

April 20, 2023

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida,  
April 20, 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  
Robert L. Klucik, Jr.  
Paul Shea  
Chuck Schumacher  
Christopher T. Vernon  
Amy Lockhart, Collier County School Board Representative

ABSENT:

Joe Schmitt, Vice Chair  
Randy Sparrazza

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.

The April 20, 2023, meeting of the Collier County Planning Commission will come to order.

Everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Mr. Secretary, would you please call the role.

COMMISSIONER SHEA: Commissioner [sic] Lockhart?

MS. LOCKHART: Here.

COMMISSIONER SHEA: Here.

Commissioner Schumacher?

COMMISSIONER SCHUMACHER: Here.

COMMISSIONER SHEA: Commissioner Sparrazza is not here.

Commissioner Klucik?

COMMISSIONER KLUCIK: Present.

COMMISSIONER VERNON: I challenge that.

COMMISSIONER SHEA: You saw that?

COMMISSIONER VERNON: That guy's -- Klucik's got this big Abe Lincoln beard. So who are you?

COMMISSIONER SHEA: Commissioner Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER SHEA: Commissioner Shea is here.

Commissioner Schmitt is not here.

And, Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER SHEA: So we have a quorum, sir.

CHAIRMAN FRYER: Thank you very much, Mr. Secretary. Quorum of five.

Addenda to the agenda; I'll start this, Mr. Bellows, and then ask you to fill in any blanks that I miss on.

But due to a defective notice situation -- it was really -- certainly not the fault of the applicant. Sometimes these things just happen -- we're unable to hear the first two matters, the Shamrock matters, this morning. And since the notice itself was defective, we don't -- according to the County Attorney, and I agree with her, we really don't even have the option to hear speakers like we would if there were not a fundamental defect in the reason why we can't hear this matter. So we don't have the liberty to even ask the speakers if they wanted to choose between speaking today or speaking on the day when we continue this matter to.

So with our apologies, we'll have to excuse the speakers -- the members in the audience who wish to speak. Of course, they're welcome to stay, but I can't imagine they would want to.

But in any event, having said that -- and it's my understanding that the -- having talked to the applicant's counsel on this, that the appropriate date to continue this to would be our second meeting in May.

MR. BOSI: May 18th.

CHAIRMAN FRYER: May 18th. So we'd be continuing to a date certain, and that would be May 18. May I have a motion to that effect, please.

MS. ASHTON-CICKO: And the matter will be readvertised, just for the record.

CHAIRMAN FRYER: Yes.

Commissioner Vernon, did you want to be heard, sir?

COMMISSIONER VERNON: Yes, if you don't mind, just so I can get a sense -- since, apparently, some people did come out to speak on this issue, if we could just get a -- if you don't mind, get a show of hands. I'd like to know how much opposition there is. This would be people

opposed to the one that's being continued. So we've got about a dozen people. You can't only one -- you can only vote once.

CHAIRMAN FRYER: One hand.

COMMISSIONER VERNON: Okay. Thank you.

Thank you, Mr. Chair.

CHAIRMAN FRYER: Thank you.

And, again, my apologies to the members of the public. Whenever possible we give you the option to speak on the day that you first appear or when it's continued to, but now, due to the fundamental defect, we really can't even have a meeting on that today. So apologies to you, and thank you for coming in.

Mr. Bellows, did I leave anything out on that?

MR. BELLOWS: No, you got it all. We have no other changes.

CHAIRMAN FRYER: Okay. Thank you.

Planning Commission absences; our next meeting is on May 4, 2023. Does anyone know if he or she will not be able to be here on May 4?

COMMISSIONER KLUCIK: I will not be here.

CHAIRMAN FRYER: Okay. And the vice chairman will also not be here, so that will take us down to five, hoping that everybody else will be in attendance, but we'll --

COMMISSIONER SHEA: I'll be here.

CHAIRMAN FRYER: Good.

COMMISSIONER VERNON: I have my phone off. I'll let you know in two minutes.

CHAIRMAN FRYER: Okay. Good. Thank you.

Same question for May 18, which is our second May meeting. Anyone know if he or she will not be able to be in attendance for that meeting?

(No response.)

CHAIRMAN FRYER: Thank you. So we should be okay.

Approval of minutes; we have one set today in front of us for action. Those were our meeting of March 16, 2023. Any corrections, changes, or additions to those minutes?

(No response.)

CHAIRMAN FRYER: If not -- Mr. Bosi?

MR. BOSI: Oh, I'm sorry. I did want to approach the Chair and the Commission. We do have a request for a nighttime hearing at a future CCPC date. I don't know if you want to take care of that now, or would you like to take that up under new business?

CHAIRMAN FRYER: We'll do it now. What --

MR. BOSI: We're proposing July 6th is -- the 15th of June is canceled because the Board of County Commissioners has a budget hearing in this -- in these chambers. So the June 15th meeting is canceled.

The next meeting is July 6th. We're going to have a number of petitions on there. We will have a start date -- or a start time that reflects what we expect the time, and then we would have our 5:05 meeting. It is for the East -- East Naples EZO Overlay, which is to implement the East Naples Development Plan that has design standards for auto-oriented type of uses, car washes, self-storage facilities, those type of things. It's been a long process with the community.

But we need -- because it's going to place some restrictions and add some additional uses to the LDC, it requires a 5:05; it requires a night meeting.

CHAIRMAN FRYER: Okay. Thank you.

Planning Commission, how does July 6th look for you for a 5:05 p.m. meeting?

COMMISSIONER SHEA: It's probably the only day in the whole year I couldn't do.

CHAIRMAN FRYER: Oh.

COMMISSIONER SHEA: I'll be on vacation.

CHAIRMAN FRYER: Okay. Other planning commissioners?

COMMISSIONER SCHUMACHER: I'm not sure at this point. I'll let you know.

CHAIRMAN FRYER: Okay. Well, let's set it down for July 6th, and --

MR. BOSI: And I will -- we will reach back out to the Planning Commission, remind them of the July 6th night meeting and try to canvass and make sure we can -- that we -- if we do -- if we can get a quorum, and is the quorum going to be available for the July 6th and, if not, we will try to push it out to the closest date to that July -- maybe it will be July 20th if the 6th doesn't work out for everybody.

CHAIRMAN FRYER: Okay. Thank you very much.

We were -- we were approving minutes, and I think I'd asked for a motion. Let's do that again. Motion to approve, please.

COMMISSIONER SCHUMACHER: Motion.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor of approving the minutes of March 16 as presented, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you very much.

BCC reports/recaps, Mr. Bellows.

MR. BELLOWES: Yes. On April 11th, the Board of County Commissioners heard on their summary agenda the Forest Glen PUD amendment. That was approved on that agenda.

CHAIRMAN FRYER: Thank you. Forest Glen, okay.

So Chairman's report; none today.

Consent agenda; none today.

Public hearings; so we have, have we not -- we've continued Shamrock to May 18, correct?

COMMISSIONER SHEA: Uh-huh.

CHAIRMAN FRYER: Okay. So I already thanked members of the public. Thanks to the applicant. And we will see everyone on May 18.

\*\*\*That takes us to the second items on our docket, and they also are companions, as the first items would have been. This is the PL20210000419, Collier Boulevard Mixed-Use Commerce -- Commerce Center MPUDA, and the PL20210000150, the Golden Gate Commerce Park MPUDA.

Now, these look a little different from our usual companions because they're two separate pieces of property. But it's been proposed, and I certainly recommend, that we hear them together for the following reasons: First of all, the properties are owned in common by LLCs owned by the Albercia family. Pardon me if I'm not pronouncing it correctly; the parcels are contiguous; and the applications are reciprocal and complement one another in a sense that in one place residential uses are being removed and the other lot residential uses are being added. So it seemed logical to me that we hear them together.

Of course, we want to ask the presenters to be clear so that we all understand when we're talking about Golden Gate versus Collier. And when we get to the time of voting, we can either -- vote on them separately, particularly if there's going to be a different vote on them -- on each of them.

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Yes, sir. Go ahead.

COMMISSIONER KLUCIK: Just an administrative matter. I think all of our monitors are showing something different, so --

CHAIRMAN FRYER: Oh, all right.

COMMISSIONER KLUCIK: -- which is very weird.

CHAIRMAN FRYER: Can Mr. Miller or Mr. Youngblood or anybody who has the requisite skill please help us get our monitors displaying the same material.

Okay. So without objection, we will -- we'll proceed along those lines.

Commissioner Vernon, did you have something?

COMMISSIONER VERNON: Yes, sir. I just wanted to -- I didn't want to interrupt you, but I cannot be here on May 4th, so I don't think you'll have a quorum. I have a summary judgment hearing, so -- and I can be here on the 18th.

CHAIRMAN FRYER: Okay.

COMMISSIONER KLUCIK: Do you want to know what I'm doing on May 4th?

COMMISSIONER VERNON: No.

COMMISSIONER KLUCIK: I'm going to be on a silent retreat for four days.

CHAIRMAN FRYER: You?

COMMISSIONER KLUCIK: Yes, I know. That's the only reason I mention it.

COMMISSIONER SHEA: Can you record that for us?

COMMISSIONER KLUCIK: I'll live stream it just for everyone's entertainment.

CHAIRMAN FRYER: Well, any bets want to be taken at this point?

COMMISSIONER SHEA: How long you last?

CHAIRMAN FRYER: If you only last five minutes, you can still make the meeting.

COMMISSIONER KLUCIK: I'll be in Nebraska.

CHAIRMAN FRYER: Okay. All right. Well, understood.

Let's see. Okay. Now we're --

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Now we're having to look at ourselves, which is -- I'd rather have different screens.

Okay. So let's go to all those wishing to testify in these companion 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. Disclosures, ex parte, starting with Ms. Lockhart, please.

MS. LOCKHART: Reading materials only; staff materials only.

COMMISSIONER VERNON: No disclosures.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Public materials and meeting with staff.

COMMISSIONER KLUCIK: Staff meeting and staff material.

COMMISSIONER SCHUMACHER: Staff materials only.

CHAIRMAN FRYER: Thank you.

With that, applicant, you are recognized, and may have the floor.

MR. DIMARIA: Thank you, Chairman. If you give me one moment just to pull up the presentation.

CHAIRMAN FRYER: Okay.

MR. DIMARIA: And if you bear with me. I originally intended to share these and go over these applications separately; however, I'd be happy to merge them into one and then proceed as you directed, sir.

CHAIRMAN FRYER: Thank you. Don't forget to introduce yourself, and then we'd be happy to hear you.

MR. DIMARIA: Absolutely. My name's Philip DiMaria. I'm a certified planner with

Kimley-Horn. I have been sworn. I'm an agent for --

COMMISSIONER KLUCIK: What was the name?

MR. DiMARIA: DiMaria, D-i-M-a-r-i-a.

COMMISSIONER KLUCIK: Any relation to our former fire chief?

MR. DiMARIA: Unfortunately, no.

CHAIRMAN FRYER: Just asking.

MR. DiMARIA: It's my pleasure to be here before you today, Chair, Vice Chair, Secretary, Commissioners.

Once again, Philip DiMaria. And with me today is Christopher Hatton, professional engineer and traffic engineer. Both with Kimley-Horn.

And we're representing Benderson Development in their LLC, New Magpond, specifically for this Collier Boulevard piece and then on the Golden Gate piece, similar ownership. They own, respectively, the two eastern portions of the PUDs, and we're here before you speaking about PUD amendments.

Just a brief summary of the request. These amendments are focused on the commercial development portion of the PUD. The focus is on renaming the commercial development to a commercial mixed-use district to more accurately reflect the types of uses permitted and requested within that portion of the PUD.

Along with the already permitted commercial uses, we'd like to add a multifamily use. There are no changes proposed to the residential district, and it's my understanding that you previously saw, in a prior application, maybe some modifications to the western portion of the site maybe one or two hearings ago.

There are additional modifications just to update development commitment language, Land Development Code, and Growth Management Plan references, more clerical in nature, as well as to recognize the separate ownership of the residential district.

Contextually, this is the location. I know you-all are familiar with it, but the northwest quadrant of the Collier Boulevard and I-75 interchange in the eastern stretches of Collier County. This is within Interchange Activity Center No. 9 and, once again, there's an existing mixed-use commercial center PUD that was originally approved in 2001 -- hard to believe it, but more than 20 years ago -- that approved residential units primarily focused on the western portion of the PUD, and there's 433 dwelling units as well as a commercial entitlement of 240,000 square feet of retail, 30,000 square feet of office, and 150 hotel rooms. And that's focused on the eastern portion that we'll be discussing today.

Just a brief overview of Interchange Activity Center No. 9 and the Innovation Zone. This is a recent initiative, specifically the Innovation Zone by Collier County, publicly initiated, and we've been working closely with staff, Tim Finn and others, to recognize that economic development is a key motivator and planned sort of engine in this area. And we feel like the modifications to the PUDs that you'll see today inform and support that urban planning, if you will.

Zooming in just a bit, this is a high-energy area currently with a lot going on. The Paradise Coast Sports Complex, of course, and the Wolf's Lodge in that location. There's the Uline shipping supplies or distribution facility, the City Gate Commerce Park all on the eastern side of Collier Boulevard, and then on the western side there has been some development over time, specifically the schools and Noah's Landing Apartments, and now we're talking about energy moving forward south of Noah's Way, and both on -- in the Golden Gate Commerce Park and the Collier Boulevard Mixed-Use Commerce Center.

The site plan itself -- and this is included within your application materials -- once again, focused on that commercial mixed-use portion, the 25.3 acres that you see to the eastern -- or the right side of your screen. We're not touching that residential 43.3 acres on the western portion. We're maintaining the preserve lands that are maintained within the PUD as well as all easements and right-of-way dedications required and requested by Collier County.

Just a brief overview of the currently approved permitted uses. Everything from car

dealerships to hotels and motels are already permitted within this commercial district. The addition of multifamily is consistent with sort of a transitional use, something of higher intensity and density located at the interchange and is compatible with the existing uses.

From a more historical standpoint -- and I know you-all are very familiar with this. I think early 2000s and prior we looked to separate commercial and residential uses, whereas in these times multifamily is seen as a compatible use and even a contributing use to commercial, as there's a good relationship between them.

So at the heart of the request, we're asking for -- permit multifamily uses at 16 dwelling units per acre within the commercial mixed-use district. There are specific development standards for that multifamily use that match the existing commercial development standards in terms of height, bulk, architecture, et cetera, and then amending the PUD master plan to revise some of those preserve locations and to reflect them, as well as the vehicle interconnection points and buffer locations.

These are those bulk standards that were discussed. So a maximum building height of 50 feet within that commercial mixed-use portion that's already permitted within the commercial entitlement.

And as with every petition, an analysis of both compatibility with the Land Development Code as well as the Growth Management Plan is required. Your professional staff, Tim Finn and others, have highlighted that in your staff report and have done an excellent job. But these are just a few Growth Management Plan specific policies that find this consistent with the overall objectives of Collier County's long-term plan.

And we also like to recognize that the infrastructure improvements occurring in this area, FDOT and Collier County, are both making large infrastructure improvements as it relates to transportation. There are FDOT planned improvements including the improvements to the interchange with the cloverleaf that will improve access and circulation around the site and near the site.

Once again, just a summary of the request: Permitting multifamily dwelling units in the commercial mixed-use district. This will support additional residential development in the Innovation Zone; there are no changes to that western residential district at this time. They're not owned by this applicant; and the PUD modifications, updated development commitment language, Land Development Code and GMP section references, and recognize that separate ownership of the residential district.

This will, once again, support the flexibility for residential development within the Innovation Zone. It will provide additional housing opportunities for Collier County in an area with high access to jobs, retail, and transportation options and infrastructure, and promotes the mixed-use development in the commercial district.

CHAIRMAN FRYER: I have a couple of questions or comments here, if I may interrupt you.

MR. DiMARIA: Absolutely.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

So I am wondering -- we have -- the residential tract, obviously, is to the west, if that map is oriented, and then that's staying the same -- that's where the current 436 is?

MR. DiMARIA: Four hundred thirty-three, that's correct.

COMMISSIONER KLUCIK: Four hundred thirty-three, okay. And so the residential that you're -- you're adding the acreage. Well, you're asking for the increase in the overall space, but my question -- I mean, you just said that you don't have current plans to change the residential because you're not the owner of it, or the applicant is not the owner of it?

MR. DiMARIA: So those -- yes, sir, great question. So the 43 acres on the western side that you see un-highlighted here --

COMMISSIONER KLUCIK: Right.

MR. DiMARIA: -- that is not owned by the applicant, and that has a residential entitlement of 433 units.

COMMISSIONER KLUCIK: So you're asking, though, to consider the whole zone there for the density calculation?

MR. DiMARIA: For the 16 units per acre, that's correct, sir.

COMMISSIONER KLUCIK: Right. And then -- but down the road, then, that 836 could be anywhere? I mean, are we changing the residential tract to also be mixed-use?

MR. DiMARIA: No, sir.

COMMISSIONER KLUCIK: So you could only have residential on the portion that's residential now, to the west? The 43 acres to the west can only be residential if this were approved?

MR. DiMARIA: Their property rights are completely maintained through this change. The --

COMMISSIONER KLUCIK: But do they have an additional right to do mixed-use, then, based on this application?

MR. DiMARIA: No, sir.

COMMISSIONER KLUCIK: Okay. All right. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Are you done?

MR. DiMARIA: Yes, sir, I can be.

COMMISSIONER SHEA: Okay. I didn't want to cut you off. This is more feedback for me. I look at where it is in the activity center and residential, and you're just going for the density you can get without having -- looking for an affordable housing bonus where you could put more -- I'm just wondering why the developers wouldn't consider putting some affordable housing and going for a little higher density if that's -- what's the logic why you wouldn't do that?

MR. DiMARIA: Absolutely.

COMMISSIONER SHEA: The incentive isn't strong enough or --

MR. DiMARIA: So it's my understanding -- and this is prior to my involvement with the plan. But it's my understanding that at one point in the early 2000s and prior to the recession, there was an affordable housing sort of component to this, and a payment was made in lieu of providing affordable housing units. And I'd rely on staff, who maybe have a little bit better history, to explain that.

During the recession, those pieces and portions of the affordable housing commitment were removed, and now here we are in 2023 staring in the face of potentially another recession. We've already been down that path. So at this time there's not interest in utilizing the affordable housing commitment moving forward to get the densities requested.

That all being said, from a mixture of units and unit types, in this location, of course, Noah's Landing and some of the apartment units in the area do have an affordable housing component to them, so this would provide just a mixture of housing types and stray away from concentrating affordable housing in a specific area of the county.

COMMISSIONER SHEA: It just seems like it's a good area to put it.

MR. DiMARIA: Absolutely, sir. That's good feedback. Thank you.

CHAIRMAN FRYER: Anything further, sir?

MR. DiMARIA: That's all, sir. Thank you very much, sir.

CHAIRMAN FRYER: I have a few questions for you. No one else is signaling at this point, so I'll go ahead and ask them.

With respect to uses, permitted uses, and I'm talking now principally about the northwest parcel that was originally permitted out back, what, 20 years ago, and so a lot has certainly happened then, and among other things that have happened is there's been an interpolation of an Innovation Zone, which you mentioned, it's now part of an Innovation Zone. And its



compatibility, I think, is important when viewing an Innovation Zone.

So when you looked at some of these older uses that you are currently entitled to, did you view them in relation to compatibility with an Innovation Zone? I notice that you struck some out.

MR. DiMARIA: That's correct. So it's a good question, and I think there's -- you know, we're -- this particular presentation that I gave is focused on the -- at that -- on that southern parcel south of Magnolia Pond Drive. We, of course, have the piece north as well that has some additional kind of strikethrough/underline language, but --

CHAIRMAN FRYER: I thought we were going to hear these together.

MR. DiMARIA: Absolutely, and I just wanted to state that --

CHAIRMAN FRYER: Okay.

MR. DiMARIA: -- for the record.

CHAIRMAN FRYER: Okay.

MR. DiMARIA: For this particular commercial mixed-use portion, though, you know, the addition of multifamily is seen as just a transitional use, right? We have those -- those high-traffic interchange type material roads in the area, whether it's Collier Boulevard or I-75.

CHAIRMAN FRYER: Now I'm talking about the Golden Gate piece.

MR. DiMARIA: Oh, excellent. Very good.

CHAIRMAN FRYER: And so, you know, here, I call it the northwest parcel. It's -- in relation to the other one, that's where it is. And if memory serves, you're going to have, basically, a retail strip fronting on Collier and then behind it a metals fabricating operation of some kind, correct?

MR. DiMARIA: That's correct, sir.

CHAIRMAN FRYER: Okay. And you'll grant me that this is in an Innovation Zone?

MR. DiMARIA: That's correct.

CHAIRMAN FRYER: Okay. And also that you did, I notice, act to voluntarily remove some of your entitled used, and I assumed from that that it was because -- at least in part because this is an Innovation Zone and some of those aren't particularly innovative.

MR. DiMARIA: That's correct.

CHAIRMAN FRYER: Correct so far?

MR. DiMARIA: That's correct.

CHAIRMAN FRYER: All right. Then with all of that in mind, I'd like you to consider some additional uses that were left in there.

MR. DiMARIA: Okay.

CHAIRMAN FRYER: And I would ask you, respectfully, to consider removing them on the grounds that they are absolutely, positively inconsistent with an Innovation Zone.

And I'm not being critical of you for having left them in, but I just -- you know, we're here to modernize; we're here to provide not only for now, but for the future. This is an Innovation Zone; let's innovate.

All right. Industry, 7993, coin-operated amusement devices. I can read through these, but I think you can imagine what they're all about. Do I need to read through them and you tell me whether any of these you need to retain, or can we just strike all of those?

MR. DiMARIA: We'd be happy to listen to any and all feedback, sir.

CHAIRMAN FRYER: Okay. Here's my feedback: Amusement devices, parlors, coin-operated amusement machines, arcades, gambling establishments, jukeboxes, mechanical games, pinball machines, slot machines, video game arcades.

MR. DiMARIA: Absolutely happy to strike those, sir.

CHAIRMAN FRYER: Thank you very much. Okay. So that's the sum and substance of 7993.

And then let's look at 5999, which includes miscellaneous retail and calls out the following: Tombstones; auction rooms; pet shops; sales barns, whatever they are; police supply stores; engine and motor equipment supplies and parts; farm tractors and other equipment; feed

supplies; artificial limbs; incontinent care products; tropical fish; toilet preparations, whatever they are; alcohol beverage making equipment; precast concrete products; and last, but not least, condoms. Any reason why we can't strike those?

MR. DiMARIA: No reason, sir. Happy to strike those.

CHAIRMAN FRYER: Thank you. Then 8299, which includes -- and, honestly, I don't mean to be sarcastic. And if I say one that you think you'd like to keep, we'll talk about it.

MR. DiMARIA: Absolutely.

CHAIRMAN FRYER: 8299, baton instruction, charm schools, hypnosis schools, survival schools, automobile driving schools, truck driving training, airline training, and bartending school.

MR. DiMARIA: Happy to strike those.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHUMACHER: Can we keep the driving school? That's kind of needed. No, I'm kidding. I'm kidding.

COMMISSIONER KLUCIK: This is Florida.

CHAIRMAN FRYER: Yeah. Well, I mean, I'm just -- honestly, I would entertain any discussion on any of these either from the dais or from the applicant. I'm just right now proposing that, to me, they don't seem like they're consistent with an innovation center. Were you serious, or were you --

COMMISSIONER SCHUMACHER: No, I was kidding.

CHAIRMAN FRYER: Okay. Thank you.

All right. 5399 includes salvage stores.

MR. DiMARIA: I think we're happy to strike those as well.

CHAIRMAN FRYER: Thank you. 8099, which includes medical photography and art; physical examination service except by physicians, which has always been a curious one; plasmapheresis centers; blood donor stations; eye banks; organ banks; and sperm banks.

MR. DiMARIA: Happy to strike them.

CHAIRMAN FRYER: Thank you. 6799 includes holding, buying, and selling tax liens.

MR. DiMARIA: Happy to strike.

CHAIRMAN FRYER: All right. Thank you. And I appreciate your flexibility on that. That gets me a long way toward where I need to go, and I think it now is much more in line with an Innovation Zone, and honestly -- and I'm glad you seem to agree that this doesn't take away from any of the things that you're going to want to be doing. So I appreciate your working with me on that.

And let me see if I have -- oh, let's talk about the developer commitment agreement. And I'm going to ask staff to comment on this as well. We don't have a copy of it. Frequently we do. I'm not saying it's essential in every case that we do, but could you tell me your perception of the status of the discussions of the developer commitment agreement so that we know what we're not seeing?

MR. DiMARIA: Sure. I'll invite Todd Mathes to come up.

CHAIRMAN FRYER: Okay.

MR. MATHES: Thank you, Commissioners. Todd Mathes. I am the director of development at Benderson Development.

There was a developer's agreement back in 2008 where we prepaid 6- or \$7 million in impact fees. We gave some land. We did some common drainage and other things for the widening of Collier Boulevard, and we reserved Noah's Way through the project, the right-of-way.

With all that's happened on the other side of Collier Boulevard, with Uline and the sports park and everything, and the changes to the interchange coming along, the county has been working as fast as possible through the road design and alignment. We are happy to realign the right-of-way we are donating, and we are, I think, there, but that's really -- that ball has remained in the county's court to revise some exhibits, change the alignment of the road a bit, and result in some additional right-of-way donation by our company, which we volunteered, but it is still in

progress by the county.

It doesn't tie back to, really, the entitlement itself, because the entitlement's there; the developer's agreement is there. It's a little bit of trading of the land, a small portion of land.

CHAIRMAN FRYER: Thank you. Thank you. That clarifies it for me, and I appreciate that.

Those are all the questions and comments I have for the applicant. I'm going to have some for staff, and we'll get to that. Did you want to say something further about Golden Gate?

MR. DiMARIA: If you're pleased with the information you received, sir, I'd happily bide my time.

CHAIRMAN FRYER: Well, we can ask the Planning Commission. Commissioners, do you want to hear more about Golden Gate? We've trimmed back some uses. That took care of my concern. But what about any from up here?

Commissioner Vernon.

COMMISSIONER VERNON: Yeah, thank you, Chairman.

I think the NIM meeting lasted about 10 minutes, and there was no objections. Has any objection come up since then?

(No response.)

COMMISSIONER VERNON: Okay. I just wanted the applicant to address it before we heard from any objectors. Thank you.

CHAIRMAN FRYER: Thank you very much.

And thank you for your presentation, applicant's representatives.

We'll turn to staff now for its recommendations.

MR. BOSI: And just for following up on Commissioner Vernon's question, staff has not received any opposition letters or correspondence related to either of the petitions.

Within this area, it's an interchange activity center. The next Board of County Commissioners meeting, the Board is set to adopt the final adoption hearing for the CBIZO [sic] Innovation Zone, Collier Boulevard Innovation Zone, GMP amendment, as well as the LDC amendment, so those will be finalized. These are uses that are anticipated within this type of an arrangement by our Growth Management Plan. Higher density residential and in an area that has high employment opportunities is a very good mix in terms of synergy and spatial relationships that we want to promote.

We've reviewed the applications against the LDC and the GMP. Both have been found to be consistent, and both of them, I believe, further the intent of what the Growth Management Plan is trying to promote. Staff is recommending approval on both of them, and we'll entertain any questions that you had.

CHAIRMAN FRYER: Thank you very much. No one is signaling at this time.

Commissioner Shea.

COMMISSIONER SHEA: So the density they proposed, they don't need any -- they can do it under current regulations?

MR. BOSI: The current allocation in an activity center is 16 units an acre eligibility. The Board of County Commissioners is -- has transmitted a GMP amendment that the Planning Commission did endorse unanimously to increase that to 25 units an acre. It's where the Board recognizes that activity centers need to increase those opportunities and increase the densities around there, so that's why you're not seeing a request for an affordable housing density bonus or a GMP, because 16 units is an eligibility within this individual center.

COMMISSIONER SHEA: Could they go to 25, or do we have to wait till the commissioners act?

MR. DiMARIA: They would have to wait till the commissioners adopt that as part of the GMP. If they wanted to go beyond 16 right now, it would take a privately initiated GMP amendment, but that's not where they've requested.

CHAIRMAN FRYER: Thank you.

I have a traffic question that's just really mostly to make a record on what I think is an important point. Mr. Bosi, shall I give it to you or --

MR. BOSI: Yes.

CHAIRMAN FRYER: And we talked about this on Tuesday, and I just want to identify the fact that Segment 33.0 of Collier Boulevard looks like it's going to become deficient in 2024, which is next year. Now, that is a point of concern, but there are things to be said why we shouldn't become excessively concerned about that having to do with the five-year plan. Could you comment on that, sir?

MR. BOSI: And I would ask Mr. Sawyer to come up to comment a little bit more. But I will say that not only the improvements within our five-year plan, but the initiation of the I-75/Collier Boulevard interchange improvements that are initiated by the state is starting to happen right now, and that will provide for more capacity within the systems and the overall operational functionality. But I will -- I'll turn to the expert for that.

COMMISSIONER SHEA: Been called a lot of things, but never an expert, huh?

MR. SAWYER: I certainly have over the years, yes. For the record, Mike Sawyer, Transportation Planning.

Absolutely correct. We actually have two projects in the five-year work program. One is FDOT's interchange improvement. The other is our own project that we've got for Collier Boulevard itself, which is going to be going from four lanes to six lanes from the Golden Gate Canal up to Green. So at that point all of Collier Boulevard will be six-laned. We're anticipating both of those improvements to greatly enhance the capacity on the roadway.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Has the money for FDOT been approved? I mean, is that secured, or is it still a wish list?

MR. SAWYER: No, no, no. It's actually approved. Currently, they are working on design, which basically puts it into the construction phase, and that's where we are with our own project. So, yeah, they're both definitely going to be happening. Actually, FDOT advanced the interchange project. I believe -- don't quote me, but I believe it was two years, and perhaps Lorraine may have some more exact timing on that. But I know it was advanced.

CHAIRMAN FRYER: Thank you, sir. I think that's all we have on traffic.

MR. SAWYER: Thank you.

CHAIRMAN FRYER: Anything further from staff, Mr. Bosi?

MR. BOSI: No, that completes staff's report. Thank you.

CHAIRMAN FRYER: Thank you.

Mr. Youngblood, any members of the public registered to be heard?

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

CHAIRMAN FRYER: All right. Any people in the room who have not registered but, nonetheless, would like to be heard on this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing no hands up, we will close the public comment portion of the hearing, and the matter now falls in our hands. We've got two separate PUDs. They're closely related. We don't have to have EAC action, so it's just action on two MPUDs. And I'd open it up for discussion or a motion.

Oh, Commissioner Schumacher, I see you signaling.

COMMISSIONER SCHUMACHER: Just a quick question. We're looking at 846 units on this 43 acres, correct? So that's -- if we're going to 16 units an acre, are we using -- are we including the preserve as well. How are we getting to that eight four [sic]? Was everything added together?

MR. BOSI: When you have a mixed-use project, you take the entire acreage of that project to calculate the residential density. That is the overall gross density. The net density always results in a higher density than what the actual gross density is, so that's why the

discrepancy. But we're informed by the Land Development Code. When you have a mixed-use project, you take the entire acreage of the entire project, including the nonresidential acreage as well, to establish what the density. So, therefore, it's below the 16 units per acre, but the net effect is something that's higher.

COMMISSIONER VERNON: Including the preserve?

MR. BOSI: The preserve is part of that calculation.

COMMISSIONER SCHUMACHER: I just think if it's residential, it should just be residential. If you separate one side out for commercial mixed-use, the other side's straight residential, then it should be 16 on the 43. But, again, the code dictates differently which is --

CHAIRMAN FRYER: Your point is perceptive, and it's something that has been said many times up here before your arrival.

COMMISSIONER SCHUMACHER: And the other thing is we already have another full tail -- I call it full retail apartment complex going up on that same street right now, which we had in our last meeting to approve them to go to 50 feet. So if I can direct my question back to that traffic aspect, what are we looking at? We've got 800 units plus the other apartment complex going up. Is that two-lane road going to be able to handle that?

MR. BOSI: The capacity of the two-lane road, the local Magnolia Pond, it's not part of our AUIR system in terms of -- you know, in terms of volume, the capacity. We do, from an operational perspective, analyze that, and we've made a determination that there is significant capacity to handle the volume.

Let me point out, this is the interchange activity center. This is the most intense area that we have allocated within our Growth Management Plan. This is the place where we expect the most intense traffic.

Five hundred additional trips within this area doesn't make a blip. I mean, really, it is -- the volume of capacity and the amount of trips that are exchanged within this area is the highest that you have within -- anywhere within the county's transportation system.

COMMISSIONER SCHUMACHER: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

No one else is signaling at this time; therefore, I would entertain a motion for approval of these two PUDAs, and I will, again, read the name and number just so there's absolutely no confusion. We're talking about PL20210000419, the Collier Boulevard Mixed-Use Commerce Center, and PL20210000150, the Golden Gate Commercial Park, PUDA.

May I have a motion.

COMMISSIONER VERNON: Vernon moves. And I'd move with a friendly amendment to striking those uses that the Chairman brought up.

CHAIRMAN FRYER: Oh, thank you. Thank you for bringing that up.

Is there a second to the motion as --

COMMISSIONER SCHUMACHER: Second.

CHAIRMAN FRYER: It's been moved and seconded that we approve both of these with the amendment relating to proposed uses that the applicant has graciously conceded so that we have a nice compromise on that.

Any further discussion?

(No response.)

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant. Thank you, staff. Thank you, Planning Commission.

And we're moving right along here. We'll go right to our last matter of the day.

COMMISSIONER VERNON: Can I bring up one thing?

CHAIRMAN FRYER: Yes, of course, Commissioner. Go ahead.

COMMISSIONER VERNON: And I apologize for doing this. I just think it's apropos right now.

The Chairman has a habit of striking uses which I, frankly, think's great, but we've sort of gotten into this habit -- and I think I brought it up before. And if the Chairman's not here, I don't think anybody else -- and I certainly don't take the time -- and kudos to the Chairman for doing it, for figuring out uses that should be stricken.

And so I guess I have two questions. One question is: Are we doing some -- is there some unintended consequence that will be negative in the future because of us striking these uses? I think I've raised this before. But I want to make sure that we're not unintentionally making a mistake by doing this. And if we're not and it's a good practice, then I'd love to find a way to institutionalize this so we're not dependent on a hypervigilant Planning Commission member figuring this out each time. So does that question -- two questions make sense?

COMMISSIONER SHEA: Yes.

COMMISSIONER VERNON: And I'd just like to solve the problem so that it will save the Chairman time, and we'll institutionalize what we're already doing.

MR. BOSI: There is the possibility that the market may find that one of those uses that we restrict is what they want to propose, and if they wanted to propose it, they would have to go through another PUD amendment to add those back in.

I think often these are struck from review of the catchalls within the SIC codes that, really, they have really no more market viability or inappropriateness in terms of what they would be related to an interchange activity center.

Now, I would say, an interchange activity center as the most intense area within our county, those various uses, I'm not sure if they don't have somewhat of, you know, a potential alignment with that highest intensity allocation, but I also recognize that there are some uses that the Chair is trying to protect to make sure we provided -- we provide opportunities for the qualified targeted industries that we're trying to promote within our Innovation Zone, and I think that was the motivation as to the restriction of this.

What we can do is, as a staff, we could put within our staff reports these catchalls and ask the Planning Commission -- and remind them or highlight these are the -- these are the type of uses that are associated with these catchalls, would the Planning Commission like to strike these through, so the Chair wouldn't have to do that. It's just -- it will be extra analysis and extra evaluation from the CCPC's part. That could be one way, or the other way is to allow the market to make a determination as to whether these uses are appropriate and needed within -- needed within.

COMMISSIONER VERNON: Yeah, if I could follow up.

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER VERNON: On the Point 2 that you just finished up with, staff burden. The last thing I want to do is put more work on the staff, but if the work needs to be done, probably better staff than ad hoc done by one, like I said, hypervigilant member of the Planning Commission.

And on -- going back to the first point, if -- I see your point, and I kind of thought that, that somewhere down the road the property now might not be able to be used as something that they want to use it for that may make sense at the time that we struck, but in terms of what's best for county, it seems to me that that's sort of the applicant's problem. In other words, if the applicant agrees with us at the podium, then they own that. And if it later comes back to haunt them, that's their problem. And it doesn't really hurt the county or what we're trying to accomplish as the

Planning Commission. And if they disagree with it, I think it's on them or their representatives to say, no, we want to keep that, and I think my sense is the Planning Commission is open to keeping things they want to keep.

So I guess on the first point, I think -- I want to make sure we're exploring it fully. I don't think there's any downside to continuing to do what we're doing, at least no downside to the county or the Planning Commission or the staff.

So I'd like to institutionalize it. And I'm not trying to create more work for people, but -- you know, and I'm open how we do it. I mean, if the staff can do it. I don't know how much extra time it takes, and I appreciate you doing it, Mr. Chairman, but it's just not really fair. I mean, if you're on vacation, it doesn't get done, and that's really not fair to the county if we're doing it sometimes and not other times.

So I like what you're doing, but I'd like to see it done, like I said -- I'm repeating myself -- but on an institutionalized basis.

CHAIRMAN FRYER: Thank you. Before I call on Commissioner Shea, let me just offer a suggestion. Maybe it would go a long way toward getting this resolved. And, as a preface, I want to say that the standard that I applied personally when I went through this and made critical analysis was a little different, it being in an Innovation Zone, as Mr. Bosi pointed out, than I would have, say, had it been a C-4, C-5, or industrial zoned use.

But how about -- how about this: Staff has materials that it supplies to applicants to guide them in preparation of their applications, and I wonder if, when it comes to permitted uses, and particularly these that end in 99 and 49, because these are the catchalls, that we encourage the applicant to go through those, save the Planning Commission some time, and delete the ones that are clearly obsolete, couldn't possibly be used, and would -- they would be happy to relinquish. Does that, would that -- would that get anywhere, Commissioner Vernon?

COMMISSIONER VERNON: I think that's a great idea, because that keeps it off the staff. It's really up to the applicant. And we've got to find a way to motivate them to do that. But the first thing is do exactly what he said and then see if it starts to take hold.

CHAIRMAN FRYER: Thank.

You. Commissioner Shea.

COMMISSIONER SHEA: I know that it might be extra work. I think I would, as a commissioner, like to see those, if you could attach them in the reports, so we start seeing them ourselves and understanding what it is rather than just an SIC code, but with a list. And I'd like to see them just for my own education and make me a better commissioner in understanding these things. I know it's a little more work, but they are a pretty standard list.

MR. BOSI: And just let me -- and Ray was just adding this to our next zoning meeting agenda to -- the clarification of the policy that the Planning Commission's looking for. And we will work with the applicants to review the 49s and the 99s and to evaluate which uses that will be restricted or removed from being requested as a permitted use. And what I'm hearing from you, Commissioner Shea, is you'd like to see those highlighted within the staff report that these were the uses that were reviewed and removed?

COMMISSIONER SHEA: Yes, especially if it's agreed to ahead of time, it would be nice to have it in that perspective, that it's been agreed to.

MR. BOSI: So you want to see the stuff that's not going to be in the PUD?

COMMISSIONER SHEA: I'd like to see the list --

MR. BOSI: Sure.

COMMISSIONER SHEA: -- and then something simple like an X. These are coming out.

MR. BOSI: Okay.

CHAIRMAN FRYER: Some years ago I had requested that when applications come before us with requests for permitted uses, that rather than say SIC Code 4999 with the exception of A, B, C and D, because then you don't know, you know, what's going in there, you just know

what's not going in there, to do it the other way and require that the ones in 4999 that you want be called out. But I mean, there are a number of ways of getting at this. And I'm not trying to burden anyone, but I just -- you know, I think, first of all it reveals that we're doing our job up here, and some of these -- some of these uses, frankly, are kind of embarrassing. And, you know, I just -- it seems to me that, you know, something's going to come across my desk for scrutiny, you know, I'm going to call it out.

COMMISSIONER VERNON: Well -- and maybe I am way oversimplifying this, but if you have a list of them you, you print out a list -- and I'm using old school -- you email the list to Rich Yovanovich. Hey, on your -- which are you willing to get rid of, and he just lines through them, and then you put it in our packet, and we can see all of the ones that exist, because it's a form list, and the ones that he doesn't want are stricken through. And that wouldn't be a lot more work for you. It would be a little bit of work for the applicant, and it would be -- I don't know, is it 50 pages long or three pages long?

CHAIRMAN FRYER: It depends.

MR. BOSI: It depends. It could be three. It could be -- it could be pretty substantial.

COMMISSIONER VERNON: And I'm just --

COMMISSIONER SHEA: Two thousand pages is not substantial. That's what we usually get is 2,000 pages, so I don't care about --

COMMISSIONER VERNON: And I'm just trying to suggest a way that doesn't put more work on the staff, takes the ad hoc burden off the Planning Commission, and puts the burden on the applicant, which I see as a minor burden.

CHAIRMAN FRYER: Well, with that, I think what I'm hearing is is that we are -- it's our consensus that we're asking staff to come back with a solution that takes the burden somewhat off of us and without unduly burdening staff or the applicants. Is that pretty much what we're --

COMMISSIONER VERNON: That's great.

COMMISSIONER SHEA: I support your suggestion, which I think Mike agrees with also.

CHAIRMAN FRYER: Okay. Thank you.

MR. BOSI: We will talk with our staff members, and we'll proceed under that -- that direction.

CHAIRMAN FRYER: Thank you. And that, I think, was a good discussion, Commissioner Vernon. Thank you for bringing it up.

\*\*\*All right. Our -- and let's see. We've got some time here for what's turned out to be last matter. It is on PL20210002041. It's the Ave Maria Stewardship Receiving Area amendment or SRAA.

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

CHAIRMAN FRYER: Thank you.

Ex parte, starting with Ms. Lockhart.

MS. LOCKHART: Staff materials only.

COMMISSIONER VERNON: Oh, I'm sorry. No disclosures.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Public record matters, meeting with staff, and a conversation -- a brief conversation with Mr. Yovanovich.

COMMISSIONER KLUCIK: The materials that are in the agenda, staff meeting, and a phone call with Mr. Yovanovich.

COMMISSIONER SCHUMACHER: Just the agenda items -- material.

CHAIRMAN FRYER: Thank you.

With that, Mr. Yovanovich, you have the floor.

MR. YOVANOVICH: Thank you. Good morning. For the record, Rich Yovanovich. With me today to answer any questions are Wayne Arnold, our planner; Chris Scott, the



planning manager for Peninsula Engineering; Dan Doyle and Gavin Jones, if you have transportation-related questions; and Bruce Layman if you have any environmental-related questions.

I'm half tempted to say, "The staff report is very thorough, and the changes are pretty minor, and if you have any questions..." but if you would like a longer presentation, I'm happy to do that.

But I'll go to the quick summary slide of what we're asking, and if you have any specific questions -- not that this isn't important, but I think the summary slide really tells you what we're doing.

Ave Maria was the first SRA actually approved in Collier County, and it happened to be a town, and it was approved around 2004, if I remember correctly. Originally towns were capped at 4,000 acres. There were some recent amendments to the Growth Management Plan that allowed that to go to 5,000 acres.

So we're here today, essentially, to add 901 acres to the existing town, but we're not really changing the intensity of the town. Essentially, what we're doing is we're modifying Table 1, which is the list of uses. As you can imagine, predicting the actual buildout of multifamily and single-family almost 20 years ago turned out to be a little off as to what the market wanted, so we're making some adjustments there between multifamily and single-family as well as the allocation of retail, office, and civic.

The nomenclature changed from what was originally used for discussing civic uses and other types of uses, so we're changing the reference to those to the current Land Development Code references for breaking out medical, civic, and other type uses, and then we're making some changes to basically all the maps relating to the additional 901 acres that we're adding. We're adding roughly 958 and deleting a little over 50 acres. So it's a little bit of a mix of what we're doing here.

Because of that, we're going to have to make some changes to the credit agreement, the pedestrian map, open-space exhibits, all related to what we're adding. But, essentially, what we're doing is we're adding -- making some modifications to the land-use table, which is in your Growth Management Plan, to reflect the new nomenclature and allocation of units. The trip cap remains the same, so we're not asking for any additional intensity as a result of adding --

COMMISSIONER VERNON: Can you -- I'm sorry. Can you -- sorry to interrupt. Can you go back to that a little bit more? I was digging into that.

MR. YOvanovich: I'm sorry. It was in your staff report.

COMMISSIONER VERNON: Can you just run through it with us.

MR. YOvanovich: You can see that the residential units are staying the same of 11,000 units.

COMMISSIONER VERNON: But more single-family.

MR. YOvanovich: More single-family.

COMMISSIONER VERNON: Less multifamily.

MR. YOvanovich: Less multifamily, less ALF. Goods and services, basically, have been combined. They were originally retail and office. Reducing hotel rooms, reducing civic.

COMMISSIONER KLUCIK: What would be the basis for making the reduction?

MR. YOvanovich: The reduction of what? I'm sorry.

COMMISSIONER KLUCIK: The hotel and the civic.

MR. YOvanovich: All of that was with the intention of keeping the trip cap -- trip cap neutral for what we're proposing to do. Because single-family generates more trips than multifamily, so there were adjustments to other uses. One, to address what the market reality is going to be and, two, to make sure we remained trip cap neutral.

COMMISSIONER KLUCIK: You don't think when there's 11,000 homes there that you're going to need more than 300 rooms for hotel? I mean, we already seem like we could fill a hotel most of the year.

MR. YOVANOVICH: Well, we've looked at it --

COMMISSIONER KLUCIK: Okay.

MR. YOVANOVICH: -- and this is what -- we can always come back. As you know --

COMMISSIONER KLUCIK: Sure.

MR. YOVANOVICH: -- things change as the towns evolve, so...

COMMISSIONER KLUCIK: And the same thing with the medical and the church. I'm just trying to figure out, are they falling under some other category? Because they're -- obviously, we have a church there, and you're going to have medical facilities there. So how are you -- what's the basis for having --

MR. YOVANOVICH: That was -- I'm sorry. That was medical office only, not the recent changes we made for the future hospital or potential hospital.

COMMISSIONER KLUCIK: Yeah. Where would that -- where would a hospital or medical offices --

MR. YOVANOVICH: That is going to be in the -- I was going to say civic, governmental, and institutional. We combined those two.

COMMISSIONER KLUCIK: Okay. And then the church?

MR. YOVANOVICH: The church is going to also be within those categories as well. They're considered civic.

COMMISSIONER KLUCIK: But the civic went from 350 to 184?

MR. YOVANOVICH: Which is, realistically, what we expect. If you recall, the hospital was much larger when we originally went through this amendment process the last time.

CHAIRMAN FRYER: May I ask a question while you're --

MR. YOVANOVICH: And if I could -- Commissioner Klucik, probably before you got on the Planning Commission but while you were in your civic role, you'll note that probably about every three to five years we go back and look at what's really happening out in Ave Maria, what the real needs are. And you can anticipate at least one more time in my career that I'll be back in front of you to make some further adjustments.

COMMISSIONER KLUCIK: But the primary reason for making some of these adjustments was to comply with the trip caps?

MR. YOVANOVICH: Well, yeah. One of the reasons was to make sure that we were right for the market and, two, it was important to us to stay trip cap neutral at this point.

COMMISSIONER KLUCIK: I guess I'm just concerned that you're -- I mean, obviously, you're the developer; you know, that's who you're representing. It just seems like you're kind of hamstringing yourself on flexibility with some of this.

MR. YOVANOVICH: Correct. But the difference would be -- and you're probably not aware of this. There's a development contribution agreement that's been approved related to transportation-related impacts, and that number basically vests us from a traffic standpoint. We didn't want to analyze potential trips on the road that we don't think are going to occur, which would put us in a whole different analysis that we have to go through.

If we need to come back later and ask for more, then we'll do the traffic analysis. We just didn't want to -- we just didn't want to get into an analysis that may -- may not be relative to where we are in this stage of the town.

COMMISSIONER KLUCIK: Thank you, Mr. Chairman.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah, I think -- thank you, Commissioner Klucik. Those are good questions, because I think he's going to the same place sort of -- and maybe -- since I don't live out there -- more simplified. I was trying to figure out why you're doing this. And if I understand you, from the questioning and answering, is that you -- there's either greater profitability or greater demand for single-family housing and less so with multifamily. So the developer, your client, wants more single-family, less multifamily, and the rest of the changes are

primarily driven by trying to adjust everything else so that you can accomplish that without a big rigmarole.

MR. YOvanovich: And if we needed to -- if we thought the market said we need more hotel rooms, then we would have asked for that, and we would have analyzed the traffic-related impacts.

COMMISSIONER VERNON: No, I gotcha. But I'm saying -- I'm asking, why are you doing this? Explain it to me like a fourth grader, like Denzel Washington. Why are you doing this? You're doing this because you want more single-family than you originally thought you needed or wanted?

MR. YOvanovich: Right. And we looked at the product mix of what needed to be out there.

COMMISSIONER VERNON: Right.

MR. YOvanovich: So it wasn't just because we wanted more single-family.

COMMISSIONER VERNON: Okay.

MR. YOvanovich: We wanted to look at what do we really need as far as office, retail, medical civic. What do we really need?

COMMISSIONER VERNON: But what's the primary driver? What's the --

MR. YOvanovich: All of the above. I would say primarily --

COMMISSIONER VERNON: Which one -- how did the conversation start?  
(Simultaneous crosstalk.)

COMMISSIONER VERNON: We need more office or we need more single-family or we need more --

CHAIRMAN FRYER: Ladies and gentlemen.

MR. YOvanovich: I did this again. I've got to quit talking over him. I apologize.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: That was my fault. Sorry, Terri.

MR. YOvanovich: I would say we're looking initially at what is the residential driver, but that also caused us to look at, we have too much of A, B, and C.

COMMISSIONER VERNON: I gotcha. That's what I was looking for. Okay.

CHAIRMAN FRYER: Go ahead.

MR. YOvanovich: And essentially what I said was we're making some -- we're adding some blue, taking away some of the red in this exhibit for an overall net increase of roughly 901 acres.

I could go through in much greater detail, if you want me to, all the master plan changes but, essentially, what you're seeing here is the blue areas are being added, some of which will be neighborhood general, some of which will be town center. But if you need a more detailed presentation, I'm happy to do it, but that's a summary of what we're here for.

Staff's recommending approval of the proposed changes.

And with that, I'll keep going, or I can stop at this point.

CHAIRMAN FRYER: Ms. Lockhart.

MS. LOCKHART: I had a comment. Did you -- or question. Did you evaluate for impacts of school generation by changing the use?

MR. YOvanovich: We have had -- I know we've worked with the school district on schools out in Ave Maria, so I would say, yes, all of that was factored in.

MS. LOCKHART: For the additional 2,000 single-family?

MR. YOvanovich: Chris, did we -- on the school district side -- I know we submitted it to the school district. I don't think the school district came back with any concerns with regard to what we were proposing.

MS. LOCKHART: Because the student generation of single-family is roughly about .34. Multifamily is .11. So it could have a significant impact.

MR. YOvanovich: Right. And we provided all of that information to the school

district, and the school district didn't have --

MS. LOCKHART: Didn't have a problem?

MR. YOVANOVICH: -- any comments with it -- with regard to that.

CHAIRMAN FRYER: Let's -- I'm going to ask you to say that again, because that's important that one of the bases that you touch along the way is you talk to the school district.

MR. YOVANOVICH: Yes.

CHAIRMAN FRYER: And, certainly, they would be aware of the important number that Ms. Lockhart mentioned showing that single-families produce more school-aged children?

MR. YOVANOVICH: Correct. Part of the review is the school district.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. If you could go down -- on this map it's towards the bottom left corner, which would be the north. Yeah.

MR. YOVANOVICH: This one here?

COMMISSIONER KLUCIK: Right. Now, obviously, that sort of snakes -- the purple's all university district, the lighter purple. So you have that narrow access band above it. Is that -- that's considered university district, but what is the actual, you know, expected usage of that? Because it is sort of separated.

MR. YOVANOVICH: I'm going to go to a -- I think when you were talking the purple, this is where you're talking about?

COMMISSIONER KLUCIK: Right.

MR. YOVANOVICH: This is all university.

COMMISSIONER KLUCIK: Then you have that narrow band of access.

MR. YOVANOVICH: Which is road.

COMMISSIONER KLUCIK: Right. And then -- you know, I'm just trying to figure out what the -- it seems like it might be designated for something different than what you'd think a university would have or --

MR. YOVANOVICH: A golf course.

COMMISSIONER KLUCIK: Or a separate section. What is it?

MR. YOVANOVICH: It would be golf course.

COMMISSIONER KLUCIK: Okay. So that's planned to be -- all right.

CHAIRMAN FRYER: Anything else?

COMMISSIONER KLUCIK: No.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: So you're adding 900 acres to the receiving areas. Are you adding any to the sending area part of this as a result?

MR. YOVANOVICH: No. The stewardship -- this is an SRA, as you know, Stewardship Receiving Area. We already have SSAs, Stewardship Sending Area, set aside, and he will be taking credits from the already established SSAs.

COMMISSIONER SHEA: Okay. To cover this land?

MR. YOVANOVICH: Yes. The lands that are being added, correct.

COMMISSIONER VERNON: Yeah. I had a -- if I can, Mr. Chairman.

CHAIRMAN FRYER: Go ahead, Commissioner Vernon.

COMMISSIONER VERNON: I had the same question. I think you clearly answered it, but just to make sure. Because if you go back to the last slide -- yeah, that one. So just -- if I were an environmentalist, I go, hey, they're getting all this stuff. What protected lands -- but, essentially, to put it in financial terms, you've already paid to do this --

MR. YOVANOVICH: Correct.

COMMISSIONER VERNON: -- and you're just drawing down some of what you've already paid for?

MR. YOVANOVICH: Specifically, we're taking the credits from SSA6 and SSA9.

COMMISSIONER VERNON: So you'll have less credits after this?

MR. YOVANOVICH: We'll have less credits in the bank, correct.

COMMISSIONER VERNON: Thank you.

CHAIRMAN FRYER: Thank you.

Anything further, Mr. Yovanovich?

MR. YOVANOVICH: Again, I can go through in much more detail if you need me, but --

CHAIRMAN FRYER: Commissioner Klucik.

MR. YOVANOVICH: -- I'll just leave the master plan up in case there's questions related to that.

CHAIRMAN FRYER: Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. Okay. So the town center that's near the -- well, the east -- southeast corner.

MR. YOVANOVICH: Are you talking -- I hate when -- I always -- you know me.

COMMISSIONER KLUCIK: Yeah, yeah. It's the north -- yeah, it's the northeast corner on this.

MR. YOVANOVICH: This right here?

COMMISSIONER KLUCIK: Yeah. So that's additional town center -- now, yeah. So I guess I'm a little confused only because our map that we have in the packet is a little different than what you're showing here. So do you know -- yeah. I mean, I have mine called up in the staff report.

MR. YOVANOVICH: Are you looking at the old one, or are you looking at the new one?

COMMISSIONER KLUCIK: No, no, no. I'm looking at the new one, and it has, like, a water -- you know, like, a body of water in that area with the -- with a looping road, and it has, like, an L-shaped -- reverse L-shaped town center instead of a square town center. It's in the staff report. It's Page 1121 in the packet.

MR. YOVANOVICH: Okay. You may be looking at an older version in your staff report.

COMMISSIONER KLUCIK: Okay.

MR. YOVANOVICH: Yeah. I think you are. I'm looking at it now. You are looking at an older version.

COMMISSIONER KLUCIK: Okay. What happened to the water feature? That looked nice.

MR. SCOTT: There will be water.

COMMISSIONER KLUCIK: All right. So that -- my question, though, is -- all right, so you're adding that -- the town center, so that's increasing the acreage -- it's increasing the acreages for town center, but it's not increasing the square footage.

MR. YOVANOVICH: Correct.

COMMISSIONER KLUCIK: So you're basically making less dense -- by doing this, you're making the commercial usage less dense.

MR. YOVANOVICH: We use the word "intensity" instead of "density" on commercial, but less intense.

COMMISSIONER KLUCIK: Are you correcting me?

MR. YOVANOVICH: I'm helping you.

COMMISSIONER KLUCIK: Thank you.

MR. YOVANOVICH: Helping you.

COMMISSIONER KLUCIK: Hey, I could use all the help I can get, so I appreciate that.

MR. YOVANOVICH: I thought you were just testing me.

COMMISSIONER KLUCIK: Well, I'm trying to provoke you.

MR. YOVANOVICH: Uh-oh.

COMMISSIONER KLUCIK: We had such a nice conversation this morning; I know he wouldn't misunderstand that.

Okay. And then the park that's -- parkland that's designated there in the new residential section --

MR. YOVANOVICH: Yes, sir.

COMMISSIONER KLUCIK: -- is there -- you know, is that going to be, like, a developed park? Is that also -- is that something that is going to be -- you know, you're going to do it as a, you know, privately owned, or is that going to be something that you're planning to try to -- you know, and previously I know the developer was interested in maybe, you know, offering that to the county.

MR. YOVANOVICH: Let me -- it's -- give me one second. It's already existing green space, and it's going to be a passive park.

COMMISSIONER KLUCIK: Well, yeah. Like, right now it's, like, just wilderness, sort of. So the idea is it's just going to -- I mean, is it going to be anything other than just open space that's nicely manicured?

MR. YOVANOVICH: No, that's all it's going to be.

COMMISSIONER KLUCIK: Okay.

MR. YOVANOVICH: Passive park.

COMMISSIONER KLUCIK: But it would be available for people to frolic on if they wanted to?

MR. YOVANOVICH: It's a park to frolic on passively.

COMMISSIONER KLUCIK: Okay. And then it will be privately owned? It won't be something that you're planning to make a government --

MR. YOVANOVICH: I don't -- are you asking is it going to become part of the CDD or the special district out there?

COMMISSIONER KLUCIK: Well, like, right now the parks that we see -- the other green parks are owned by the master association, and I guess I'm just -- and there was a desire, you know, a few years ago of the developer to turn that over to the county park system in exchange for -- or to the district in exchange for tax credits. And I'm just wondering if that's also something that -- you know, is that going to end up being privately controlled space or publicly controlled space?

MR. YOVANOVICH: I don't think we know at this point.

COMMISSIONER KLUCIK: Okay.

MR. YOVANOVICH: I'm looking, and we don't know which way we're going to go with the parcel.

COMMISSIONER KLUCIK: Yeah, no. And you know what? That's just my curiosity. It isn't something that -- you know, that our vote, I think, would hinge on, so...

MR. YOVANOVICH: Okay.

COMMISSIONER SHEA: So what are the accepted uses for the SIC code called "frolicking"?

MR. YOVANOVICH: Well, frolicking wouldn't be a commercial SIC code use.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: And I would think it's one of the 49s or 99s.

COMMISSIONER KLUCIK: Coin-operated frolicking.

CHAIRMAN FRYER: I have a comment, I guess, in line with our very brief conversation a couple of days or -- yeah, a couple of days ago. I would like you to comment upon workforce housing from the standpoint of how, generally speaking, when you go from multifamily housing to single-family housing it makes it a little more difficult to attract workforce, and you might want to make a record at this point of the other philanthropic activities that Barron Collier has undertaken up there in furtherance of workforce housing.

MR. YOVANOVICH: Well, there was a previous donation to Habitat for Humanity, 28 acres and 150 homes. There also -- just the history of the sales prices in Ave Maria, although not strictly restricted for affordable housing, has, in fact, provided -- I'm going to give you

numbers. This is through 2021. We've provided over 570 homes under the gap pricing or below, another 526 homes under the moderate pricing, and then another 23 under the low. So, as you can see, Ave Maria has been attractive to the workforce by the pricing that's out there today.

The benefit of that is, if you're -- if you're a young professional with a family -- or a professional with a family -- you don't have to be young -- you can buy this home, and you're not saddled with a 30-year commitment that -- to who you can sell in the future. So this has been a community that the workforce has found to be an attractive community based upon the price and the quality of home.

So, historically, although not strictly an affordable housing commitment and community, that has served that purpose.

CHAIRMAN FRYER: Would you go back and say a word or two more about the Habitat transaction.

MR. YOVANOVICH: Yeah. Historically, when Ave Maria was initially approved, it was a DRI, and then the DRI rules changed, and the DRI was rescinded. But prior to that, there was an -- the property's in Immokalee. It was provided to Habitat for Humanity. These homes were being sold and are still being sold at price points that have been attractive to workforce housing.

So that was a historical commitment that was made early on as part of the Ave Maria Development.

CHAIRMAN FRYER: Okay. That's what I wanted to hear, that it's in the Immokalee area?

MR. YOVANOVICH: Correct.

CHAIRMAN FRYER: Okay. Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. If you could, I notice that the location of Donahue Academy is university district, purple?

MR. YOVANOVICH: Okay.

COMMISSIONER KLUCIK: You know where that is on the map?

MR. YOVANOVICH: I know where the purple is.

COMMISSIONER KLUCIK: You see the town core?

MR. YOVANOVICH: Yes.

COMMISSIONER KLUCIK: And you see the little purple oval there, amoeba, up just north of it?

MR. YOVANOVICH: Sure.

COMMISSIONER KLUCIK: So that's considered university district, but it really now has no association or affiliation with the university, and I'm just trying to figure out --

MR. YOVANOVICH: This area right here; is this what you're talking about?

COMMISSIONER KLUCIK: That's now a diocese and school, and it really has no affiliation with the university. Is that -- so what is the classification, or is that -- I guess that usage must be -- I mean, is that the right --

MR. YOVANOVICH: The university district, think of it as --

COMMISSIONER KLUCIK: It isn't necessarily university land?

MR. YOVANOVICH: Correct.

COMMISSIONER KLUCIK: Okay.

MR. YOVANOVICH: It just is the category of allowed uses.

COMMISSIONER KLUCIK: Got it.

MR. YOVANOVICH: It's, essentially, the zoning district.

COMMISSIONER KLUCIK: So since it's still within that category, there's no reason it would change?

MR. YOVANOVICH: Correct.

COMMISSIONER KLUCIK: Okay. Thank you.

CHAIRMAN FRYER: Anybody else?

(No response.)

CHAIRMAN FRYER: No one is signaling at this point.

Mr. Yovanovich, do you have anything further, sir?

MR. YOVANOVICH: No, sir, unless you have further comments or questions of us. We'll hopefully make this an early day for everybody.

CHAIRMAN FRYER: Okay. All right. We'll turn it over to staff for its recommendation, please.

MS. GUNDLACH: Good morning, Commissioners. For the record, Nancy Gundlach, Planner III.

And staff is recommending approval of this petition, as it is consistent with the Growth Management Plan and the Land Development Code. But I wanted to just make you aware we had a condition of approval that we've tweaked slightly.

MR. YOVANOVICH: I have it.

MS. GUNDLACH: Oh, cool. Oh, good. Thanks.

MR. YOVANOVICH: I got so excited about getting this done, I forgot to go all the way to the -- there you go.

MS. GUNDLACH: Thanks. And that is our condition of approval, and both staff and the applicant are in agreement.

CHAIRMAN FRYER: I believe that was --

COMMISSIONER KLUCIK: Can you explain what this is.

COMMISSIONER VERNON: Yeah. What does that say?

CHAIRMAN FRYER: This was -- this was in the material.

COMMISSIONER VERNON: I read it. I didn't understand it, so...

MS. GUNDLACH: We have our subject-matter expert.

CHAIRMAN FRYER: It's calling for a listed species agreement for environmental purposes.

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

So this condition is only put in place to ensure that we get an updated listed species survey as well as confirmation from state and federal agencies that any mitigation that is required or management that is needed is followed through prior to the construction of any development.

COMMISSIONER VERNON: Thank you.

CHAIRMAN FRYER: Thank you.

COMMISSIONER KLUCIK: Is this an already-existing requirement and it's just being included in this?

MS. COOK: Yes. We've included it with every SRA application.

COMMISSIONER KLUCIK: Okay.

CHAIRMAN FRYER: So it's a requirement with a superior government authority that we're now also making a requirement of Collier County?

MS. COOK: Yes.

COMMISSIONER KLUCIK: So it's duplicative?

CHAIRMAN FRYER: Probably. Maybe not perfectly duplicative, but possibly. Do you want to -- do you have a problem with that?

COMMISSIONER KLUCIK: No, no. It doesn't sound like the petitioner does, so...

COMMISSIONER VERNON: No.

CHAIRMAN FRYER: All right. Anything further from staff?

MS. GUNDLACH: No, sir.

CHAIRMAN FRYER: Thank you. Commissioner -- oh, all right. No one is signaling at this time. Staff completed its report.

Turning now to Mr. Youngblood, do you have any members of the public?

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



CHAIRMAN FRYER: Thank you.

Anyone in the room who hasn't registered but, nonetheless, would like to be heard on this, now would be the time to raise your hand, please.

(No response.)

CHAIRMAN FRYER: Seeing none, we will close the public comment portion of this hearing. The matter is now in our hands for deliberation leading up to a motion.

Commissioner Vernon.

COMMISSIONER VERNON: Vernon moves approval, unless somebody has questions or comment, with the revised condition from the staff.

CHAIRMAN FRYER: Thank you. Is there --

COMMISSIONER KLUCIK: I'll second.

CHAIRMAN FRYER: Okay. It's been moved and seconded. This is an SRAA with the condition that has been agreed to by the applicant. Any further discussion?

(No response.)

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER KLUCIK: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

MR. YOVANOVICH: Thank you.

CHAIRMAN FRYER: Thank you, applicant. Thank you, Planning Commission, and staff.

So moving right along here. Takes us to old business. I'm guessing we don't have any old business at this point.

New business, is -- Mr. Bosi, do we have old business?

MR. BOSI: No, just -- I just want to follow up on this morning's discussion on the May 4th Planning Commission. It sounds like there will be --

COMMISSIONER KLUCIK: Mr. Chairman?

CHAIRMAN FRYER: Do let him finish.

COMMISSIONER KLUCIK: Okay. Sure.

MR. BOSI: There may be a challenge --

COMMISSIONER KLUCIK: I just wanted to catch Mr. Yovanovich before he leaves.

CHAIRMAN FRYER: Oh, okay. Mr. Yovanovich, don't leave yet.

Sorry. Go ahead.

MR. BOSI: There may be a challenge in terms of us arriving upon a quorum.

CHAIRMAN FRYER: Yes.

MR. BOSI: Just -- and I think there's -- I mean, we're not sure if Mr. Schmitt will be available that day. I'll have Andy reach back out to the Planning Commission members, because it sounds like Commissioner Vernon and Commissioner Klucik are both going to be absent that day. So we will have to confirm with Mr. Schmitt and Mr. Sparrazza if they're going to be in attendance.

CHAIRMAN FRYER: All right. Mr. -- the vice chairman has already told us that he's going to be absent on May 4.

MR. BOSI: Okay. So, then, it will be if we can't -- if there's an issue and Commissioner Sparrazza can't be in attendance, we may have to cancel that meeting, and it's going to put -- and there's four individual items that were scheduled for it. So it does start to put us in a little bit of a bind, but we'll deal with it as appropriate. I just wanted to make sure. And we'll -- after this meeting, we'll reach out to Commissioner Sparrazza to see if he is going to be available, and we'll

let the rest of the Planning Commission know.

COMMISSIONER VERNON: Yeah. And I don't think I can help with this, because I -- my schedule, you know, hearings are always subject to change, but right now I've got that motion for summary judgment starting at 10:00 a.m.

CHAIRMAN FRYER: Understood.

COMMISSIONER VERNON: I don't know when it's going to start and when it's going to end. So I just don't think I'd be dependable.

CHAIRMAN FRYER: I understand.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes, just -- I wanted to kind of piggyback onto the discussion of the Ave Maria SRA kind of to plant a seed. And if we don't want to have the discussion now, that's fine, but I figured since we're already on the topic. I know there's likely to be land, you know, adjacent to the existing land that's likely to be developed, and I just wanted to have at least a short discussion about the idea of, you know, the limit that we have in the RLSA program that would limit the size of a town like Ave Maria -- an SRA like Ave Maria and the idea that, you know, we obviously expanded it for this project previously, which was why they were allowed to come in and have that petition today.

And I just am wondering -- or at least we can start thinking about the idea that that seems like an artificial cap. If you are going to, you know, have the same community get larger, it seems like there would be benefit in incorporating that into an existing SRA rather than say, oh, you have to do a separate SRA, which is not really -- from what I can see, wasn't really what was envisioned, that you would have this piecemeal approach to filling in.

CHAIRMAN FRYER: Okay. Let's hear from Mr. Bosi and then Mr. Yovanovich, and we will get back to the May 4 meeting question.

MR. BOSI: That was part of the --

COMMISSIONER KLUCIK: And if I'm putting you on the spot, I'm sorry, Mr. Yovanovich.

MR. YOVANOVICH: I've never been put on the spot before.

MR. BOSI: The size of -- the appropriate size of towns and villages were part of the rural -- or the RLSA amendment process that admittedly started in 2007, the review of it. It wasn't adopted till 14 years later, till 2021.

We did increase the size of the town to 500 -- or to 5,000 acres. It's an issue we can revisit with the Planning Commission and the Board of County Commissioners, but it would be a -- it would definitely be a lift, in the sense, because once you open up the RLSA, I think you will start having other opportunities and other outside parties that want to propose other initiatives that could slow a process down.

But I don't disagree that the economies of scale that is provided for by adding to existing towns seems like there is wisdom to that. So it's something that we will definitely have to have a conversation. And if the Planning Commission wants to raise that point to the Board of County Commissioners for their evaluation and direction or direct staff to have a conversation with the Board about it to see if, you know, there was a desire to move forward with amending the RLSA again -- now, like I said, it took us 14 years to do it before, so I'm not sure how long it's going to take us to do this time. But if that's the desire of the Planning Commission, we could initiate that conversation with the Board of County Commissioners to see what direction they may want to provide.

COMMISSIONER SCHUMACHER: How big is Ave Maria now?

COMMISSIONER KLUCIK: We just --

MR. BOSI: It's close to -- at the -- when the Board would adopt this amendment, it's 5,980-some acres. The reason why it's above 5,000 is because the university is considered public-use benefit; therefore, it doesn't count towards the overall acreage. But they're right at the 5,000-acre cap right now.

COMMISSIONER SCHUMACHER: And they still have SSAs in the bank?

MR. BOSI: Well, they most certainly do. And Barron Collier has a number of SSAs and credits that are available to them. So there's most certainly -- and I'm not sure what their desire is in terms of -- to adding to this area. That would be -- to me that would be one of the things that would also -- could potentially spur the desire to amend the Growth Management Plan is if they had a specific desire to expand this plan -- expand the town and wanted to add to the existing acreage within that town, they could initiate a private-initiated GMP amendment to do just that.

But this was part of the consideration, and the Board of County Commissioners was ultimately satisfied with improving -- or increasing the size of a town from 4,000 to 5,000 at the last attempt. But there could be a desire to provide more flexibility, as you've said.

COMMISSIONER SHEA: Well, it would seem -- yeah. It would seem like -- from my concern is, as long as the sending and receiving component of it is met, they're developing in the areas that we want them to develop in, around a developed community. It would seem like -- I mean, within -- I don't know how I'd set a maximum on it, really, if they're developing properly, and doing everything we want a town to do, as long as they're complying with the sending and receiving.

MR. BOSI: And when we were in front of the Planning Commission, I don't think the Planning -- the composition of the Planning Commission at that time didn't provide that suggestion to us. They were happy with the increased -- I mean, I think the Planning Commission was satisfied with the increase to 5,000 at the time. It sounds like this Planning Commission has a different perspective.

CHAIRMAN FRYER: Mr. Yovanovich, you were asked to stay back, so would you like to be heard? You don't have to be. It's up to you.

MR. YOVANOVICH: The only thing I would add is I would agree with what Mr. Bosi just said; it was a long process to get the last set of amendments through. I don't know that we have -- any of my clients right now have specific plans to go beyond a 5,000-acre town. It doesn't mean they may not in the future. And what I would agree with Mr. Bosi is should we find ourselves in that position, we can bring forward a private-sector Growth Management Plan amendment to address that if -- if we're not already in another review process.

So I think that it's only been two years that we've had these in place.

MR. BOSI: I would say two years since the amendment. We are on another -- so within five years, we need to undertake the restudy of the RLSA. I mean, I'm not sure the timeline, if that's sufficient for the Planning Commission, but that would be something that we most certainly would want to analyze -- it would definitely be part of our critical review, the sizes of the villages and towns.

Do we want to increase those? Do we want to apply more flexibility? Maybe eliminate the hard caps, but just, you know, have relationship to satisfying your fiscal neutrality requirement, satisfying the display of the necessary credits to be able to develop at that individual -- at that acreage or at those sizes, and then let the market determine what -- the ultimate size of the town. Because the larger the size of the town, the more economies of scale you get, the larger arrangement of commercial uses that could be supported by that population; therefore, the self-staining nature of the town becomes even more so in that type of an arrangement.

So I understand the wisdom and why we would probably want to go -- maybe that's the next time when we are reviewing the RLSA we have that in the back of our mind as the narratives that we want to at least put forward to the Planning Commission, put forward to the public, and put forward to the Board of County Commissioners.

CHAIRMAN FRYER: Thank you. And the -- and for the record, the Big Cypress planned town is way under 5,000. It's, like, around 3,000, isn't it?

MR. YOVANOVICH: You know what --

CHAIRMAN FRYER: Because each one of those was under a thousand.

MR. YOVANOVICH: Correct. But the way that is being done -- and you'll be seeing

this soon, so I guess we have to make sure we disclose this as ex parte communication -- is that it's an amendment to the Longwater Village village adding some lands, but it's being reviewed as if the three villages are part of the town.

CHAIRMAN FRYER: Okay.

MR. YOVANOVICH: So when you say 3,000, that's not technically correct, so I just want to make sure.

CHAIRMAN FRYER: Okay. We have -- it's 10:27. We usually would take a midmorning break at 10:30. I've got three commissioners who are signaling to be heard. I'm going to ask the court reporter how long we should go before we take a break. We can always come back.

THE COURT REPORTER: I'm fine.

CHAIRMAN FRYER: Okay. All right. So we'll go to Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I think that the concept that Robb brought up's good. I think Mike and Rich agree the concept's good, but the downside is a Pandora's box. Why are we going to mess with something we took 14 years to get in place and everybody seems to be happy with? And a timeline might be five years from now. Especially if we go into a recession, the demand to make it bigger is going to lessen, probably, and then pick up again.

And so I would propose we leave it alone, but I think that one of the key developers attorneys and the staff have an understanding that we're open to this concept and that it makes a lot of sense but only -- only at some date in the future.

CHAIRMAN FRYER: Thank you.

Commissioner Klucik.

COMMISSIONER KLUCIK: Yes. And, yeah, that was really my intent was to just make sure that we're thinking about the future. Yeah, obviously, we have -- the landowners might have totally different ideas about what they want to do with the land. So, you know, that's -- that's just my thought is it seems like the community that's there and the SRA that's there could be expanded further, and it would make a lot of sense.

Is there actually -- Mr. Yovanovich, is there actually land still on the west side of Camp Keais Road, additional land that could be developed that's somewhat adjacent -- yeah, west of Camp Keais Road, but that's somewhat adjacent to the existing SRA?

MR. YOVANOVICH: I'm going to go from memory of the pink portion of the open area map. My guess is yes, there is. I think this discussion is actually very helpful to the property owners out there to understand, you know, what might be positively received in the future with regard to future development out there, as Commissioner Shea pointed out. The map is very clear as to where we should develop and where we should establish SSAs, and then the form of the SSA is -- I'm sorry -- the SRA. This is a healthy discussion, and we can look at -- we can look at does it make sense to consider adding a village adjacent. I just don't know the exact answer, but the answer is, yes, there's more land out there that is in the open area.

COMMISSIONER KLUCIK: Thank you.

CHAIRMAN FRYER: Sir, did you want to be heard?

(No response.)

CHAIRMAN FRYER: No, okay.

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I was actually going to piggyback of Commissioner Vernon's statement there. It took 14 years to do the first one. It doesn't seem like it's broken. So why would we restart that study?

CHAIRMAN FRYER: Okay. Thank you.

And no one is signaling at this point. Do we need to loop back -- thank you, Mr. Yovanovich.

Do we need to loop back and talk more about May 4? Do we want to have a special meeting or just not -- we just do what we can on May 4 if we have a quorum?

MR. BOSI: We are -- and Mr. Youngblood has let me know that he has an email out to Commissioner Sparrazza to see if he's going to be available. I think his attendance will give us the required four for a quorum. If we get a response that says he's not available, then we may send out an email to the Commission to see if an alternative date would work just to be able to -- as a precaution -- because we do have -- the June 15th date is canceled, so it can put us into a pretty -- of a logjam.

We were -- just to let you know, we had the two petitions that were forwarded, so we have 10 petitions we expect to get done in the next two -- the next three Planning Commission dates.

CHAIRMAN FRYER: Okay. All right. So the possibility of a special meeting is on the table for consideration, and Mr. Bosi will get back to us when we hear from Mr. Sparrazza. Thank you.

All right. No one else is signaling at this time. There's no further new business, I take it. And so public comment; anyone in the room who wishes to be heard on a matter that was not before us today?

(No response.)

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

CHAIRMAN FRYER: Thank you very much.

Without objection, we're adjourned.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:31 a.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

6/1/23

These minutes approved by the Board on \_\_\_\_\_, 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.