County Attorney, you're satisfied that the ordinance, which I guess is filed for record with the Clerk of Court, that that puts the public on notice that this obligation runs with the land?

MS. ASHTON-CICKO: Yes.

CHAIRMAN FRYER: Okay. Thank you.

Go ahead, Mr. Giblin.

MR. GIBLIN: A couple more points I want to touch -- Allura was brought up to some extent, and I wanted to just clarify the record, if I could, for that. That was Ordinance No. 2019-22.

The commitment that's in the ordinance is that there will be 55 units that are given priority marketing to ESP renters, meaning essential service personnel, and there's a definition of essential personnel. It's police, firemen, teachers, people in public service. Thirty-one of those -- and those need to be advertised for 45 days, and if the -- an ESP renter cannot be found, then those can be rented to someone who's non-ESP. But, again, we're not talking about income-restricted affordable housing. We're just talking about priority marketing.

However, 31 of those 55 must be rented at 80 percent or less of median income. There is no opt-out clause for those 31 units. If they do not rent, they stay empty. If they don't find someone, they stay empty. Those are at 80 percent of median income.

Allura, as I mentioned, was one of these first models of the GMP and PUD that came through, and we're lucky that we do have -- it was four years ago about, and they have now gone through the entire site development building and construction process. And they have received a monitoring from the county's Community and Human Services division who goes -- who does the monitoring of all of these commitments. And they received a monitoring last year and were found to be in full compliance. That's an on-site monitoring. There's a team that goes out. They open up records for each -- each inspected unit. They look at people's pay stubs. They look at people's rents and their leases, and they certified that at that time that all of those units were being done in compliance, and that's a yearly monitoring.

COMMISSIONER SCHMITT: And just to clarify, as part of the zoning and part of the approval, that's fully agreed to by the developer or the management company, and they are obligated to consent to that audit; is that correct?

MR. GIBLIN: Correct, that's in this PUD as well.

COMMISSIONER SCHMITT: Okay. Otherwise, if they don't, it would negate the agreement, and they -- you could proceed with enforcement action; is that correct?

MR. GIBLIN: Correct.

COMMISSIONER SCHMITT: Okay.

MR. GIBLIN: Yes.

There was a little bit mentioned about Bear Creek next door. Bear Creek was one of the first affordable housing developments built in Collier County. It was built in the early '90s. There are 120 units there; they're all two- and three-bedrooms. They are 100 percent occupied right now. They rent two-bedrooms for \$899 a month and the three-bedrooms for \$1,048 a month.

But, again, they, just like every other affordable housing development in Collier County, are at 99 to 100 percent occupied.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: You're talking about the availability. I know Paul sits on the Affordable Housing now. I did for several years as well.

What's your monthly shortfall right now, statistically? Do you have that data on availability of affordable houses?

MR. GIBLIN: It's over --

COMMISSIONER SCHMITT: In the county.

MR. GIBLIN: -- 60,000.

COMMISSIONER SCHMITT: Sixty thousand shortfall. That's your projection?

MR. GIBLIN: There are over 60,000 households in Collier County who are currently cost burdened. As Mike said earlier, there's about 45,000 who currently commute to work every day to Collier County, so there are comfortably, you know, 40- to 60,000 units that are needed to make up the gap.

COMMISSIONER SCHMITT: And what was the recent commitment? Last meeting the Board made a pretty significant commitment to affordable housing, at the last meeting?

MR. BOSI: The last meeting, the Board -- Mike Bosi, Zoning director. The Board was presented four of the last housing initiatives, and the Board has transmitted those to the state.

COMMISSIONER SCHMITT: Okay. Those were the ones we talked about, then.

COMMISSIONER SHEA: Those are the four that we approved.

COMMISSIONER SCHMITT: That we approved, yeah.

MR. BOSI: Yes.

MR. GIBLIN: And just for another snapshot of the current picture out there -- in the back of the room this morning -- Magnolia Square, a newer rental development, is renting two-bedrooms for \$4,058 a month, three-bedrooms for \$5,040, one-bedrooms for 3,069.

COMMISSIONER SCHMITT: That's market?

MR. GIBLIN: That's market rate.

Across the street they advertise rents for the -- it's Mara or Marea Apartments right now, Courthouse Shadows. The two-bedrooms are \$3,307 a month. So the units that are provided in a development such as this, while they will have their market-rate units, these units that are at the 80 and 100 percent median income level are going to fill a very much-needed gap in our overall housing needs.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you. Anything else?

MR. GIBLIN: Oh, one last thing. There was the question about do we have to -- or should they identify how many one-bedroom units there will be, how many two-bedrooms, how many three-bedrooms and, again, that is part -- if someone were to take advantage of the 2.06 LDC, that is part of it, again, because it's a very prescribed program, and the method of the financing there requires that all of those be put on the table up front.

In this case and in the dozen or so in the past four years that the Board of County Commissioners has approved, the Board has opted to let the market figure that out. And people have different opinions on where the greatest need is.

We do a housing study or housing needs analysis every year, and we find that there's need across the board, ones-, twos-, and threes-. It would be hard for me to sit here and tell you which one is more needed at this time.

The City of Naples engaged with a private think tank last -- at the end of last year. Their analysis was that one-bedrooms were the most-needed category of affordable housing for the market here, again, for the first-time college graduate or even the elderly senior housing that a widower or widow that they only needed a one-bedroom. So there are needs across the board, and the stance of the Board has been to let the market figure out where those needs are and adjust the mix accordingly.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Thank you. That's a wealth of knowledge. I appreciate it. It's very insightful to try to get a grasp on everything. I'm not sure why you're interim director. You should just be taking the whole deal.

COMMISSIONER SHEA: He doesn't want to be.

COMMISSIONER SCHUMACHER: The market-rate units that you just stated, any idea of what the occupancy is of those two projects? I know they don't have to tell you, but I was hoping maybe --

MR. GIBLIN: Yeah. I don't think the one across the street is fully built yet. Close to 100 percent.

COMMISSIONER SCHUMACHER: Close to 100 percent?

MR. GIBLIN: We're members of the Naples Area Apartment Board, and we see their data.

COMMISSIONER SCHUMACHER: Gotcha. And that's all. Thank you.

CHAIRMAN FRYER: Thank you.

Mr. Giblin, anything else?

MR. GIBLIN: That's it.

CHAIRMAN FRYER: Okay. Mr. Yovanovich, you can speak now if you want. I was going to call up Ms. Flagg and ask her some questions that might give you some more material that you would want to speak to.

MR. YOVANOVICH: I'll speak any time, but I'll let her go first.

COMMISSIONER SHEA: I'm going to want to talk to Mike Savage [sic].

CHAIRMAN FRYER: Yeah, that's fine.

COMMISSIONER SHEA: That's later, though.

CHAIRMAN FRYER: Ms. Flagg, would you approach the podium, please. So we've heard from Mr. Giblin that 2.06.00 et seq doesn't apply in this case.

MS. FLAGG: Correct. He confirmed everything I said earlier.

CHAIRMAN FRYER: Yeah. And so something else is being offered to take its place and to try to meet the substance of the concerns. And so my question for you -- and I've got the 11 pages in front of me here, and I see a few things that maybe need to be addressed, but my question specifically to you is, what, in 2.06, that you think should necessarily be included in this development that's not there in the two-item one-page --

MS. FLAGG: So if you look at what I put on the visualizer, these are all the things that are excluded from the two paragraphs and --

CHAIRMAN FRYER: Are they the bullet points?

MS. FLAGG: They are.

CHAIRMAN FRYER: Starting with the word "process"?

MS. FLAGG: So the first bullet point is bedrooms. Community Foundation just did a data study and confirmed that the greatest need for affordable housing is for families, which a one-bedroom will not accommodate.

So in the PUD ordinance, if it doesn't specify how many one-, two-, and three-bedrooms they're going to provide, then they'll provide all one-bedrooms because they can make more money by only providing one-bedrooms. So that's not addressing our greatest need.

If you look at the bullet points, it also excludes all this specificity. And I'm not saying that they have to go through the 2.06 process. What I'm saying is they need to include this specificity to make sure that we actually do get affordable housing units.

In this -- and I don't know, because Heidi mentioned that the two paragraphs changed. Is there something more current? Does anyone have what the current PUD looks like now? Heidi, I think you said they went to -- they eliminated 80 percent and went to 100?

MS. ASHTON-CICKO: I don't think they were ever at 80 percent. I think they're at 100.

CHAIRMAN FRYER: Are you talking about affordable housing?

MS. FLAGG: No, I'm at AMI.

CHAIRMAN FRYER: Go ahead, Mr. Yovanovich.

MR. YOVANOVICH: We're doing 22.6 percent affordable housing units, of which 11.3 percent are at the 80 percent and below category and 11.3 percent are at the 100 percent and below category. That has not changed.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: That is exactly what it is. We are covering both the 80 percent and below and 100 percent and below. There's been no change to that.

CHAIRMAN FRYER: Thank you. Thank you.

MS. FLAGG: Well, good. Then I can show you what I showed you earlier. So instead of all those bullet points that I showed you that the PUD ordinance excludes, all you're going to get is Paragraph A and Paragraph C.

CHAIRMAN FRYER: Would you want to offer us some specific additional points to consider?

MS. FLAGG: The bullet points.

COMMISSIONER SCHMITT: Well, I have to question, are they required and for what reason? Because we heard the testimony from Cormac, this is audited, they're required to be audited, and other than you feeling better -- and I use the word "feeling better" because this is specified -- what's the benefit of this specification versus the requirement simply to provide affordable housing?

Now, there is an issue about the number of bedrooms. The only time, like I said, I've seen us specify is when they come in like Cormac said with a detailed affordable housing. But other than that, I leave it up to my colleagues as well if we want to get into that specificity in regard to the number of bedrooms and how many are affordable. But what does this do --

MS. FLAGG: I'm going to tell you.

COMMISSIONER SCHMITT: -- that is different than what's in the PUD now?

MS. FLAGG: Okay.

COMMISSIONER SCHMITT: I'm not clear on that.

MS. FLAGG: So your two paragraphs is all you're going to get.

COMMISSIONER SCHMITT: I understand that.

MS. FLAGG: So the -- all of these bullet points are not in the PUD ordinance; therefore, the only thing you get is what is in these two paragraphs. So, for instance, it was important enough to include a restrictive covenant in the public records if they were going to sell a unit. There's no restrictive covenant in the covenant -- in the public records if the developer sells the development.

COMMISSIONER SCHMITT: That's not correct. It's still -- they're still subject to the PUD language.

MS. FLAGG: But a restrictive covenant -- a PUD language is a PUD. When you put a restrictive covenant against a land, that carries with the land.

COMMISSIONER SCHMITT: So does the PUD.

MS. FLAGG: Well, I can tell you that there's a reason that county staff recommended a restrictive covenant if a unit was sold, but that is not included in this two-paragraph PUD.

COMMISSIONER SCHMITT: We're getting into the discussion back and forth. But that was for units that were for market or for sale. These are not for-sale units. These are rentals.

MS. FLAGG: The developer's from out of town. He doesn't own the land yet, and he could very well sell the land.

COMMISSIONER SCHMITT: That doesn't matter. We've already heard testimony three times that if the land -- ownership is transferred, the responsibility for complying with the language in the PUD, which essentially is -- that becomes the Land Development Code for this piece of property, stays with the land; am I wrong? It stays with the land.

MR. BOSI: (Shakes head.)

MR. BELLOWS: Yes.

CHAIRMAN FRYER: You're correct, and the County Attorney has opined, and I happen to agree with that opinion because the ordinance is filed for record with the Clerk of the Courts --

COMMISSIONER SCHMITT: Correct.

CHAIRMAN FRYER: -- and it is, therefore, exposed to all public visualization and, therefore, runs with the land.

Now, before I turn it over to Mr. Yovanovich --

MR. YOVANOVICH: Can I ask her a couple of questions?

CHAIRMAN FRYER: Well, not yet, but I'll let you. I mean, I'll let you.

I'm going to ask Mr. Yovanovich to take your bullet points and go over them with us and tell them [sic] either how they are already covered or how they shouldn't apply or how it's unacceptable.

MR. YOVANOVICH: Can I just ask her a question first?

CHAIRMAN FRYER: Quickly.

MR. YOVANOVICH: It's real easy.

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: You ended your conversation with the Board that you wanted this to be denied if any density was above 16 units per acre. Is that still your position if we consent to every one of these bullet points?

MS. FLAGG: Actually, based on the density type that you're providing, it would be 10 units per acre.

MR. YOVANOVICH: Whatever. I'm just asking you, are you still opposed to the project --

MS. FLAGG: No, no, let me finish.

If you agree to include all these bullet points and comply with the density of 10 units per acre, which is a total of 146 units --

MR. YOVANOVICH: So your answer's no.

MS. FLAGG: -- I totally support the project.

MR. YOVANOVICH: The answer is no on our request for 25 units per acre.

CHAIRMAN FRYER: Okay. Let's go back to the proper order of sequence here.

So anything further, Ms. Flagg, before we go into this?

MS. FLAGG: Somebody else had a question.

CHAIRMAN FRYER: Oh, Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

If I may go back -- Terri, you will love this -- I want to make sure I understand this correctly; that's my famous line. I believe Cormac just explained most, maybe all but one of these bullet points that are included in this PUD that stays with the land that goes for any current or new owner for the next 30 years, that there is a process for criminal enforcement, that they do have inspections to verify occupancy in accordance to the commitment and the entire program that's put together.

I apologize. Did I not understand what we just heard a few minutes ago?

COMMISSIONER SHEA: That's what I heard.

MS. FLAGG: Let me just --

COMMISSIONER SPARRAZZA: Hang on one second.

Board, right, is that what I heard?

COMMISSIONER SCHMITT: That's what I heard.

COMMISSIONER SPARRAZZA: And, Mr. Cormac -- or I'm sorry, Cormac, is that correct?

COMMISSIONER SCHMITT: Mr. Giblin?

COMMISSIONER SPARRAZZA: I can't say the last name.

MR. GIBLIN: Yes.

COMMISSIONER SPARRAZZA: Okay. Thank you. Thank you.

So most, if not all, of these bullet points are, for lack of a better term, built into the system that there will be checks. There will be -- is it quarterly or half -- or yearly --

COMMISSIONER SHEA: Annual.

COMMISSIONER SPARRAZZA: -- annual checks to make sure everything is okay, stays with it for 30 years. I'm having a tough time understanding that all these bullet points are not included in, quote, the two-page, we'll call it A and C of this document, where I believe -- and I believe all of us believe they are inclusive, just not on this document. It's included within the PUD in other language, correct?

MS. FLAGG: Where in the PUD is it included in other than language?

CHAIRMAN FRYER: Well, we'll -- here's what we're going to do at this point.

Ms. Flagg, for the time being, you're excused. Thank you very much.

MS. FLAGG: Thank you.

CHAIRMAN FRYER: And I'm going to ask Mr. Yovanovich, unless, Mr. Giblin --

MR. GIBLIN: It's yearly monitoring, not quarterly.

COMMISSIONER SPARRAZZA: Okay. Great, thank you, sir.

CHAIRMAN FRYER: Mr. Yovanovich, I would like you to refer to those bullet points and tell us either are they already in there or shouldn't apply or you don't want to agree to them or won't agree to them.

MR. YOVANOVICH: Well, I want to start with the premise that your lawyer -- and I'm not your lawyer. Ms. Ashton and Mr. Perry, your lawyers, have said they're comfortable with the language that exists in the PUD.

And Mr. Giblin, who, on an interim basis, is responsible for implementing and making sure the PUD is, in fact, complied with.

What's -- what is really telling is --

COMMISSIONER KLUCIK: Can you put those up for us to see while you're going through them. Thank you.

MS. ASHTON-CICKO: Most of the provisions that she cited up there relate to owner-occupied units.

COMMISSIONER SCHMITT: That's correct.

MS. ASHTON-CICKO: This is specifically a rental project.

CHAIRMAN FRYER: And it's clear that they're not applicable.

MR. YOVANOVICH: I'll work from the bottom up, because that's what I can see. Okay. Process for civil enforcement and criminal enforcement, that's a standard provision of all county ordinances.

COMMISSIONER SCHMITT: Correct.

MR. YOVANOVICH: You have an ability to do that. Take me to Code Enforcement -- my client to Code Enforcement if they don't meet the condition.

The process for violations, standard. You go to the Code Enforcement Board, or you take me to court for a violation of the ordinance, or my client to the Court.

Random inspections to verify occupancy. Annually you come, you verify occupancy.

COMMISSIONER KLUCIK: But not random?

MR. YOVANOVICH: Not random, but annually you come in to verify occupancy.

COMMISSIONER KLUCIK: Would you oppose random?

MR. YOVANOVICH: Let me talk to my client about that. You're asking me to -- I don't want to have that conversation in front of you.

COMMISSIONER KLUCIK: No, I understand.

MR. YOVANOVICH: Which is fair.

COMMISSIONER KLUCIK: That's kind of like --

MR. YOVANOVICH: Recording the agreement. It's an ordinance that is of record. Every purchaser of property is going to look at the zoning atlas, and the zoning atlas is going to specifically refer to the PUD. Most of my clients will hire me to do a verification, and I'll -- many times I'll have zoning staff give me a zoning verification letter to verify what the zoning is. So it's already covered.

It is a covenant running with the land, because it's an ordinance that runs with the land. I could sell it 23 different times, and the 23rd buyer is still responsible for meeting the ordinance. So it's already there.

We do not have a ratio of bedrooms. I've told you our reason why we don't want a ratio of bedrooms. I think Mr. Giblin has pointed out you probably don't want a ratio of bedrooms either because there's a need across the board for this type of housing. The document says it's an obligation for 30 years. It's already in the document. We're not selling anything.

And you come in and you verify annually, do the people who are renting those units meet the requirements. It's there. It's there.

CHAIRMAN FRYER: All right. Thank you. And the question about random, I'm not sure where the Planning Commission's going to come down on that, but you might have a

conversation with your client, if you would, please.

All right. Commissioner Klucik.

COMMISSIONER KLUCIK: Let's see. What was my question. Let's see. I always have a lot of questions.

Oh, if I were to order a title search because my client was going to buy this property, we'll say, is that going to show up?

MR. YOVANOVICH: The county does not record zoning ordinances in the record of the --

COMMISSIONER KLUCIK: Which is why you would be doing this other search for this -- getting this other verification? Because it's a particular kind of property.

MR. YOVANOVICH: Correct. Everybody's going to go check the zoning atlas to see what it's zoned, and PUDs are specifically cross-referenced.

COMMISSIONER KLUCIK: Got it. Okay.

CHAIRMAN FRYER: Okay. Thank you. Anyone else?

MR. YOVANOVICH: And the reason you put the lien for the for-sale, it's usually less sophisticated buyers for understanding that there's an obligation. When you're talking about a transaction of this -- it's sophisticated buyers that know they've got to go verify what restrictions are out there.

CHAIRMAN FRYER: Understood.

MR. YOVANOVICH: I know you know that.

CHAIRMAN FRYER: May I? Did you have more?

MR. YOVANOVICH: Oh, yeah.

CHAIRMAN FRYER: Do you want to go into rebuttal?

MR. YOVANOVICH: Yeah, whenever you want me to.

CHAIRMAN FRYER: Well, before you go into rebuttal, at this point, without objection, I'm going to close the public comment portion of this hearing.

Any comments or questions from the dais before we go into rebuttal?

COMMISSIONER SCHMITT: I still have one pending request for Mr. Yovanovich --

CHAIRMAN FRYER: Please go ahead.

COMMISSIONER SCHMITT: -- in his rebuttal, to address the comments he made earlier today about the economic feasibility.

MR. YOVANOVICH: I will.

COMMISSIONER SCHMITT: Just repeat that for the record. Thank you.

MR. YOVANOVICH: And I'll start with that.

COMMISSIONER SCHMITT: All right.

MR. YOVANOVICH: You know we went through a very detailed explanation for two projects, actually --

COMMISSIONER SCHMITT: Yeah.

MR. YOVANOVICH: -- not too long ago.

COMMISSIONER SCHMITT: In fact, I think we even got the spreadsheet and --

MR. YOVANOVICH: We did. We showed you, you know, what the operating costs are. I verified with my client that even if they gave her the land today, gave her the land today, she can't meet the current matrix requirements for affordable housing. Cost of construction, cost of operation, and a whole lot of other things associated with the project, they can give her the land, and we can't do what they want us to do, which is go to two stories and go down to 10 units or 12 units an acre for the project to work. It doesn't work economically. It's a reality.

Mr. Giblin pointed out the reason other projects can do it is they're getting tax subsidies to be able to bring the projects and the rents down. This should a -- this county, for better or for worse, has decided it's going to be -- the fair market system that's going to address this issue. The only way that works is if you can get enough units, generate enough revenue to subsidize the rents or the lost revenue for the project to work; otherwise, you get zero affordable housing. That's very

simple math. You get zero. And we went through this very detailed explanation of how this actually works.

So whether you like it or not, it is an economic issue unless the voters elect to tell their elected officials, come up with money to subsidize operation costs, construction costs, or whatever else it's going to do to bring this down to where you can build less units and still income restrict, but we're not there.

Mr. Bosi pointed out that the local government, the county commissioners just transmitted, basically, an amendment that on -- I'll call them the major roads, which Airport Road would qualify as a major road. There's certainly a bus that goes up and down Airport Road. Twenty-five units an acre is what they transmitted. We're in that number. We're in that number net on this one piece. We're in that number.

That's the policy, kind of the decision that the Board is leaning to. Is it there yet? No, I wish it was. I wouldn't have to do this amendment. I'm a little ahead. We started this process before the Board of County Commissioners started the process.

I don't want to -- I'm going to have Bob come up here and talk a little bit about compatibility in a minute, but when you're looking about the frontage of Airport Road, what fronts on Airport Road, each of these quadrants, although not yet developed, zoned for commercial. Oh, it's not as effective when the screen's not up. This quadrant, commercial, zoned for commercial. Here, zoned for commercial, owned by -- or at least the last I knew it was owned by the Greek church. But before they bought it, zoned for commercial. Zoned -- Italian-American Club, zoned for commercial.

Comp Plan designated for commercial. Comp Plan designated for commercial. In for commercial rezone. The county complex, although it's the county complex, it's a commercial complex. It's an office park.

This quadrant is a commercial quadrant. Mike took you down -- all the way down the frontage of Airport Road. Higher density apartment complexes, industrial. Airport Road -- the frontage of Airport Road is not low-density residential. It doesn't change what's on -- further back on Orange Blossom Drive. We're not questioning that. But the frontage of where we are is not low-density residential.

CHAIRMAN FRYER: Mr. Yovanovich, you're moving into your rebuttal, which is fine.

MR. YOVANOVICH: That's what I thought I was in.

CHAIRMAN FRYER: No, that's fine. I think where we were, you were answering the Vice Chairman's questions. But here's why I'm interrupting is because it's 2:20. At 2:30 --

MR. YOVANOVICH: I'll stop.

CHAIRMAN FRYER: -- we're going to have a break, and --

MR. YOVANOVICH: I'm sorry. I misunderstood.

CHAIRMAN FRYER: That's fine. No problem.

MR. YOVANOVICH: I thought he wanted me to first address that in my comments.

COMMISSIONER SCHMITT: I did.

MR. YOVANOVICH: I apologize.

CHAIRMAN FRYER: I'm trying to offer you the opportunity, if there's a -- if there's a natural break point in here -- you don't have to finish by 2:30. But if you want to reach a natural break point, we'll take our break early.

MR. YOVANOVICH: I'll do that, and then I'll -- let me finish what I'm saying, take a break, and then Mr. Mulhere come up, and then we'll -- and he may say, Rich, you kind of strayed into some of the stuff I was going to say anyway, and --

MR. MULHERE: No.

MR. YOVANOVICH: That may be the case.

I look at this and I go, I'm not going to say there's not anybody who's going to get on Airport Road when they've got to get out of this project and do a U-turn to go north. That would be a ridiculous statement to make. There are going to be people who will make a U-turn to go

north.

My question is, we did a traffic analysis. It's based upon a model specific to -- it applies to Collier County. The number of trips predicted to make the U-turn, go north, and then go west on Orange Blossom during the p.m. peak hour, which is rush hour, to quote one of the speakers, is 18 two-way peak-hour trips. There will be 18 more trips on that road during the p.m. peak hour from these 336 units based upon the model.

I don't know why -- and that means people coming home, too. You know, there will be people coming back on Orange Blossom on some of those trips. I don't know why you would do that U-turn to go north. I know some people will. You can get everything else when you want to go south. Publix is to the south. Costco's to the south. Lowe's is to the south. Home Depot is to the south. If you want to go east, you just go down to Airport Road, you head east, and you can fly on -- I'm sorry, Pine Ridge Road. You can fly on Pine Ridge Road going east.

There will be some that want to go north to go east, and there will be some that want to go north to go west, and there will be some that want to go north to just go north. But it's not going to affect the level-of-service standards adopted for Collier County. Your transportation staff has already testified to that, and the developer from Massachusetts said you should analyze this on a level-of-service basis, and that's exactly what Collier County staff does. They analyze this on a level-of-service basis. So we meet all the level-of-service standards.

I want to -- something that Cormac said that kind of struck me about the reason we do PUDs in Collier County is because you-all like to negotiate and put some safeguards in that you would get from a PUD that you wouldn't otherwise get from straight zoning, and, candidly, Collier County, including the Planning Commission in the past, gets a little uncomfortable when you come in with a petition for straight zoning because you have no input on the master plan. You have no input on the allowed uses. And the couple of times I was foolish enough to try to do straight zoning, I did what was kind of a bastardization of a PUD by doing straight zoning minus. You know, take out uses that we're allowed in straight zoning, and sometimes a prior chairman required us to do some kind of a master plan anyway.

So Collier County is set up for PUD zoning and, frankly, I think you like that because you get better protections like 135-foot setback -- or 130-foot setback.

CHAIRMAN FRYER: Thirty.

MR. YOVANOVICH: One-hundred-thirty-foot setback, sorry.

So you don't have straight zoning in Collier County; you have PUDs, and for very good reasons, to address these standards.

There was someone who said that we only have 102 spots to serve our project. That's 102 spots to help the Carlisle. We have our own spots. We have more than 102 spots. We'll be addressing that.

I hear this -- and maybe the woman heard earlier was my comment about we're at a crossroads in Collier County because you're going to see a lot of projects with high density to come in and do these types of projects. You are. And we're going to be around neighborhoods, and neighborhoods are pushing back. They're pushing back on density because of traffic and other things.

I didn't say anything about affordable housing, but in order to get affordable housing, and maybe this is where she misunderstood what I was saying, is you're going to have to have increased density. This is one of several projects that are coming through the process. They're all around that same density, 20 to 25 units an acre, to get to a sufficient size.

I don't know where else you would put it other than on a major road like Airport Road that does have bus stops on it and transit, is near employment opportunities, is on a road that can handle the additional traffic based on the county's adopted level of service. And you don't have to believe me, you don't have to believe Norm, but your own independent staff has reviewed it and said that's true; there's adequate capacity on all the roads that are impacted by this project.

I'm going to take -- one more comment, and then I'm going to give it over to Bob after the

break to go into a little bit more on the compatibility. But this project is a good project. It's a proven developer in Collier County. Briarwood, the project they did on Briarwood. I'm going to go to the list real quick of the projects. The Briarwood project is at the corner of Livingston Road and Radio Road. It's within the Briarwood community. That's a residential community, four-story product, 22.7 units per acre, high end, well run, well maintained.

It is also on a major thoroughfare, but I would say it's in more of a residential area than what we're proposing today.

And with that, I'll take the break, let Bob come in, and then we'll answer any other questions you may have in our final summarization.

CHAIRMAN FRYER: Thank you very much. We stand in recess until 2:37.

(A brief recess was had from 2:27 p.m. to 2:37 p.m.)

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

CHAIRMAN FRYER: And we have a quorum.

Thank you, Mr. Bosi.

Mr. Mulhere, you have the -- we're coming to order here.

Mr. Mulhere, you have the floor.

MR. MULHERE: Thank you.

I want to talk just a little bit about compatibility, because it always comes up. And for those of you that have been on the Planning Commission for some time, you know many petitions come in, and compatibility is always discussed. And it should be.

It's referenced in the LDC as a matter for your consideration. And I don't know if Mr. Schumacher knows, but it is defined in the LDC. And I would say it's a somewhat subjective definition, which leads to the argument on either side of the issue. But here is what it says: Compatibility is a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

So we look at the neighborhood that Rich explained so well just a minute ago and previously, and we see that this parcel is adjacent to multifamily, where the multifamily is. Multifamily adjacent to multifamily is inherently compatible. Residential adjacent to residential is also compatible, but you may need to adopt some standards, some development standards that minimize the impact of multifamily on residential, hence the 130-foot setback from the single-family to our west, in which the two closest residents have provided a letter of no objection.

To the north you have Orange Blossom Drive and the county facilities; to the east you have a major arterial roadway; to the north [sic] you have commercial. So this idea that we're looking at this entire neighborhood from a compatibility and that a multifamily project is incompatible with this entire neighborhood is simply not correct.

This use is compatible in this location, and it meets a critical need as we've offered it to you.

Thank you.

CHAIRMAN FRYER: Thank you very much. Any questions for Mr. Mulhere?

(No response.)

CHAIRMAN FRYER: Thank you, sir.

MR. YOVANOVICH: I'm going to take a lesson from Mr. Mulhere and be brief.

Again, all the -- all your county staff, all your county experts have reviewed this and are recommending approval. We're asking you to recommend approval to the Board of County Commissioners, both the small-scale Growth Management Plan amendment and the PUD, and with that, if there's any further questions of me, Bob, or anybody else on our team, we're happy to answer them.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Regarding that "random," the ability for it to not just be annual.

MR. YOVANOVICH: Oh, I forgot to ask.

COMMISSIONER KLUCIK: Is that a -- I guess the issue is that, you know, if an issue -- if there's some concern, then, you know, like, let's say, you know, we have the annual -- the annual report is, you know, in December, and then there's a concern in February, then we would have to wait until December to try to, you know, address the concern.

MR. YOVANOVICH: I understand. Again, if it's okay, if we could have three business days' notice, that would be fine.

COMMISSIONER KLUCIK: Yeah.

MR. YOVANOVICH: That would be fine.

COMMISSIONER KLUCIK: That would be fine for me. I'm the only one who seems to be concerned about it.

MR. YOVANOVICH: If that's something that the Planning Commission needs and thinks is --

COMMISSIONER SCHMITT: I was going to bring up the same thing, because random assumes that I can go out there tomorrow and knock on the door, and that's not the purpose of these. When we talk about a random inspection -- when we talk about an inspection that's --

MR. YOVANOVICH: Inspection.

COMMISSIONER SCHMITT: -- a notice to the property owner, the manager, that we're coming out to inspect your records.

COMMISSIONER KLUCIK: I would be happy with --

COMMISSIONER SCHMITT: The people that rent the units have a right to privacy and -- unless they consent to allow someone to come in, but there has to be some kind of a time frame. I believe there has to be a time frame that would allow anybody to come into a rental. I'm renting a unit. I'm entitled to a right of privacy. That inspection includes just the records, or does it include a walk through the entire facility?

MR. YOVANOVICH: I mean, you're there to verify that the --

COMMISSIONER SCHMITT: Verify that the --

MR. YOVANOVICH: -- apartments are being rented to people who meet the income categories.

COMMISSIONER KLUCIK: Which would largely be records.

MR. YOVANOVICH: Yes.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER KLUCIK: And I would be happy with a month notice. I mean, the idea is that there isn't -- we don't have to wait, you know, for months and months to cycle through --

MR. YOVANOVICH: That's fine.

COMMISSIONER SCHMITT: I would propose, at minimum, a week notice. I mean, three days -- but seven days is fine.

MR. YOVANOVICH: I know your goal. I'm assuming at some point you're going to get comfortable that you've done enough inspections that you don't have to come more than annually, but you want to have the right; I get it.

COMMISSIONER KLUCIK: So I would -- you know, I guess I would say that I'm going to consider that as an amendment --

COMMISSIONER SCHMITT: Okay.

COMMISSIONER KLUCIK: -- to what's being proposed when we finally get the motion.

CHAIRMAN FRYER: The two commissioners are looking at seven.

COMMISSIONER SCHMITT: Seven.

COMMISSIONER KLUCIK: Yes.

CHAIRMAN FRYER: All right. Anything else? Was that -- that was your comment?

COMMISSIONER SCHMITT: That's it.

CHAIRMAN FRYER: Mr. Yovanovich, do you have anything further?

MR. YOVANOVICH: We're just here to answer questions.

CHAIRMAN FRYER: Okay. No one is signaling at this time.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Any idea on what the percentage of your mix is going to be on your three-, two-, and one-?

CHAIRMAN FRYER: There's something actually in the material.

COMMISSIONER SCHUMACHER: Is there?

CHAIRMAN FRYER: Yeah. I don't remember what it was.

MR. YOVANOVICH: Currently, the anticipated mix is 45 percent one-, 45 percent two-, 10 percent three-.

COMMISSIONER SCHUMACHER: Got it. Thank you.

CHAIRMAN FRYER: Thank you.

All right. No one is signaling at this time, and it would be appropriate for us to call on Commissioner Shea.

COMMISSIONER SHEA: Well, are we going into discussion?

COMMISSIONER SCHMITT: Discussion.

CHAIRMAN FRYER: Well, you wanted to call somebody up.

COMMISSIONER SHEA: No. Oh, yes, I'm sorry.

CHAIRMAN FRYER: Call somebody up.

COMMISSIONER SHEA: I wanted to get Mike to come up here and talk a little bit about the right-only entrance with the additional traffic, because we've heard a lot of concern raised by the public about the right turn only, and I think he has some information that might help us a little bit in the decision-making prospect -- process.

CHAIRMAN FRYER: Thank you.

Mr. Sawyer, you're on, sir.

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

Yeah. What we're talking about is the right-out that is being proposed. Earlier in the layout of the project, it was actually further to the north. It was actually pushed to the south so that the weave movement -- and when we talk weave movement, it means you're going from one side of the roadway to the other in order to get into a turn lane. So in this case, what we're doing is we're exiting out, we're making a right-hand turn to go south on Airport, we'll be going over each of the lanes over to a turn lane that currently exists. The reason that we pushed it further to the south was the intention is to actually have that U-turn movement happen in front of the Hyundai dealership instead of towards the north, which is the next furthest -- you know, the next, you know, U-turn opportunity, which would have been conflicting with the neighborhood to -- on the east side.

Part of the reason is that by doing that, it's not as much of a conflict with the Hyundai dealership, because the Hyundai dealership doesn't have as much traffic coming out p.m. peak. It's more of an off-peak situation that we would have between the residential and the car dealership. So that's part of the reason that that was done.

Keep in mind, when this project comes in, there will be a new TIS done at that time, and it will include all of the operational aspects that the project is going to impact for the SDP, the plat, and the right-of-way permit. So all of those are going to be reviewed all over again in much more detail by staff. The likelihood is that that turn lane in front of the Hyundai dealership is probably going to need to get extended so we've got more stacking on it.

But, again, that's going to be all looked at as far as the number of trips that are going to be generated and how long that actual turn lane is going to need to be done according to, you know, the impacts of what's already out there as well as the added trips with the -- with the project itself.

COMMISSIONER SHEA: Can I ask you a --

MR. SAWYER: Go ahead, please.

COMMISSIONER SHEA: -- along that same line before you go to the --

MR. SAWYER: Absolutely.

COMMISSIONER SHEA: If I'm coming north on Airport, how do I get into the development?

MR. SAWYER: You will be using the existing Carlisle access that already exists.

COMMISSIONER SHEA: Island break, yeah.

MR. SAWYER: Correct.

COMMISSIONER SHEA: Okay. Go ahead with -- thank you.

MR. SAWYER: Similar to Cormac -- I'm sure I didn't do as great a job as he did, but I've been taking notes as well.

COMMISSIONER SHEA: It's because you're not Interim.

MR. SAWYER: Exactly. I'm just a lowly reviewer, guys. That's all I'm here for.

Keep in mind a couple of things. We've already talked about the weave movement, so I think we've got that pretty well nailed down.

There was mention of Orange Blossom and the cut-through issue, and this comes up in a lot of projects where a new development comes in and there is a concern that secondary roads will sometimes have additional cut-through traffic. The TIS in this case is showing that it's about four, five percent that is going to be impacting Orange Blossom. And, again, that is constrained by policy. We cannot do anything as far as increasing Orange Blossom. The only people that can do that is if the Board revisits it and decides that something else has to happen in the future.

We have also done several studies to also look at cut-through traffic on other projects, other areas of the county. Basically, we've had two actual studies that we've done, and then we had a recent demonstration. What we're finding is that cut-through traffic is approximately 4 percent -- 4 to 5 percent in most situations. Most people are going to continue going on the road that they're in to an intersection and make the turn instead of using cut-throughs. So I'm just -- I'm just putting that out just as kind of a general rule for you.

We did, in fact, look at crash data. The crash data in this particular area indicates that in the five-year period starting in, I believe, January of 2018 running to the end of '22 -- so basically five years -- there were approximately 178 incidences. That's all kinds of incidences. Approximately -- over half of those were property damage, which means all kinds of property. Basically it means vehicle to vehicle. So there weren't any injuries, sorry.

There was one fatality, and that occurred back in 2018. We're basically averaging somewhere around just under three incidences per month. Ninety percent are attributed to speed, and the other 90 percent, another 90 percent were for rear-end incidences. So in an area like this, that's not unusual, quite honestly.

Other than that, we do have some improvements within the area, within the network area in the five-year planning window. Keep that in mind. We are doing improvements on Airport. There's also improvements on Goodlette. And we are currently working on improvements on Pine Woods -- Pine Ridge itself. So, again, you start looking at the network, you relieve one area, and that tends to put relief into other areas as well.

Otherwise, I'm here for any questions that you might have.

CHAIRMAN FRYER: Thank you.

I'm going to ask Mr. Mulhere to return to the podium, if I may, for a compliment and also then to put him on the spot.

MR. MULHERE: Okay.

CHAIRMAN FRYER: The compliment is I thought you did a very good job at the NIM pretesting the microphones and the other technology and assuring that all comments were mic'ed and that people identified themselves. So I just want to thank you personally for that.

MR. MULHERE: Thank you. That's a job, but thank you.

COMMISSIONER KLUCIK: Get that gavel out.

CHAIRMAN FRYER: Right. So thank you for that.

Now, it was probably just an inadvertent misstatement, but I wanted to clarify it. In the

NIM at 5 minutes and 30 seconds in, you made a statement that the traffic -- peak p.m. was 319 two-way peak p.m. trips rather than 343. Was that just a misstatement, or did the number change for some reason?

MR. MULHERE: That would have been a mistake. Norm just told me I made a mistake.

CHAIRMAN FRYER: Okay. All right. That's all I have. Thank you.

Planning commissioners? Vice Chairman.

COMMISSIONER SCHMITT: Yeah, I mean, since we're going into discussion --

CHAIRMAN FRYER: Yeah.

COMMISSIONER SCHMITT: -- I'll be the first to bite the bullet here. First of all, I want to say thanks to the public that attended. There were very well-thought-out comments. In fact, I follow what Paul said, well thought out, well presented, and certainly items to consider.

Now the bad point. The bad is I simply cannot find a way to vote against this. It is in compliance with all the rules and criteria. It's -- the density is what the density, frankly, has to be to provide a much-needed service to this county, and that's affordable housing. Staff has approved this. They validated that from all essential public services, everything is available to support it.

Other than the amendment for seven days, I would -- I'm going to make a recommendation that both the Growth Management Plan amendment, Airport Carlisle Subdistrict, and the accompanying Haven of North Naples MPUD, I recommend approval subject to the one amendment in regards to the seven days for the inspection.

COMMISSIONER SPARRAZZA: Seven-day pre-notice.

COMMISSIONER SCHMITT: Pre-notice for the compliance inspection for affordable housing.

MR. BOSI: And maybe the Chair's probably already taken notes, but we did have a note that the 130-foot setback on the western portion of the project was going to be designated within the development table as well as adding emergency access to the developer's commitment statement.

CHAIRMAN FRYER: Yeah. Let me see if I can cover those. I did have -- I did have a list, and I want to be sure, and then I'll ask if you accept a friendly amendment.

COMMISSIONER SCHMITT: All right. I tried to keep track of it on my computer as we were going, but...

CHAIRMAN FRYER: No problem. It might take me just a little bit of time here, but I'll get to it. So the commitment of 130-foot setback on the west side of Tract B, that was the first one. And my preference -- because -- just because I think it's easier, just throw these into developer commitments. But as long as it's text in the ordinance or an exhibit to the ordinance, I don't much care where it is, but it seems to me that that's where it ought to go.

Then the emergency-only exit on the south side for emergency vehicles only. Let's see. Four stories in height.

COMMISSIONER SCHMITT: Much of those were already specified, correct?

CHAIRMAN FRYER: And -- let me be sure I got them all. And the random seven business days' notice.

COMMISSIONER SCHMITT: Yeah. I will amend my motion based on those issues that you brought up.

CHAIRMAN FRYER: Okay. Is there a second?

COMMISSIONER SPARRAZZA: I'll second the motion.

CHAIRMAN FRYER: All right. At this time it would be appropriate to have further discussion from the Planning Commission if desired. Commissioner Shea.

COMMISSIONER SHEA: So, you know, it's always a difficult situation when you're trying to balance community benefit versus local community impact. I probably sit more on the other side of this. I'm a champion of affordable housing. I don't really view this as an activity center like I would Logan Square and that, and I don't see it even close to it. It might get there, but it's not there yet.

My gut feeling is that -- and I'm very worried about that traffic. I understand what Mike's saying. I think it's a little too dense, and I think it's a little too tall. And I think it's not quite the same as the rest of the neighborhood, and I think we're giving up too much for 76 affordable housing units, personally. So I'm going to vote against it as it stands right now.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. I just wanted to thank -- ma'am, I can't recall your name, but I want to thank you for bringing up those issues because, clearly, they animated me to want to know more.

COMMISSIONER SCHMITT: Oh, you mean Diane Flagg.

COMMISSIONER KLUCIK: Yeah, Diane, yeah, Ms. Flagg. I appreciate that because you all saw that we really wanted to have a discussion about those issues, because they're all important. And I appreciate that. And I do appreciate everyone. You know, most of the people are gone but, like I said, I've been in the seats as a resident who was here, and I appreciate that everyone is concerned about their community and that you raised your concerns, you know, to the -- to your government.

CHAIRMAN FRYER: Thank you.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I share the same sentiment. I can't -- I can't find myself getting behind this at this point based on the density that we're seeing for only the amount of units for affordable housing. I think that it has to be highlighted the number of residents. And those that came forward, not only here today but also through their petitions and through that Orange Blossom Alliance, which has to be recognized. I mean, those residents are coming forward with their concerns. I understand the traffic side. I understand all of that. But, again, I have to go back to this density, the height, and the lack -- that we're not achieving a full amount of affordable housing that we possibly could.

CHAIRMAN FRYER: Thank you, Commissioner.

Any further comments before we vote on this matter?

(No response.)

CHAIRMAN FRYER: So it's been moved. Was it seconded?

COMMISSIONER SCHMITT: Yes.

COMMISSIONER SPARRAZZA: Yes.

CHAIRMAN FRYER: All right. All those in favor of the recommendation on the Land Development Code -- excuse me, on the PUDZ and on the small-scale Growth Management Plan?

COMMISSIONER SCHMITT: Actually, if there's opposition, we probably should vote on the small-scale first, because that makes the --

CHAIRMAN FRYER: All right.

COMMISSIONER SCHMITT: -- PUD amendment moot unless we can vote on both of them.

CHAIRMAN FRYER: It's been --

COMMISSIONER SCHMITT: I made a motion for both, so...

CHAIRMAN FRYER: Okay. Well, let's -- unless anybody wants to bifurcate these, we'll vote on them together.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Obviously, if the GMPA doesn't pass, then the other one becomes moot. Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of the joint motion with the conditions that I announced, please say aye.

Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER SHEA: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: It passes 4-2. Thank you very much.

MR. YOVANOVICH: I'm pretty sure this was part of the record, but remember I showed you the slight modification to the affordable housing?

COMMISSIONER KLUCIK: The red line.

MR. BOSI: It was the elimination of the for-sale units on Point C of the proposed.

COMMISSIONER SCHMITT: Yes.

MR. YOVANOVICH: I'm sure the motion maker meant that.

COMMISSIONER SCHMITT: Yes. For the record, I considered that because it was already discussed and taken out. So, yes.

MS. ASHTON-CICKO: For the record, can we get the reasons for the denials?

CHAIRMAN FRYER: Yeah. That's a --

COMMISSIONER SHEA: I gave it to you.

COMMISSIONER SCHMITT: It was all stated.

MS. ASHTON-CICKO: Oh, you did? Okay. Then we'll get it from the minutes.

CHAIRMAN FRYER: Actually, I think there's sufficient material in the record, both negative votes.

Thank you, staff. Thank you, members of the public. Thank you, Planning Commission. We'll move right into the next matter.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER KLUCIK: I will need to leave at 3:15.

CHAIRMAN FRYER: Okay. And --

COMMISSIONER SCHUMACHER: I as well, Chair. I apologize.

CHAIRMAN FRYER: Three. That's going to leave us with --

COMMISSIONER SHEA: I'm going to stay. I put it off my --

CHAIRMAN FRYER: All right. We'll be -- we'll be a group of four, which is enough. Okay.

COMMISSIONER SCHMITT: Well, if the other two are going to leave, my concern is on this -- we can always address the others. And I'm sorry, but the issue -- if the people are going to leave, do they have any concerns about this issue with the neighborhood information meetings?

CHAIRMAN FRYER: Well, we can simply continue that right now if we want to.

COMMISSIONER SCHMITT: Okay. Because I'm going to miss the next two meetings, and I really have some concerns with the way the language is written.

CHAIRMAN FRYER: Well, I do, too, and I've talked to staff about that. And I think I've got -- I think I've got an understanding with staff for changing some of the language. But it's important. And let me ask Mr. Bosi, what harm would be done by postponing this until the third meeting -- third meeting from now?

MS. ASHTON-CICKO: Based on some case law that has come out in the past couple months, any items that are continued will be readvertised and rescheduled as early as possible.

CHAIRMAN FRYER: Okay. This is -- we're just talking about the rules of decorum right now.

COMMISSIONER SPARRAZZA: It's not an LDC amendment. This was nothing -- are we voting for the amendment in this or just to discuss?

MR. BOSI: No, it is -- it's making a recommendation to the Board of County Commissioners.

COMMISSIONER SCHMITT: Oh, it's making a recommendation to the Board.

MR. BOSI: We would have to readvertise it right now on the 5/18, which would be -- that's two out. Are you missing the next three?

CHAIRMAN FRYER: He's going to miss the next two, so I wanted to put it for the --

MR. BOSI: So 5/18 is the next --

CHAIRMAN FRYER: -- one after that.

COMMISSIONER SCHMITT: Works for me.

MR. BOSI: -- which you would be, we have only two petitions scheduled, and the advertising deadline is not until April 18th, so we could make the advertising deadline if we do push the NIM. And the Board of County Commissioners haven't expressed a need to have this -- the NIM modifications with an urgency. So I think we could push it back for another -- a month, month and a half and satisfy what we're trying to accomplish.

CHAIRMAN FRYER: Good. I don't think we'd reach it anyway, but at least we now got it to a date certain that works with your schedule.

COMMISSIONER SCHMITT: It's an important issue. And I can share with my colleagues on the Board the whole history of that.

CHAIRMAN FRYER: Yeah.

COMMISSIONER SCHMITT: I was involved in its inception, and I think some of the language, without discussing it now, I think it's a bit punitive on the presenter, so...

CHAIRMAN FRYER: Thank you. That's what we'll do. That will be continued until what date?

MR. BOSI: 5/18.

CHAIRMAN FRYER: 5/18.

MR. BOSI: And we will readvertise.

CHAIRMAN FRYER: Readvertise.

All right. Thank you.

***Now, believe it or not, it's only our second hearing today. It is on Application No. PL20220006374, the Collier Boulevard Mixed-Use Commerce Center MPUDA.

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

CHAIRMAN FRYER: Thank you.

Ex parte disclosure starting with Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Staff materials.

COMMISSIONER SHEA: Staff materials.

CHAIRMAN FRYER: Matters of public record plus meeting with staff.

COMMISSIONER SCHMITT: The only thing I have is reading the staff materials.

COMMISSIONER KLUCIK: Staff material and meeting with staff.

COMMISSIONER SPARRAZZA: Staff material only.

CHAIRMAN FRYER: Thank you.

Ms. Emblidge, you have the floor.

MS. EMBLIDGE: Thank you and good afternoon. I'm sure you're a little worn out from the previous item. This should be rather quick and easy.

This is an amendment to the Collier Boulevard Mixed-Use Commerce Center, specifically the residential portion, which is known as Magnolia Pond. The applicant is the Richman Group, and I do believe that they're going to be by phone, if there's any questions for them.

CHAIRMAN FRYER: Okay.

MS. EMBLIDGE: I wanted to highlight the location of this project and specifically point out that this petition is specifically for Phase 2 of the Magnolia Pond residential area. And, as you can see on this exhibit, their surrounding uses include the Golden Gate High School, Mike Davis Elementary School, we have Noah's Landing across the street, Golden Gate Commerce Park. And on the other portion of this PUD, Collier Boulevard Mixed-Use Commerce Center, this is the area that is currently approved for the commercial aspects of it. My understanding is there's a petition

in for an amendment on this portion of the property that you'll be seeing in the near future.

As I mentioned, this is a subset of the Collier Boulevard Mixed-Use Commerce Center that was approved in 2001 with a minor amendment in 2019. The Magnolia Pond residential area's approved for 433 dwelling units on 43 acres. The Phase 1 -- oh, I'm sorry. Let me back up. Magnolia Pond has been approved for a Site Development Plan for two phases of development. Phase 1 includes 324 apartment homes and nine three-story buildings. It also includes a clubhouse and amenity center. Phase 2, which is the subject of this petition, is currently approved for 108 apartment homes in three three-story buildings.

The amendment would allow an increase in building height for Phase 2 only from 35 feet to 50 feet with an actual height of potentially 58 feet. And, again, this would only apply to two four-story buildings. These two four-story buildings would replace the three buildings that are currently approved on the Site Development Plan, and there will be no increase in the number of dwelling units.

This exhibit shows the Site Development Plan that's been approved by the county, and the -- my cursor is over the area of the Phase 2, and this aerial, I think, is very helpful when you consider potential visual impacts. I'm good. I think they're seeing my cursor, right? Okay. Thank you, though.

So Phase 2, as I mentioned, we're proposing to go up to four stories. This area is surrounded by preserve on the west, south, and across the street as part of the Noah's Landing project. There is a preserve area here. And in addition to that, there will be a Type D buffer along the right-of-way.

And with that said, it's our opinion that the visual impacts would be mitigated by those elements that I just described.

And here we are. Questions?

(Commissioner Klucik has left the boardroom for the remainder of the meeting.)

CHAIRMAN FRYER: No one is signaling yet, so I'm going to jump in. I didn't see anywhere in this material that there is an explicit limitation on this tract to two buildings only. And I'm not even going to ask you to limit yourself to two buildings, but I'm going to ask if you would accept a condition that no matter how many buildings you build on this, only two could go up to 58 actual.

MS. EMBLIDGE: Yes, sir. That is what the intent is is that the increased height request is only for two buildings that will be constructed in Phase 2.

CHAIRMAN FRYER: Yeah. But down the road there could be more buildings constructed. And my point is is if they want to go to greater height on those, they would have to come back here.

MS. EMBLIDGE: Absolutely.

CHAIRMAN FRYER: Okay. So you'd accept 58 feet actual for only two -- for two at most on that site?

MS. EMBLIDGE: Yes, sir.

CHAIRMAN FRYER: Thank you. Anybody else have comments or questions for the applicant?

COMMISSIONER SCHMITT: My only question is, Margaret, we're going to see an amendment in the future for the next piece of property? I was just -- out of the sheer interest --

MS. EMBLIDGE: Yes.

COMMISSIONER SCHMITT: -- that's coming in for a rezoning? It's zoned commercial now?

MS. EMBLIDGE: It's owned by another company. It's not -- the Richman Company is -- or Richman Group, excuse me, owns only the residential portion of this PUD. There's another owner for the other parcel.

COMMISSIONER SCHMITT: Because that area, for my colleagues, as Mike Sawyer probably can allude, the intersection of 75 and Collier is going to be a major, major construction

effort there with the big cloverleaf. In fact, I sort of kind of believe that the cloverleaf is just going to obscure these buildings. I mean, they're not going to be seen from much of anywhere. And across the street from there is the -- just a storage area? Is that the storage area across the street?

MS. EMBLIDGE: Which way across the street?

COMMISSIONER SCHMITT: Oh, no, that's right. You've got the commercial. Then across the street from the commercial. Yeah, okay. And next, going west is the school, on the western portion of the property. Northwest, yeah.

MS. EMBLIDGE: Northwest. Because immediately west is the preserve area.

COMMISSIONER SCHMITT: Preserve area.

MS. EMBLIDGE: That's part of this project.

CHAIRMAN FRYER: Any further questions or comments of the applicant?

COMMISSIONER SCHMITT: No, no issues.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: On an ancillary note, just because we came through of six hours talking about affordable housing -- I know this has nothing to do with your request -- is there any affordable housing within Magnolia Pond?

MS. EMBLIDGE: No. These are all going to be market-rate apartments.

COMMISSIONER SPARRAZZA: Even in Phase 2?

MS. EMBLIDGE: Yes.

COMMISSIONER SPARRAZZA: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

Anything else? Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I'm sorry. I know I'm treading light on time, but going off of that, is there a possibility of adding in some affordable housing into this?

MS. EMBLIDGE: I would have to --

COMMISSIONER SCHUMACHER: No?

MS. EMBLIDGE: -- consult with my client and -- but it's not part of the proposal.

COMMISSIONER SHEA: So your density is the same, basically. The only thing you're doing --

MS. EMBLIDGE: Exactly.

COMMISSIONER SHEA: -- is kind of stacking it up more.

MS. EMBLIDGE: We're consolidating the three buildings that were originally shown on the Site Development Plan into two buildings that would go up to a height of, maximum, the actual 58 as opposed to the 35 feet that's currently approved.

COMMISSIONER SHEA: So why don't you put another tall building up, and we'll call affordable housing for that extra building?

MR. GIBLIN: Cormac Giblin, interim Economic Development and Housing director.

On the visualizer, the aerial that she showed showed Noah's Landing apartments right across the street. That's 264 units of all affordable housing 100 percent.

COMMISSIONER SCHMITT: And the other side -- Cormac, on the other -- south of that, of the interchange, isn't that -- on Radio Road isn't that -- half of that affordable housing as well? I can't remember -- there was an affordable housing density bonus for a couple of apartment areas back there.

MR. GIBLIN: There's a Habitat for Humanity community right in that area behind the Walmart. So there are a few right in that general area.

COMMISSIONER SCHMITT: That's what I thought.

MR. GIBLIN: But, specifically, in Magnolia Pond, there's 264.

MS. EMBLIDGE: They're across the street from us.

COMMISSIONER SCHUMACHER: But those are at 100 percent occupancy, correct?

MR. GIBLIN: Correct.

MS. EMBLIDGE: Yes. And to add to that, if I may, that Habitat for Humanity owns the

property that's to the west of this project and also a parcel that's north and west some as well. So, obviously, there's additional opportunities that will come along for affordable housing.

CHAIRMAN FRYER: Thank you. Anything further, Ms. Emblidge?

MS. EMBLIDGE: No.

CHAIRMAN FRYER: Staff?

MR. BELLOWS: For the record, Ray Bellows. I'm presenting this petition for Eric Ortman. This petition has been found consistent with the Growth Management Plan. The development standards increasing the building height, it doesn't impact compatibility with the surrounding properties, and staff is recommending approval.

CHAIRMAN FRYER: Thank you.

Any questions for staff or comments from the Planning Commission?

(No response.)

CHAIRMAN FRYER: If not, Mr. Youngblood, public comments.

MR. YOUNGBLOOD: I have one public speaker, Mr. Chairman, online, Shane Laakso.

Mr. Laakso, can you hear us, sir?

MR. LAAKSO: Yes, I can.

CHAIRMAN FRYER: Go ahead, sir.

MR. LAAKSO: This is Shane Laakso with the Richman Group. Just here to answer any questions that you-all have, but it sounds like Margaret has answered everything that you have. But I'm here if I can help.

CHAIRMAN FRYER: Any further public comment?

(No response.)

CHAIRMAN FRYER: Anyone in the room who has not registered want to make any public comment, raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing none, we'll close the public comment segment of this hearing, and at this point it would be incumbent upon us to deliberate and vote. Planning Commission.

COMMISSIONER SHEA: I make a motion we approve the petition as submitted and recommended by county staff.

COMMISSIONER SPARRAZZA: And I'll second that.

CHAIRMAN FRYER: All right. And may I ask for a friendly amendment of both of you that the 58 actual height would only apply to two buildings on that site?

COMMISSIONER SHEA: Absolutely.

COMMISSIONER SPARRAZZA: Correct.

CHAIRMAN FRYER: Is that okay with the seconder?

COMMISSIONER SPARRAZZA: Yes.

CHAIRMAN FRYER: Thank you. And it's already been stated it's okay with the applicant. So without -- any further discussion on this?

(No response.)

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

COMMISSIONER SCHUMACHER: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Passes 5-0. Thank you, ma'am.

MS. EMBLIDGE: Thank you.

COMMISSIONER SCHUMACHER: I apologize, gentlemen. Thank you.

CHAIRMAN FRYER: That's okay.

(Commissioner Schumacher is leaving the boardroom for the remainder of the meeting.)

CHAIRMAN FRYER: ***Thirdly today is our hearing of PL20210001435. It's the Williams Farm RPUDZ.

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.

Planning Commission, please, ex parte disclosures starting with the secretary.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Public materials and meeting with staff.

COMMISSIONER SCHMITT: Staff materials only.

COMMISSIONER SPARRAZZA: Staff materials only.

CHAIRMAN FRYER: Thank you.

Sir, you may proceed.

MR. DeLISI: Thank you. For the record, my name is Dan DeLisi. I'm a land-use planner representing the applicant, which is Williams Farm. This is called the Williams Farm PUD.

I will go through, and in following Margaret's lead, I'm just going to do a brief presentation. This should be a fairly straightforward case.

The property is located along the south side of Lake Trafford Road. You can see on the aerial here where it's located. You can see Arrowhead Reserve is just on our east side. You can see Lake Trafford over here to our west, Lake Trafford Elementary School is to our north, and 29 is over here.

Camp Keais Strand is a notable environmental feature that's on the south side, and I will say that the Williams family, their ranch property extends over Camp Keais Strand and farther south to the south side of Camp Keais Strand. But this property that we're rezoning now is just to take these northern two parcels that are mostly on the north side of Camp Keais Strand and rezone them only at this point in time.

When I get to the Master Concept Plan, you'll see there is an access for potential future development down the line located right here where you could see there's already a crossing of Camp Keais Strand. But, again, nothing is being proposed south of there at this point in time. Crossing the Strand is a very complex thing that we just don't want to get into now from a development standpoint.

This is the Future Land Use Map out of the Immokalee Area Master Plan. We are consistent with this land-use map. We are in the low-density residential future land-use category that is this lighter yellow color. Right here is medium density residential, but everything around us other than that is in the low-density category. You know, this is commercial mixed-use on the north side of Lake Trafford Road.

The low-density residential land-use category allows for up to four units an acre. You can get up to eight with bonus densities. We're not asking for bonus densities. We are asking for two-units-an-acre single-family development.

This is the Master Concept Plan. Again, you see all the preservation area on the south side where the bulk of the Strand is. Two units an acre, 168 acres, so 336 units. We have on-site amenities. Preservation of the Strand, as I was talking about.

Just to note, the preservation requirement for this property, as noted in the staff report, is 55.87 acres. What we are proposing to preserve is 70.68 acres. So we are well in excess of the preservation requirement on site for this planned development.

Just briefly on stormwater, I only bring this up because we are near the Strand or on the north side of it. We do have the water-quality lake right in the middle and some water management areas as well. Everything is going to be discharging into the water-quality lake, and

from there it would be discharged south. So we are providing water-quality prior to discharge into Camp Keais Strand.

And then as the staff report went through, I don't want to go through all of these criteria for approval, but we do meet the criteria of approval in LDC Section 10.02.13. We are surrounded by residential uses. We are compatible with the surrounding area.

I will note that as part of this application, because we are in the Immokalee CRA area, we met with the CRA. They were very favorable towards this project, and they gave us a positive review.

And so with that, I will answer any questions you may have.

CHAIRMAN FRYER: Thank you. Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Dan, just to highlight, there are three deviations. I think the most significant deviation is the continuity of preserves, but it was approved, and I think it was a great idea. Deviation 3, preserve areas interconnected with the site adjoining the off-site preserves and the wildlife corridors. So that was a deviation.

Typically, we do not split the preserve areas, but in this case it made absolute sense, and it was approved by staff, and I just want to make sure that that's noted on the record.

CHAIRMAN FRYER: Not only will it be noted on the record, but it does require us to vote as an EAC as well.

COMMISSIONER SCHMITT: I don't think we have an EAC.

CHAIRMAN FRYER: Yeah.

COMMISSIONER SCHMITT: Oh, it did meet. Thank you. I just wanted -- I had to check that, yes. We have to vote as an EAC. Thank you.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

If you could back up to the map, please, sir. Thank you. When you're speaking about the water storage area, if I heard you correctly, you said before it is discharged south to the Strand. Is that water used for irrigation, non-potable?

MR. EVANS: Hello. Josh Evans, for the record. Yes, that same water will be used for irrigation from the lake, but we'll actually have a well also that recharges the lake, one for one, for the water that goes out.

So there will be a well that discharges at the same rate into the lake, but they mix, and then that water's pumped out for irrigation.

COMMISSIONER SPARRAZZA: Would there be much water, then, leaving the retention ponds going into the preserve --

MR. EVANS: Yes.

COMMISSIONER SPARRAZZA: -- if it's balancing?

MR. EVANS: Well, it wouldn't balance. It balances one for one on the amount of irrigation that comes out. But when you have a storm event, that water, once it hits a certain elevation, it would discharge --

COMMISSIONER SPARRAZZA: So it goes to a weir, or whatever, and then passes through.

MR. EVANS: Yes. In this case we'd probably do a spreader swale to spread the water out so it introduces the slough in a more natural way. But, yes, it would have a weir before that, though.

COMMISSIONER SPARRAZZA: Thank you very much.

MR. EVANS: Yes, sir.

CHAIRMAN FRYER: Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah. Just for the record again that it's so noted, this is in the consultation area for both -- the bonneted bat, which the State of Florida had one consolidated study being done for most of this part of Florida for the U.S. Fish and Wildlife, and it

also probably will require consultation for panther mitigation and panther habitat impacts.

But you will go through the permitting process for that through consultation. You may have to pay what they call panther habitat units, PHUs, for any potential impact. I wanted to make sure, for the record, that that's so noted from an EAC standpoint. Thank you.

CHAIRMAN FRYER: Thank you, sir.

Anything further from the applicant?

MR. DeLISI: No, not at this time. Thank you.

CHAIRMAN FRYER: Thank you.

Staff?

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

Staff has reviewed this for consistency with the GMP and the LDC. We recognize that they're leaving -- you know, they're entitled to four units an acre with up to eight with some density bonus. They're only asking for two. It's a single-family development typical within this area.

The one issue that does require the EAC vote is the splitting of the preserve but, as Joe said, we think it's more than appropriate. We've reviewed it, reviewed it from the rezone findings, from the PUD findings, and a recommendation of approval.

CHAIRMAN FRYER: Thank you.

Mr. Youngblood, any registered speakers?

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

CHAIRMAN FRYER: Thank you. Anybody in the room who hasn't registered but, nonetheless, would like to be heard on this, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing no raised hands, we will close the public comment portion of this hearing, and it now comes into the hands of the Planning Commission for deliberation and action.

COMMISSIONER SCHMITT: I'd make a recommendation of approval based on the -- it will be both -- a recommendation of approval for both the PUD amendment and, serving as the EAC, will make a motion as well that this be approved as us serving as part of the Environmental Advisory Council. With these two, I'd make a recommendation of a proposal to approve the Williams Farms PUD -- PUDZ.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SPARRAZZA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes 4-nothing. Thank you very much.

COMMISSIONER SCHMITT: I'm glad you guys stood around all morning here. It's just billable hours for the --

MR. DeLISI: You guys should be thanked.

CHAIRMAN FRYER: ***Our final rezone hearing today, I guess our final hearing, is on PL2021000349. This is the Plantation PUDA.

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.

Ms. Emblidge.

MS. EMBLIDGE: Yes. Thank you. Again, for the record, Margaret Emblidge with Agnoli, Barber & Brundage. I'm representing the applicant/owner, Karli Kajy, who's here today. And this -- as you know, there's an amendment to the Plantation PUD. We are simply asking for an additional residential unit to be able to develop on Tract C a residence that was -- and let me back up. This area that is highlighted on this slide, this is the parcel that's the subject of this amendment.

CHAIRMAN FRYER: I'm going to have to interrupt you, because I skipped a beat. We need to have ex parte disclosures starting with the secretary.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Public record. Discussion with staff.

COMMISSIONER SCHMITT: Staff materials only.

COMMISSIONER SPARRAZZA: Staff materials only.

CHAIRMAN FRYER: Thank you. Sorry to interrupt. Please proceed.

MS. EMBLIDGE: That's okay. I got off kilter here myself.

Anyway, I wanted to highlight that this is the property that is being proposed for a single-family residence.

The property was -- is .74 acres, and it is known as Tract C. The original approvals for Tract C and the adjacent tract, which is Tract D, was for recreational use. The increase in the number of residential units would be one unit, going from 418 to 419, as noted in Section 3.07 of the PUD ordinance. This would also require revising the project summary in the -- on the Master Concept Plan to reflect the changes.

And here is a snippet of the project summary that shows that the residential acreage would be going from 51.8 to 52.54 acres, you know, basically adding .74 acres. The recreation area would go down by .74 acres to 2.16, and then the total number of units going from 418 to 419.

And, again, I want to highlight that this is only for this tract here that we've pointed out as the subject property, and Tract D that I mentioned previously is this area immediately east of Tract C that is where the residential -- I'm sorry -- recreational uses are located.

To give a little background, this project was originally approved in '84 with an amendment in '89. The plat was approved in 1998 as well, and this is where the subject property was separated from the recreation area. The subject property was labeled as Tract C, and the recreation area labeled Tract E. I know I'm being repetitive, but it's really important to understand the transition of this property from the original approval.

The HOA documents that were approved in 1989 also designated Tract D as recreation and did not designate Tract C as recreation. So Tract C was subsequently sold by the developer with no requirement that the parcel be for recreation.

The water management permit was approved in 1988 and received compliance certifications in 1988, 1990, and 1996.

This slide shows the 1984 Master Concept Plan that shows some recreation elements on both what is the Tract C and D. 1989 Master Concept Plan took out that detail but still designated this parcel as recreation.

And then here we are with the Water Management District permit that shows this area as recreation. So just to note here that the Water Management District permit permitted this entire area, being Tract C and Tract D, for development.

And then here is the 1989 plat, and this is where I had mentioned that here's Tract C, the subject property, where it was separated from Tract -- the Tract D, being the recreation area. And then here is an illustrative of a single-family residence that could be located on this property and where it would -- it would meet all required setbacks. It would comply with any of the existing easements.

Also of note is this area here, which is a former parking lot that was used for the sales center, which is no longer there, and this will have to be removed when development occurs, or the single-family residence pursues a building permit.

What I wanted to -- let me go to here. The main concerns that came out of this project were -- was drainage. County staff and the residents of Plantation community expressed concerns over the stormwater management system and the flooding that they've experienced. The water management permit included the subject property in the permitted development area, and changing this parcel from developing a recreation facility to a single-family home does not create additional impacts to the stormwater system; however, the applicant has agreed to staff's recommended condition to be included, which is in Section 5.6 of the proposed ordinance.

And I'm not going to read the condition, but it's here on the screen, and it's in your staff report and the proposed ordinance. But, again, the applicant has agreed to this condition. And that covers my presentation, but I would like -- would appreciate it that once you hear from the residents, that I have an opportunity to respond.

CHAIRMAN FRYER: You will be given that opportunity.

Vice Chairman, did you want to be heard?

COMMISSIONER SCHMITT: Well, are we going to hear from the -- the residents, you said?

MS. EMBLIDGE: Well, Karli is here, and only if you have questions that I can't answer.

COMMISSIONER SCHMITT: I have a question just out of sheer curiosity. I've been around the county for too many years. The first time I've ever seen a PUD amendment to add one unit.

MS. EMBLIDGE: Yes.

COMMISSIONER SCHMITT: And it just struck me as quite astounding. I only -- the curiosity I have, you bought the property knowing that you'd have to go through this onerous rezoning process?

CHAIRMAN FRYER: That's exactly where I was going.

COMMISSIONER SCHMITT: I mean, this is not a cheap process. It's a very onerous process.

MS. EMBLIDGE: Yes.

COMMISSIONER SCHMITT: Meaning, typically, what, 15 months, 15, 18 months between the public hearings, the notifications, all the other types of very prescriptive process.

MS. EMBLIDGE: Right.

COMMISSIONER SCHMITT: And I would only -- out of curiosity, did the applicant know when she brought the property that this was not suitable for a residential unit till it went through the rezoning process?

MS. EMBLIDGE: I cannot answer that.

MS. KAJY: Shall I go up there?

COMMISSIONER SCHMITT: Yes.

CHAIRMAN FRYER: Yeah, come on up.

COMMISSIONER SCHMITT: It's just a personal question. It's just sheer curiosity.

CHAIRMAN FRYER: And the assumption here is -- that was going to be my first question -- I think it was answered -- is that you're an owner, not a contract purchaser.

MS. KAJY: Correct.

CHAIRMAN FRYER: Go ahead. Answer the Vice Chairman's question, please.

MS. KAJY: For the record, Karli Kajy. I'm the applicant. And the answer is, no, I -- was not aware until I decided that I wanted to build, so...

CHAIRMAN FRYER: Did you -- if I may follow up. Did you give any consideration to getting title insurance?

MS. KAJY: At the -- like, originally when I --

CHAIRMAN FRYER: When you bought the property.

MS. KAJY: No.

CHAIRMAN FRYER: No? That's kind of surprising.

COMMISSIONER SCHMITT: So you bought the property?

MS. KAJY: I didn't buy the property personally.

COMMISSIONER SCHMITT: Yes. Your family did?

MS. KAJY: Exactly. It was gifted to me.

CHAIRMAN FRYER: Oh, okay.

MS. KAJY: I'm a local here in Naples, and I would like to stay here, so that's kind of the idea behind it.

CHAIRMAN FRYER: All right.

COMMISSIONER SCHMITT: I mean, I'm just impressed from the standpoint of this is a costly process, but it looks like a wonderful lot.

MS. KAJY: Yes, exactly.

COMMISSIONER SCHMITT: And once it's developed -- I mean, how big of a lot is this?

MS. KAJY: .74.

COMMISSIONER SHEA: It's .74 acres.

COMMISSIONER SCHMITT: Oh, it's three-quarters of an acre. I mean, a nice lot.

MS. KAJY: Yes, but I don't intend to build something huge or anything. It's going to be single-family, single-story residence.

COMMISSIONER SCHMITT: And we can come over and set up a tent in the back and have a big party?

MS. KAJY: Certainly.

COMMISSIONER SCHMITT: I'm just -- I don't know. I'm just flabbergasted by the fact that -- but, when did you -- or how did you find out -- did you find out, then go to the county to say I'd like to build here, and all of a sudden you found out that you couldn't.

MS. KAJY: Yes, exactly. That's exactly what it was. I had no idea about even the zoning at all. I had -- I had no prior knowledge. This is all new to me, too. I'm learning as I go.

COMMISSIONER SCHMITT: Well, after sitting here all morning, you now have your graduate degree in rezoning.

CHAIRMAN FRYER: Did you -- did you take by quitclaim or warranty deed?

MS. KAJY: I believe it's warranty deed.

CHAIRMAN FRYER: Warranty deed.

MS. KAJY: Yes. It's warranty. Absolutely, it's warranty deed.

COMMISSIONER SCHMITT: How do you pronounce your last name?

MS. KAJY: Kajy.

COMMISSIONER SCHMITT: Kajy, okay. That's what I thought.

CHAIRMAN FRYER: Well, the fact that you took it by gift goes a long way in explaining how this has come to pass because actually, I mean, it's just almost unheard of anyone would pay new money in order to get a property without title insurance and with a cloud over the title, and that's putting it mildly. But I get it. I see. Okay.

COMMISSIONER SCHMITT: I hope you build a wonderful house.

MS. KAJY: Yes, me, too.

MS. EMBLIDGE: Don't make her feel so bad.

COMMISSIONER SHEA: We're trying to make her feel good.

COMMISSIONER SCHMITT: Make her feel good.

CHAIRMAN FRYER: Another question I had, it was mentioned, I think, in the NIM and certainly the pictorial -- pictorial depiction of the house is one story. Is this a commitment that you're making that this would be a one-story property?

MS. EMBLIDGE: We weren't planning on making commitments in that detail, and I guess that I would have to ask Karli if she would be interested in committing to a one-story home.

CHAIRMAN FRYER: I think the concern, as you think about this, is that when you go to a NIM and you present people with a picture of a one-story home, you're coming awfully close to making a commitment. I mean, to the point of if you built something else, an argument could be

made that you've misled the public.

COMMISSIONER SCHMITT: How many attended the NIM? Anybody?

MS. EMBLIDGE: Yes, we had a lot of folks at the NIM.

COMMISSIONER SCHMITT: Oh, really? Oh, okay.

MS. EMBLIDGE: Yes.

CHAIRMAN FRYER: While I have you up here and on this subject, with the utmost respect and courtesy to you, Ms. Emblidge, I'm guessing that you did not listen to the NIM transcript, did you?

MS. EMBLIDGE: I was at the NIM.

CHAIRMAN FRYER: My question is, did you listen to the NIM recording?

MS. EMBLIDGE: I started to, and then I quit.

CHAIRMAN FRYER: Well, I get it now, because the first 20 minutes were mostly audible. The last 20 minutes were mostly inaudible.

MS. EMBLIDGE: Okay.

CHAIRMAN FRYER: And, frankly, completely useless.

MS. EMBLIDGE: Yes.

CHAIRMAN FRYER: And so that -- you know, that doesn't get us where we want to go. There's a requirement that there be either a NIM transcript or a recording, and I think it's highly implicit in that that it be audible if it's a recording. So I hope that next time you come back you'll have listened to the recording and perhaps even checked it along the way so that you don't have to have a second NIM.

MS. EMBLIDGE: Right, and I appreciate that. It was my first NIM, and I had other folks that were helping with the recording and everything. So I think that -- I think we've learned a lot since then.

CHAIRMAN FRYER: Okay. Well, I hope next time that you're before us that you bring an audible --

MS. EMBLIDGE: Yes.

CHAIRMAN FRYER: -- NIM recording.

MS. EMBLIDGE: Right.

CHAIRMAN FRYER: Thank you.

All right. Anything else from the Planning Commission?

COMMISSIONER SCHMITT: No.

CHAIRMAN FRYER: All right. Let's see. We're at the point of, I guess, hearing from staff?

MR. BOSI: Mike Bosi, Planning and Zoning director. Staff reviewed for consistency with the GMP and against the PUD amendment criteria. Staff is -- was concerned. The one issue that we did have, I mean, from an overall consistency, adding one additional residence to a 418-unit residential development is not something that we would find incompatible in the least bit, so we had no real compatibility concerns.

There was some concerns expressed from our stormwater staff related to the current system. We have asked for a condition of approval, which the applicant has read and agreed to. So with that, staff is recommending approval.

CHAIRMAN FRYER: Thank you. Questions from the Planning Commission of staff? (No response.)

CHAIRMAN FRYER: If not, thank you.

Any registered speakers?

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

CHAIRMAN FRYER: All right.

MR. YOUNGBLOOD: Ken Meinert will be our first speaker, followed by Paul Clemmensen.

CHAIRMAN FRYER: Okay.

MR. MEINERT: Good afternoon. I'm Ken Meinert. I live in Plantation and lived there for the last 25 years pretty much adjacent to where this proposed building will be.

That lot, for the last 25 years, has adequately served as the overflow for the pond that is directly across from it, and that's the only entrance in and out of Plantation.

Apparently -- I guess there's a culvert that was built underneath the road that when that pond gets to its overflow, it begins to dump out into that vacant lot. And my concern is a couple things. Well, every year I watch it fill up two or three times a year, and in hurricanes it fills up tremendously.

Without that, you're going to get runoff onto the only entrance that we have or the apartments, the Villas of Capri, which are only feet away from the pond. So if that water doesn't have anywhere to go, it's going to go into the apartments, it's going to go into our entrance, or it's going out onto Radio Road. I don't know what can be done, what grading or if they've got contingency plans built in, but that's my only concern at this point is where is that water going to go?

I don't want to have -- impede, you know, emergency access. We only have one way in. If it takes out the road, you know, fire, EMS, police, what are you going to do? There's no way back out of Plantation. There's only one way in and one way out, and that's my concern is purely safety at this point and what's going to happen with the water.

CHAIRMAN FRYER: Thank you.

MR. MEINERT: That's it. Thank you.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yes. I have just a comment on that, sir, if you could stay up there for a minute, because -- I understand from the water perspective, but from a building perspective when the applicant comes in for a building permit, they're going to be required to construct that home above the current base flood elevation. I have no idea what is out at that area. Maybe Jamie French may know, but they're going to have to probably bring in fill. But the second piece of the Land Development Code and the Building Code is pretty clear, they are not allowed to displace water from their property elsewhere. So I would have to believe at some point that's got to be addressed.

But now you just raised a concern about the community in itself. I think the -- a question comes to my mind immediately, if this was, quote, deemed to be a storage area, first of all, it was inappropriate because it was private property, but -- and certainly that would deem to be an encroachment of private property, the community using that as storage and certainly could avail itself to -- the community to a lawsuit.

My only question, why didn't the community consider buying this and creating a storage of stormwater area?

MR. MEINERT: Well, I couldn't answer that, but I can say probably when this development was first put in and they put a culvert underneath the road, the entrance to it, that dumps out into this lot, they thought about the water. I mean, they probably have, what, a hundred-year rain pond over there that they've allotted for, I don't know.

COMMISSIONER SCHMITT: It's not identified as a stormwater containment area. It would have to be clearly identified as a stormwater -- as a retention -- dry detention area or stormwater retention area. It is not. It is not on the plat.

Frankly -- I'm not an attorney, but -- I'm not going to pretend to -- but from my understanding of my days in the building and zoning business, it's the community's problem. They would have to solve that -- the community would have to fix that drainage to preclude water being dumped on the homeowner's property, and it would be the community's responsibility.

(Simultaneous crosstalk.)

MR. MEINERT: Yeah. All 25 years I watch it fill up.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Just a moment. Just a moment. I want to remind everyone, please do not talk over one another. And I know you didn't intend to do it, and I want to be respectful to you, but when a planning commissioner's speaking, I ask that public speakers stand down.

MR. MEINERT: Certainly.

CHAIRMAN FRYER: Thank you. Thank you.

So having said that please, go ahead.

MR. MEINERT: No. I'm just saying, whether it was ever planned or drawn up that way, I have no idea. I've only been here 25 years. But I can say, as a de facto, a holding area is what it's turned into being. Now, whether or not, like I say, it was ever planned to be that or not, you guys would have to, you know, go back to 1989 or '88 when it was developed.

COMMISSIONER SCHMITT: Well, it's not us. It is the community's responsibility. And if that is a -- as you labeled it, a de facto storage area, it was, frankly, illegal. And the property owner would have every right to go back to the community and say fix it, because you're putting water on my privately owned property.

The same way when this house is built, it's going to have to be brought up to elevation to base flood -- base flood elevation. And, Jamie, in that area, it's probably, what, six-and-a-half feet now, six feet? Jamie French.

Thank you, sir. I'm all done with you for now.

MR. MEINERT: Thank you.

CHAIRMAN FRYER: I'm going to have a question for you, so don't go away yet.

Mr. French.

COMMISSIONER SCHMITT: I mean, I'm just guessing. Probably -- it's got to be greater than six feet now over there.

MR. FRENCH: I -- just going off the top of my head -- I didn't have a chance to look at the map. For the record, my name's Jamie French. I'm not sworn in, though, Terri. Is that okay?

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

MR. FRENCH: Yes. Thank you.

So I believe that one is probably going to be an elevation of around nine. So you'd have a foot of freeboard.

COMMISSIONER SCHMITT: Yep.

MR. FRENCH: But the issue really is on this, there's no -- as you -- and I appreciate you mentioning the platted area. There's no easements. So there's the defined use on this property. There's no recorded easement to take dry detention or their stormwater. The applicant -- this would all be addressed through the Site Development Plan when they come forward with their design elements to be able to show their site civil work, to show how they're both maintaining their water and how they're putting -- how they're storing their water.

Now, if there's a contribution of water, whether or not it's historic flows, that is -- that could be a Code Enforcement Board issue that this property owner or any property owner within that area could make against that community if, in fact, it is the community's obligation to maintain their stormwater.

So unless there's easements recorded or an obligation was made by the county or by the HOA, that's who we would have the conversation with.

COMMISSIONER SCHMITT: Well, just for the applicant's sake, the pervious to impervious is going to be a significant ratio far, far more pervious water and, certainly, the three-quarters of an acre, there's going to be an opportunity for their stormwater to be moved in a direction that won't be impacted.

I'm concerned now about what I heard about the community for some presumed reason assumed that this was a storage area which is totally illegal. I mean, that is a violation of this person's property and the -- that would be something that the community would have to rectify so

they no longer put water onto this -- this piece of property. I just bring that up for the record.

MR. FRENCH: As Ms. Ashton pointed out, this would go straight to Permitting. We would review the site plan, but it would not -- because it's a single-family home, it would not require a traditional Site Development Plan.

COMMISSIONER SCHMITT: Correct, it would not.

MR. FRENCH: But it would be a consideration that we would look at when we take it through our 800 series type inspections and reviews. But at the end of the day, there's no obligation for this site to take that community's water that we have seen on the plat.

COMMISSIONER SCHMITT: Right.

CHAIRMAN FRYER: Question for you, sir.

MR. MEINERT: Yes, sir.

CHAIRMAN FRYER: How long has the community been using this lot for storage of water?

MR. MEINERT: I moved in 1998 into that community, and I can only attest from that point forward. And it's been there. There's water that builds up in their every year, every summer, and when the hurricanes come, it's worse.

CHAIRMAN FRYER: So it's been in excess of 10 years openly, notoriously, and under claim of right been used as a water storage?

MR. MEINERT: It happens. I don't know whether it's been claimed anything or not, but I can tell you it fills with water.

CHAIRMAN FRYER: Yeah, okay. Now, my other question is Section 5.6 that addresses the drainage concerns, have you familiarized yourself with that, sir?

MR. MEINERT: I have not.

CHAIRMAN FRYER: You haven't. Okay. My question was going to be whether you're satisfied that that adequately addresses the drainage issue.

MR. MEINERT: No, I haven't seen that.

CHAIRMAN FRYER: You haven't seen it, so you can't really testify.

MR. MEINERT: I cannot.

CHAIRMAN FRYER: Okay. Thank you. That's all I have for you, sir.

MR. MEINERT: Thank you.

CHAIRMAN FRYER: Next witness, please.

MR. YOUNGBLOOD: Our next speaker is going to be Jay Tanghe, and he will be our final speaker on this item.

CHAIRMAN FRYER: Thank you.

MR. TANGHE: Good afternoon. Thank you for having me. I'll try to make it brief. It's been a long day.

CHAIRMAN FRYER: State your name. Okay. Go ahead.

MR. TANGHE: My name is Jay Tanghe. I'm the president of the Plantation Homeowners Association of Collier County, Incorporated.

CHAIRMAN FRYER: Have you seen this Section 5.6 language about drainage?

MR. TANGHE: No.

CHAIRMAN FRYER: Okay. Go ahead. Please proceed.

MR. TANGHE: I did send a packet with several photos, and I was wondering if that was available. I had some color photos of the subject property in a packet. And I can start with this just to expedite things.

Commissioners, as you are aware, Collier County has strict and precise requirements in place for developers regarding water retention, overflow, egress, et cetera, within developing communities. Plantation subdivision's developers met all the required mandates back in the early '80s when developing our community.

The finished product involves a series of retention areas as well as two designated outflow or egress areas designed to allow excess water to flow out onto the Davis Boulevard retention

system.

Unfortunately, as a result of the Calusa Park Elementary School build in 1988, literally, 50 percent of our overflow capabilities were demolished and permanently paved over.

At that time our outrage and pleas to county officials fell upon deaf ears, resulting in a severe outflow deficit in our entire subdivision. Our streets and yards suffer extreme flooding during and after every heavy rainfall. Large fish, snakes, and mosquitoes pose constant safety concerns. Within the past few years, it's been taking significantly longer for the overflow water to recede from our roads and yards. Weeks, not days.

With the help of Mr. Rick Orth with Collier County Stormwater Management section, as well as Collier County Code Enforcement, we have been able to force the administration of the Enclave development, which is behind us, to perform proper and required maintenance to our only remaining egress route to David Boulevard. We are still trying to determine whether the three massive construction projects on Santa Barbara Boulevard, as well as on Davis, are having any impact on our increasing dilemma.

We have informed Ms. Kaji that we are positive that a build on the property in question would definitely further exacerbate our over-increasing flooding issues, as her property is an integral part of our delicate and already compromised drainage system. While she has expressed concern, her most recent correspondence mentions that the county told her that her property and our flooding issues are unrelated. We truly question the source and challenge the validity of that statement.

That being said, the Plantation board of directors would definitely be shirking its fiduciary responsibility to our residents of ensuring safety, health, and quiet enjoyment of our community if we approve this request for change. Please let it be clear for the record that Plantation HOA of Collier County, Incorporated, is in adamant opposition of a change in the designation of this property.

Oh, there's my photos.

CHAIRMAN FRYER: There they are.

MR. TANGHE: They look better up there.

So we were also -- it was, I guess, 34 years in 1989, our PUD was deemed built out. Now, I'm assuming that as custodians of the PUD, the HOA would also have a role in -- or an opinion, of course, in this matter.

I've got 87 single-family homes. I've got 80 backyards that flood like this. And, again, we don't know if there's an issue with the new construction down Davis, Santa Barbara. There's stacks and stacks of apartment buildings being constructed, but we're in trouble, and we'll be in further trouble.

Actually, I did not include a photo of the actual culvert that goes under the road. The subject property, if you drive into Plantation, on the right-hand side we have a beautiful lake with a fountain. On the left-hand side, immediate left, is the subject property. Our homes don't start until the other side of Tara Court, which is a little ways down, because we have a clubhouse and subject property recreation area. Then there's a court. That's when our homes start.

So the whole layout of the homes in the left-hand side of Plantation Circle, the right-hand side and so on, it's all laid out actually quite beautifully. The subject property would be as you enter our subdivision, boom, there's a house. Talk about, I don't know -- not compliance, but what's the word?

COMMISSIONER SHEA: Compatibility.

MR. TANGHE: Compatibility, thank you. It just doesn't feel right.

But our primary, primary concern is the possible increase in the flooding. The culvert was built under the road at the beginning of the development. How exactly that lot was sold off as private property, it was before my time.

One of our original owners, who's the vice president of our board of directors, is at home with a terribly ill wife, so he really wanted to be here. He's kind of our historian and,

unfortunately, he couldn't. It just couldn't happen today.

So that being said, I would appreciate your strong consideration to not approve this change. The community looks nice, floods well, and we'll be in trouble if anything changes.

Thank you so much.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt -- Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah, Margaret, do you have the history of when this -- this lot was purchased? I assume it was her family, her parents or grandparents purchased it.

MS. EMBLIDGE: There were --

COMMISSIONER SCHMITT: And it was legally purchased --

MS. EMBLIDGE: Yes.

COMMISSIONER SCHMITT: -- with the intent that it was going to be developed; is --

MS. EMBLIDGE: That's correct. And what I understand with the history of the purchases is that there was -- there were a couple of times where this was purchased through the Clerk's, what am I trying to -- tax, yeah.

CHAIRMAN FRYER: Tax sale.

COMMISSIONER SCHMITT: Tax sale.

MS. EMBLIDGE: Thank you. I -- so --

COMMISSIONER SCHMITT: But it was legally purchased?

MS. EMBLIDGE: It was legally purchased, and as I highlighted in one of my slides, is that the water management permit for this project showed this -- or considered this property as development. It was part of the overall water management, you know, plan that this was going to be developed. The reason why it's filling up with water is because it hasn't been developed, so it's lower than all the other homes and improvements around it that have filled and developed.

So I understand that it was originally meant for recreation. It was changed because they did the plat, and it was left as, you know, a property that didn't have -- it was no longer considered for recreation for the community.

So that's why we are where we are today and, you know, wanting to -- anyway. Go ahead. Sorry.

COMMISSIONER SCHMITT: So this -- if it was a tax sale, somebody didn't pay for this, and it ended up being a tax sale through the Clerk's Office. I'm just absolutely astounded from the standpoint we now have the HOA coming up here saying, hey, wait a minute, this is our storage area when, in fact, it's not.

MS. EMBLIDGE: Right.

COMMISSIONER SCHMITT: And water going onto that piece of property, which is a private property since when? What date was it --

MS. EMBLIDGE: Well --

COMMISSIONER SCHMITT: -- the original purchase?

MS. EMBLIDGE: It would have been -- it was owned by the original developer --

COMMISSIONER SCHMITT: Yes.

MS. EMBLIDGE: -- once -- when they did the plat, he was the owner of that Tract C.

COMMISSIONER SCHMITT: Correct. But when was it privately purchased?

MS. EMBLIDGE: Oh, gosh. I don't know.

MS. ASHTON-CICKO: 1996. It was conveyed from East Ridge Partners, LTD, to Carl M. Fernstrum, as trustee of the Tract C Trust.

COMMISSIONER SCHMITT: Thank you for looking that up.

Since '96 this has been a private piece of property which, for all intents and purposes -- and I'll be frank -- that the HOA was dumping water on illegally, and that's the term. They were dumping water on their illegally. They had no right to do so. And to presume now -- the HOA president to presume that they have -- since it's been that way, they wanted it to be that way. I

think in '96 if they wanted it to be a storage area, they had every right to purchase it, or the original developer could have converted it to a storage area.

I find it outrageous -- and I'll be frank, I find it outrageous now that the HOA is up here saying we want to deny this because we want it to continue to be storage. I guess from the standpoint, you can offer the current homeowner what I would say is a significant amount of money to purchase it and make it into a storage area.

COMMISSIONER SHEA: But I'm concerned that you're -- even with that relief, they're still getting this. They've got a bigger problem than that lot.

COMMISSIONER SCHMITT: They have a significant problem than that lot [sic]. Now -- and I understand fully the South Florida Water Management District. For the folks -- I'm a former Army Corps of Engineer guy, former commander, district commander of the Army Corps, I know it well, both that and the South Florida Water Management District. These dates go back 35, 40 years, long before the kind of management we do today in Collier County and the kind of storage and requirements that exist today when you go through an ERP, an Environmental Resource Permit.

So this development would never get approved with the current system the way it is now, because it's outdated. But that is the community's problem, not this homeowner's problem.

Now, the homeowner will have to deal with its runoff that is created, and that's going to be a simple calculation of pervious versus non-pervious surface. It's a single-family home. And there's nothing incompatible between a single-family home next to a single-family home.

And I'm pontificating, because I really find it annoying that somehow we have the presumption that we now have the right to continue to dump water. Well, I would say if the HOA wants that, they can make a nice, tight -- some offer to the homeowner to purchase the piece of property to convert it into a stormwater storage area.

COMMISSIONER SHEA: But that's not going to solve their problem. What kind of advice could you give the homeowners association to solve that problem? Is South Florida Water Management somehow in this in the original permitting?

COMMISSIONER SCHMITT: They would have to do a complete hydrological study, hire an engineer, do a complete hydrological study, determine the runoff and the shortfalls that exist and either approach the county through a stormwater improvement project or try and do it themselves, because right now they're moving water, as I heard, north to Radio Road.

MS. EMBLIDGE: Yes.

COMMISSIONER SCHMITT: And I would doubt that the county is going to assume some kind of financial responsibility to correct this, either -- but I would have to bring up the names of those in the past, Jamie, who would have some of the history on this. Probably Stan, or -- what's the name? My stormwater guy. I just lost his name.

MR. BOSI: Robert Wiley.

COMMISSIONER SCHMITT: Robert Wiley. Thank you.

COMMISSIONER SHEA: But this could just be 45 years of accumulation and blocked pipes.

MS. EMBLIDGE: Yes, it could.

COMMISSIONER SCHMITT: Yes, it could.

COMMISSIONER SHEA: I mean, there's so much investigation somebody needs to do. It wasn't always like this, was it?

MR. MEINERT: No, sir, it wasn't.

MR. FRENCH: As I would say, Commissioners -- again, for the record, Jamie French.

This could lead into a Code Enforcement case. We would investigate it. It may, in fact, require, as Commissioner Schmitt said, most likely contracting an engineer. If there are improvements that would be done, there would be an amendment to their Site Development Plan for this community. They would be subject to any changes and any issued Environmental Resource Permits. If it's under five acres -- I'm unfamiliar with the total site, but I'm going to

assume that it's over five acres -- they'd be required to go through the ERP.

COMMISSIONER SCHMITT: Yep.

MR. FRENCH: And then at which case the Water Management District would look at their outfall, and they would give a prescribed method to how much that they can influence the current systems and what they have to do as a community.

Now, this lot is still within the PUD, so the homeowner would most likely be subject to whatever contribution that would be. But at the end of the day, Mr. Schmitt is absolutely correct. And as we see aging systems and systems where the developer has developed and turned over that system, what happens is that the HOAs, they don't always do the best job. Not that they do it on purpose but, clearly, maintenance is something that costs a lot of money, and it's a reoccurring necessity, especially when you get ever-changing floodplain maps because, as Joe has said, the science has changed.

We know more about floodplain and floodplain management. And even looking into the future, you know, overseeing our resiliency office here, as we look into the future, it is a great consideration that we give in development, and retaining that water on their site is always the best prescribed method. But, unfortunately, in this particular case, when you've got a development that's already built, what's been permitted, what's not been permitted, we don't know what's been maintained. What's not been maintained we also don't know because we don't have the authority to just go into private communities without being invited or without some form of a court order.

COMMISSIONER SCHMITT: If I could comment, though, on the other comments made by the HOA, if there are other communities placing water into this community, they are, again, legally responsible to prevent that from happening, period. They are not to use your HOA or your property for stormwater runoff. So if you accuse the school or others of putting water into your HOA, I mean, that is something that can be legally rectified, because that -- that is trespassing. It's an encroachment.

COMMISSIONER SHEA: You shouldn't have to put up with this.

CHAIRMAN FRYER: Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Thank you.

If we move forward with this, and I hope we do for the young lady's benefit, I'm wondering if there's an amendment or statement we can put in our agreement, our proposal, that takes away any responsibility that this young lady will have on her lot to continue to receive the water, as Joe says -- I want to echo everything Joe has said -- that -- I guess as we've said together, she should not have to put up with. Unfortunately, it's a problem of -- within the entire community.

Now, she may be surcharged 1/419th of the cost to fix it, but we have to stop illegal dumping on this lot if this moves forward for an approval, correct?

CHAIRMAN FRYER: I would have to -- I think it's a little more complicated and I think also beyond the jurisdiction of the Planning Commission.

COMMISSIONER SCHMITT: Right.

COMMISSIONER SHEA: Exactly.

CHAIRMAN FRYER: There are the arguments, I think, that could be made on both sides of this issue having to do with what's called a prescriptive easement. And I'm not going to -- I'm not going to certainly be giving legal advice. But we need to let the chips fall where they may in the event of a private civil action as to who pays for this.

Having said that, Mr. French, did you want to be heard?

MR. FRENCH: Yes, sir. Thank you. Just one more time. I believe -- and to comment on Commissioner Schmitt's comment is that the HOA has already identified that they are working with Code Enforcement on a neighboring lot.

With regard to the school district, although they are not subject to local permitting, they are still subject to the Florida Building Code and all other state statutes by private providers, so they would have to demonstrate that, and they do that in-house.

With regards to this property -- and I'll allow the petitioner's representation to identify that,

but I believe it's identified that the petitioner is coming forward, and they're even identifying that they're willing to put an easement in there to allow for drainage to occur. Now, it's all still subject to permitting and design elements, but I believe that the petitioner has already identified that, that she was willing to work with the community on that. But I'll leave that up to Margaret and let her identify that with you.

CHAIRMAN FRYER: Thank you.

Ms. Emblidge.

MS. EMBLIDGE: Yes.

CHAIRMAN FRYER: Vice Chairman Schmitt, go ahead.

COMMISSIONER SCHMITT: Follow-on question. Who owns the property to the east, the rather large house, two tennis courts?

MS. EMBLIDGE: That's the recreation.

COMMISSIONER SCHMITT: That is the recreation area?

MS. EMBLIDGE: Yes. And that, obviously, is owned by the HOA clubhouse.

COMMISSIONER SCHMITT: Because I would have to believe there's significant runoff from that property as well. I mean, there is -- I look at this, and there is -- there are solutions to this from a standpoint of the property, but it would certainly involve this homeowner as well as in regard to creating some sort of detention area/retention area for a dry storage to accept water. But that would have to be engineered, and that would have to be in -- through the HOA to pursue that. But, yeah, that far exceeds our authority up here.

MS. EMBLIDGE: Right. Well, going through this process with the applicant and having a number of discussions with staff and also at the NIM meeting having conversations with the property owners there, it's obvious to me that they've been having stormwater issues for a long time and, as I mentioned earlier, this property -- it's not this property's responsibility to fix those issues. And, as I mentioned, the reason why it retains water is because it hasn't been developed yet. It hasn't had the fill on it like all the other properties that are in the neighborhood. And so just because it's lower means it's going to retain water.

COMMISSIONER SCHMITT: Right.

MS. EMBLIDGE: And the applicant has already agreed to this condition that staff has recommended to, basically, come up with an agreement of sorts to -- regarding the stormwater issue. And, you know, quite honestly, the last part of this that says, or the owner will, basically, get an ERP modification, that's not their responsibility to get an ERP modification. It's the HOA's responsibility to pursue any amendments or assessments of their stormwater system. And I'm just going to leave it at that, and I'm open for questions.

CHAIRMAN FRYER: Thank you. Any questions for the applicant?

(No response.)

CHAIRMAN FRYER: If not, let's hear from staff.

MR. BOSI: Staff has already provided the consistency determination and recommendation of approval upon the proposal. Like I said, it's one additional lot. From a zoning standpoint, it's not an issue.

The issue is -- and we've had -- and in your packet -- in your packet the photos that the gentleman -- and your photos are still up here, so don't forget them, sir. They were in your packet towards the back.

There was a submittal -- a two-page submittal from Brett Rosenblum, who is one of our licensed engineers on staff, went out there, reviewed against the existing ERP. The existing ERP from the District doesn't designate this area as anything related to the drainage system.

But that's what -- the recommendation that we came from was just to recognize the drainage pipe that they do have on the property, provide the easement to the HOA and to the county in recognition of that. But it's nowhere in -- and he hasn't been able to find where that pipe has been approved within the ERP from a county standpoint.

CHAIRMAN FRYER: But Section 5.6, the drainage matters, is something that has been

agreed to between staff and the applicant?

MS. EMBLIDGE: Yes.

MR. BOSI: Yes.

CHAIRMAN FRYER: Okay. And staff is satisfied that this would be a reasonably fair equivalent surface-water remediation in comparison to what's going on now?

MR. BOSI: Yes, correct.

CHAIRMAN FRYER: Okay. Thank you. Thank you.

Let's see, have we closed -- I think we did, did we not? Do we have further speakers, Mr. Youngblood?

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

CHAIRMAN FRYER: All right. Anyone in the room want to be heard on this? Okay, sir. You've already been heard, haven't you?

MR. TANGHE: Yes, I have. A few brief comments, if you don't mind.

CHAIRMAN FRYER: With leave of the Planning Commission, what say, you, Planning Commission?

COMMISSIONER SHEA: Let him speak.

CHAIRMAN FRYER: Any objections? Come forward, sir.

MR. TANGHE: Thank you very much.

One of my other concerns -- first of all, as I mentioned earlier, I'm saddened that our original owner, resident, vice president of the Board, historian is not here. He reminded me on a couple occasions that we did attempt on a couple of occasions to purchase that property.

One of the things that -- in the correspondence from, I believe, staff to Ms. Emblidge was a Correction Comment No. 1 that said, please provide a letter of no objection from the Plantation Homeowners Association, Incorporated, to the change in designation from recreation area to residential. I'm sorry, but we're not willing to provide that letter.

CHAIRMAN FRYER: That's pretty clear in the record. We've seen your record.

MR. TANGHE: Thanks.

CHAIRMAN FRYER: You're in vehement, I think --

MR. TANGHE: Yes.

CHAIRMAN FRYER: -- or maybe adamant opposition, so you're clear on the record where you stand.

MR. TANGHE: Thank you so much.

CHAIRMAN FRYER: Thank you.

Anybody else in the room want to be heard on this?

(No response.)

CHAIRMAN FRYER: If not, we'll close the public comment portion of the hearing. And we've got four of us here. We need a vote of four to pass it.

COMMISSIONER SCHMITT: I make a recommendation to approve the PUD amendment as stated with the stipulation as noted in Paragraph 5.6, and that's for the Plantation PUDA.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SPARRAZZA: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously 4-0. Thank you.

COMMISSIONER SHEA: Can I just offer a comment?

CHAIRMAN FRYER: Go right ahead.

COMMISSIONER SHEA: I guess sitting up here and going through and following the regs, I sometimes feel like, for the communities, they don't know where to go when they have these problems, and I feel inadequate because I don't know what to tell them, how to solve them, but I think, like you're saying, a basic engineering review. I can tell you in our community, which is nowhere near as old as that, we found a lot of flow problems are just clogged pipes from years and years of sediment, from things like that. But I always -- I don't know what to tell them to help them.

COMMISSIONER SCHMITT: Typical problem here is what -- eutrophication. The ponds have been in for 30 years. They just build up sediment upon sediment, and they lose their capacity, which requires dredging and maintenance in other areas.

That's probably why many of these communities that have CDDs now, they're a taxing authority and they raise taxes to pay for that. That's -- it's part of the H -- O&M that they pay.

The older communities, many of them, were built without the CDDs. That's one of the -- truly one of the benefits of being a CDD, because they can raise revenue to do that.

The real answer, though, is -- and we've always done this in the past, when I was on the staff, to contact the county engineer and the county stormwater folks. They would gladly come out. I know what they're going to say, though. You're going to have to hire a private engineer to do an evaluation and assessment.

But I -- Jamie, we still have staff go out and evaluate these when we get issues, do we not?

MR. FRENCH: Thank you, Commissioner. I apologize for waiting to be recognized.

But the -- Brett Rosenbaum is one of our county engineers. He's the engineering manager along with Jack McKenna. Brett covers the review of the projects, where Jack really focuses more so on the inspection fieldwork. But, yes, either Brett or Jack are out in that community, mostly Jack, all of the time. So we -- I believe that the -- in this particular case, there was recommendations made.

And, quite honestly, Commissioner Shea, a homeowner within their HOA, if they're seeing the flooding, they can report themselves to Code Enforcement, and we'll be happy to open a code case and, under Chapter 162 of the Florida Statute, we have a requirement to serve.

So we'd be happy to open a code case on this. All they have to do is call our Code Enforcement office, and they have some -- they have to identify themselves under 162, and we'll be happy to open a case on them. And then if need be, what we do is we go after the HOA or, in this particular case, we would address it with the HOA if it's a community-wide problem.

COMMISSIONER SHEA: Do you understand that?

MR. TANGHE: I do. And we've had several --

CHAIRMAN FRYER: You have to come forward, sir, if you're going to speak.

COMMISSIONER SHEA: I just don't like loose ends, I'm sorry.

MR. TANGHE: I'm sorry. And I do appreciate the opportunity as well. We have had several discussions and meetings with Mr. Rick Orth with the county, and he's identified a few problems where we've been a bit lax. He -- originally, to the best of my knowledge, he originally rejected the request from the applicant. And then he doesn't -- he told me, Jay, I don't know how it's gotten this far, actually.

We do have a couple of issues that need improvement, and those are in the works. And, again, when that school was built, they destroyed half of our egress water. And history, perhaps. Water over the damn. Call it that. But we're in trouble. And that's why we've been in real good communication with Mr. Rick Orth with stormwater management.

Jamie, I know you know who Rick is, I believe.

And he's been amazing. Actually, did -- took time, wrote us a report outlining some of our shortcomings, was on his hands and knees, and he took pictures of the fact that that culvert

originally built goes from our pond under the road to our recreation area. And, by the way, talk about compatibility, that house is going to just stick out like a sore thumb. When you drive into our beautiful community, we have a lake, and we have a recreation area. The houses don't start until, oh, an eighth of a mile. Anyway, thank you.

CHAIRMAN FRYER: Thank you.

MR. TANGHE: Thank you, again.

CHAIRMAN FRYER: That will conclude our hearing of the Plantation matter.

We had asked Mr. -- well, first, is there any old business? I don't believe there is.

***Okay. Under new business, we had asked Mr. Bosi to be prepared to give us, perhaps, a more detailed explanation of the Live Local law. Considering the hour, we may or may not want to postpone that. It's very important information. So I'll ask the Planning Commission, do we want to hear from Mr. Bosi now or put that out to another --

COMMISSIONER SHEA: Are you just talking about a few -- like 10, 15 minutes? Because I'd like to do it.

COMMISSIONER SPARRAZZA: Ten minutes worth, and then we can do some research before we reconvene.

COMMISSIONER SHEA: Perfect. We'd like to hear a little bit.

CHAIRMAN FRYER: All right. Thank you.

Mr. Bosi, you're on, sir.

MR. BOSI: Again, Mike Bosi, Planning and Zoning director. And we're not going to need a tremendous amount of time.

The Chair had provided the highlights, and that's all that this slide is really going to do. There's a lot of uncertainty that's related to this new legislation. It hasn't been codified within statutes yet, but this is -- we know it will become effective in -- July 1st.

How it is going to apply to the county, there's still some discussion that we're going to have to have with our County Attorney's Office and the administration.

But, basically, here's the high components of it. It requires counties and municipalities to authorize multifamily and mixed-use residential as allowable uses in any zone -- area zoned commercial or mixed use if at least 40 percent of the residential units in the proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in Section 420 of Florida Statutes which has the allocation for the low, very low, moderate, and then the gap, which is at the 120.

So if 40 percent of a multifamily complex is income restricted for 30 years at 120 percent, that's an entitlement that we have no right to deny. It prohibits a county or a municipality from requiring a proposed multifamily development to get a zoning or a land-use change, special exception, conditional use, variance, or GMP amendment for building height, zone, or densities.

The height -- or the height of the proposal is related to the fourth bullet point. It prohibits a county or municipality from restricting the height of a proposed development authorized under the subsection below the highest currently allowed height for commercial or residential development in its jurisdiction within one mile of the proposed development, or three stories. Three stories is your base floor. If you're able to find something commercially or residentially zoned higher, that's what you're entitled to.

And it prevents a -- and the third bullet point down is the intensity/density that's associated with it. Cannot restrict density of a proposed development below the highest allowed density on county unincorporated land or land within a municipality, respectfully, where residential development is allowed. Currently, that's right at 92 units an acre, the mini-triangle. So think about it.

The mini-triangle, there are a number of buildings that are allowed at 162.5 feet actual. That's what the PUD says. Residential density is allocated at 92 units for an acre. That corridor at Davis Boulevard from the start of the mini-triangle down to Airport -- down to Airport Road, which is roughly a mile, all of that commercial property would be entitled to 92 units an acre,

entitled to 162.5 feet of intensity of height without a requirement for a rezoning or public hearing.

The challenge becomes, for the developer of that property, is how do you fit 92 units an acre in 168.5 feet within those parcels, because those parcels are not, by any means, large, large parcels. You're talking half an acre, three-quarters of an acre, maybe an acre. So it is a -- it would -- it becomes a challenge at the SDP side, because they still have to satisfy your parking, your water management -- your landscape buffers, all the components that are required of a -- of a development by our code, but they are entitled to that intensity and the height that's associated.

CHAIRMAN FRYER: Mr. Bosi, if all of these conditions are fulfilled, the matter doesn't come to the Planning Commission, it doesn't go to the Board of County Commissioners, and it's mandatory at the staff level. My question is, is what if a developer asks for some relief on a setback; does that -- does that go back into the Planning Commission and Board of County Commissioners, or do we know?

MR. BOSI: Yes, it would. If they asked for a relief on a setback, that would be a variance petition, and that variance petition would be before the Planning Commission or the --

CHAIRMAN FRYER: Or the HEX.

MR. BOSI: Or the HEX. And it would be something we would have to frame to the HEX as to what this is for. This is for the allowance of something that we did not have the authorization through the local channels but was authorized through the state statute. I'm not sure how much bearing that could weigh within the evaluation, but what I would say is variances are -- by nature are supposed to be related to the unique aspect of the geographic configuration of that parcel of land. To be able to justify the variance sometimes is a little -- sometimes can be a stretch. So there is some latitude that would be provided to the Planning Commission, Board, or the HEX if that was, indeed, the case.

CHAIRMAN FRYER: But that would be the only issue. You couldn't open it up and talk about density and height?

MR. BOSI: No, no. Density and height is what they're entitled to by statute.

CHAIRMAN FRYER: Got it.

MR. BOSI: And it was -- just as my own perception that the Florida -- and it was passed 109-6 in the House and 40-0 in the Senate, so this was bipartisan support. And my only -- my thought process is what they must have been thinking at the time is this has reached a critical point not just in Collier County, through all the coastal areas in the state of Florida, the housing affordability issue, that they wanted to take the targets off of the local city councils and board of county commissioners and say, you don't have a right to say in this. We are going to entitle at these levels to promote affordable housing, and we view that the public benefit associated with that is worth the restriction upon the home rule that is normally afforded to each county or municipality.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Yeah. You just mentioned the term -- is anybody challenging this based on the violation or an encroachment of home rule? There has been any -- I would anticipate there will be some kind of legal challenge and find this to be unconstitutional from a standpoint of taking away the authority and home rule.

And I'm going to caveat that because there are also federal actions in place under the current administration to -- in regards to equity and inclusion, which essentially is the same thing here. It's not affordable housing, but it was more criteria for equity and inclusion to force developments to meet certain criteria which I believe even -- would be more subject to -- probably deemed to be unconstitutional, but that really hasn't gone much anywhere.

But this is pretty significant, and I understand that. But I have to say that we will have to develop -- from a standpoint of exactly what we were talking about, going into areas that this may not be suitable, and if it does require some variation of a setback or others, it has to trigger some kind of a public hearing, because now we're talking about current codes for setbacks, for landscape buffers, preserves, which are going to be other things that are going to be impacted by this, that we're going to have to develop some kind of criteria that's going to -- this is not something that

should be at the Hearing Examiner. This would have to come through the public-hearing process, and that's just kind of my personal opinion.

CHAIRMAN FRYER: I agree wholeheartedly with that.

Commissioner Sparrazza.

COMMISSIONER SPARRAZZA: Mr. Bosi, a quick clarification. You were speaking before about on Davis from the Airport triangle all the way down to Airport-Pulling Road, and that many of those lots are half acre, maybe a full acre.

If I understood you correctly, if five owners got together that were adjacent and they came up with 6.2 acres and they could meet these five -- and I'm sure there's another 55 requirements -- they could put up a tower 168 feet whatever --

MR. BOSI: Yep.

COMMISSIONER SPARRAZZA: -- with 90 units per acre and never see the light of us or the Commission?

CHAIRMAN FRYER: Public, yeah.

COMMISSIONER SHEA: But that's if 40 percent was committed to at least 120 percent AMI.

COMMISSIONER SCHMITT: It's got to be affordable housing.

COMMISSIONER SPARRAZZA: Correct.

COMMISSIONER SHEA: But only 40 percent. And the question would be, how do you deal with somebody that comes and says I'll do 30 percent at 60 percent AMI. There's no opportunity to play with the percentage of AMI versus the percentage of affordable. It's just --

MR. BOSI: It's a minimum --

COMMISSIONER SHEA: -- 40 percent, 120 percent AMI?

MR. BOSI: The minimum standard has to satisfy 420 --

COMMISSIONER SHEA: That's scary.

COMMISSIONER SCHMITT: Well, it's going to be financially a challenge. You're not going to see a lot of this, because 40 percent's a lot, especially if you're going to build a high-rise. I mean, a high-rise today costs a lot of money to construct.

MR. BOSI: And Mr. Johnson just pointed out to me, reminded me, it does have a 10-year sunset.

CHAIRMAN FRYER: Oh, yeah. That's a good point, 2033.

MR. BOSI: It does have a 10-year sunset within it but, you know, there's a lot between now and I think when you see the first development that takes advantage that will have to be decided between -- we've got a meeting on Monday just to talk with the County Attorney's Office by some of these just basic premises; how does that apply? What's their interpretation?

Unfortunately, I'm not the interpreter of the Florida Statute. There's -- you know, that's the court system that, ultimately, will, I think, have their say.

And what I -- think about -- think about the impact not only to the county, but think about, like, the City of Naples that have, like, a 45-foot height limitation. Well, there's a seven-foot -- or there's a seven-story hospital that's along a corridor that's all zoned commercial that is eligible per this statute for that type of intensity to be replicated along that corridor, and that has the potential to really change the built landscapes.

COMMISSIONER SCHMITT: Well, we could be like Dubai. Having been to Dubai probably 15 times -- I lost count -- we can probably look like that.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Oh, I answered mine already. Sorry.

COMMISSIONER SCHMITT: But I'm done. Thanks.

COMMISSIONER SHEA: I apologize.

CHAIRMAN FRYER: Thank you.

Mr. Bosi, anything further, sir?

MR. BOSI: Nothing further, but much more to come.

CHAIRMAN FRYER: Much more.

MR. BOSI: And we will -- as we develop our discussions and policies, we most certainly will seek guidance and collaboration with the Planning Commission.

But, you're right, ultimately, any variance that's associated with this type of a proposal most certainly should be -- you know, we would recommend that the Board of County Commissioners be ultimately clear that has to face the full Planning Commission and the Board of County Commissioners.

CHAIRMAN FRYER: Yeah. And I agree with the Vice Chairman on that, that it should not be a HEX matter. It should come to us.

COMMISSIONER SCHMITT: How does this impact areas in the Rural Fringe or the Rural Lands Stewardship that's already, quote, zoned for development, Sending and Receiving Lands, so that the underlying zoning is there? Can I go out on East 41 and all of a sudden build a 160-something-foot tower?

COMMISSIONER SHEA: Regardless of the infrastructure availability?

COMMISSIONER SCHMITT: Right.

MR. BOSI: It shows that you do know something about our GMP, because that's a conversation that the County Attorney's Office are -- we're going to have Monday, because the County Attorney's Office have pointed out some -- some differences between how those areas with the zoning overlays are treated compared to the base zoning, so there's a lot to sort out.

COMMISSIONER SPARRAZZA: Please stand by.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER SHEA: We could really lose --

COMMISSIONER SCHMITT: Fun.

CHAIRMAN FRYER: Thank you. Thank you for that.

COMMISSIONER SHEA: So much for the Growth Management Plan.

CHAIRMAN FRYER: Informative presentation, and it gives us quite a bit to think about. Is there any public comment? I don't see any members of the -- well, not too many. If not, and without objection, we're adjourned.


April 6, 2023

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:31 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on 5/4/23, as presented  or as corrected _____.

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