

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
September 22, 2023

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

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

ABSENT:

Robert L. Klucik, Jr.
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.

Happy Friday, everyone. And to those of you who were here on Thursday, just consider this an extension of your very long day yesterday.

COMMISSIONER SCHMITT: Terri.

CHAIRMAN FRYER: Welcome to the September 22, 2023, meeting of the Collier County Planning Commission.

Everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

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

COMMISSIONER SHEA: Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER SHEA: Vice Chair Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER SHEA: Secretary Shea is here.

Commissioner Vernon?

COMMISSIONER VERNON: Here.

COMMISSIONER SHEA: Commissioner Klucik?

(No response.)

COMMISSIONER SHEA: Absent.

Commissioner Sparrazza, absent.

Ms. Lockhart?

MS. LOCKHART: Here.

COMMISSIONER SHEA: We have a quorum of five out of seven, sir.

Thank you. And the two absent, their absence is noted and excused.

(Commissioner Schumacher is present in the boardroom.)

CHAIRMAN FRYER: Next we come to the addenda to the agenda, and before I call on Mr. Bellows, Mr. Mulhere, on behalf of his client, has requested us to consider reordering the agenda in order to hear his matter first since he believes it can be disposed of in short order, 15 or 20 minutes. And I told him we would certainly discuss his proposed addendum to the agenda.

And so with that, Mr. Mulhere, please approach. And let's hear from you, sir.

MR. MULHERE: Thank you. Let me just pull this up.

MR. YOVANOVICH: I think you're approaching to ask.

MR. MULHERE: Yeah, that's what I'm doing, but I'm hoping it's favorable.

Anyway, I think this will be relatively short, maybe 10 or 15 minutes. I'll summarize. I have a full presentation, but I can summarize that for you.

CHAIRMAN FRYER: We don't need to hear it now, the summary.

MR. MULHERE: Right, I got it.

CHAIRMAN FRYER: So you think 10 or 15 minutes?

MR. MULHERE: Yes.

CHAIRMAN FRYER: All right. Anyone here in the audience going to want to speak on the NCH matter, North Naples?

(No response.)

CHAIRMAN FRYER: Okay. Now, I'm going to quickly ask members of the

Planning Commission. If anybody has any significant issues to raise that might take some time to resolve, I'd like to hear from you now, because -- in keeping with the expectation of everyone who comes to these meetings that we do go in the published order.

Seeing none, then I would entertain a motion to reorder the agenda so that we hear the NCH North Naples facility matter first. Is there a motion?

COMMISSIONER SHEA: So moved.

COMMISSIONER SCHUMACHER: Second.

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you. That will be heard first then, Mr. Mulhere.

MR. MULHERE: Thank you.

CHAIRMAN FRYER: Thank you very much.

Now, I also want to make a quick comment about the AUIR which is -- which had been on our agenda for our next meeting, October 5. That -- that is always something that we approach with some degree of uncertainty, because it is -- our role in the evolution of that has evolved over time. Back when I came on this board, we would spend one, two, or sometimes even three sessions going over, and we delved into it with excruciating detail.

I'm not totally sure that that's what the Board of County Commissioners wants us to do, but until we hear otherwise, from my perspective, I think we need to continue to delve just as deeply into it as we always have, recognizing that it may spill over onto a second meeting.

And having said that, the plan is this: Staff is still working on it, and the very senior most levels of staff still have issues that they want to resolve. And so we're going to -- that's going to be scheduled not on October 5 but actually on November 2nd.

Now, within that context, those of you who were with us on -- in 2021 may remember that in October 2021, when we considered and acted on the 2021 AUIR, there was considerable expression of a point of view from up here that -- that we really aren't having sufficient time to review the materials. Two weeks is just not enough to go through what comes in at around 500 pages, and it's 500 fact-filled and, in many respects, complicated pages of material.

So I've asked staff, and staff is going to make its best efforts to get the final product to us within 30 days before November the 2nd but may not be successful in doing that because of some final touchups and review by staff, and if that's the case, we may get a penultimate version within 30 days, or before 30 days, and then perhaps some addenda, if necessary, that we can consider on a shorter time frame.

So I wanted to alert the Planning Commission that we are following up with the

expressions of concern from two years ago, and we're going to allow ourselves a longer time, but along with that, we may have to consider an addenda coming in within two or possibly even one week before our meeting.

So does anybody have any questions, comments, or concerns about that approach?

COMMISSIONER SCHMITT: I'd just make a comment.

CHAIRMAN FRYER: Please go ahead.

COMMISSIONER SCHMITT: You know, as the local planning authority, I believe it's always been the design of the Board to have this body review that in great detail. I know the Board really typically does not. They have in the past trusted our opinion, and, of course, we are the ones that tend to validate it because it becomes the basis and the underpinnings for a lot of our decisions because of -- part of the staff's review, they refer to the various levels of service that are identified throughout the AUIR. So I think it's important for us to spend time to do it, and I just thought I'd pass that comment.

CHAIRMAN FRYER: Well, I agree, and unless there is some disagreement up here that we need to contend with, let's just assume that when this comes to us it's going to receive the same level of attention that we give rezones and other matters.

Mr. Bosi.

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

Just to let you know that we have made some efforts to streamline the process, and the current iteration of the AUIR right now is only 230 pages. So we've got a subsidence of reductions.

CHAIRMAN FRYER: So for that, you want two weeks instead of four weeks to us?

MR. BOSI: No, we -- I was just looking at the calendar, and I think we're pretty confident we can get you an AUIR that has been blessed by the administration by October 5th, and that will give you four full weeks before the November 2nd meeting.

CHAIRMAN FRYER: That sounds good.

COMMISSIONER SCHMITT: So I trust that reduces our overtime pay.

MR. BOSI: Yes, yes.

CHAIRMAN FRYER: Divides it by one.

Commissioner Vernon.

COMMISSIONER VERNON: Yes. And I may be confusing -- but I think it was the AUIR in which we -- at least I talked about, and I think everybody agreed with me, no matter what approach, I kind of felt like we were reviewing all 230 pages in detail and not really effecting any change.

And I think it came up, which may sound in the big picture like a minor issue, but libraries, I think it came up. And I believe that I had proposed, and I think I got a lot of agreement, that we should kind of highlight a couple of issues we may want to dig into so we're not quite so perfunctory and we're at least having some thought process on how to make it better. Am I correct that's a -- does anybody recall that?

CHAIRMAN FRYER: I do recall it. I went back and looked at the minutes. And much was made of that, and you led that conversation, and it was a good one. I think the thrust of it is that people aren't using paper books as much anymore, and so perhaps the same amount of square footage isn't necessary for library space.

COMMISSIONER VERNON: And it doesn't need -- just to finish the thought, it doesn't need to be the library issue. I'm simply saying, I think I would defer -- I would

defer to you, Mike, and your team in terms of what should we be kind of taking a hard look at that you may really want our input, not to negate that we're going to look at the whole 230 pages. But I'd kind of like to pick a topic. And we may say, we can't improve upon this, but let's pick one, if we're going through the process anyway. I mean, that's why we're here, not to just rubber stamp it, right?

CHAIRMAN FRYER: Right, absolutely.

COMMISSIONER VERNON: So I propose that we kind of blend that into the process.

MR. BOSI: And I would say one of the functions that the Planning Commission provides to the Board of County Commissioners -- and I think the audience is hearing "AUIR," and they probably wouldn't understand what that means, but it talks about the level of service, the level of service you have for libraries, for roads, for your utility systems, for parks, government buildings, EMS, all the different things that make up the infrastructure that we provide from a general county purpose government, and, really, it's the level of service. What's the appropriateness of the level of service? And I think the Board benefits.

And libraries would be one, and we spoke a little bit with the chair about it. Maybe a recommendation on the level of service that you feel that maybe needs looked at, adjustments, those type of things, because that's really where the input for the Planning Commission, I think, has value to the Board of County Commissioners in terms of things that you think need to be looked at or scrutinized a little bit more just from that level-of-service standard to say, are we providing enough or are we providing probably too much, or are we at the right level.

COMMISSIONER VERNON: Well, I would propose -- Mr. Chairman, if I can --

CHAIRMAN FRYER: Go ahead, please.

COMMISSIONER VERNON: I would propose you pick -- staff pick one to three topics that we can dig into a little bit. I'm just trying to avoid where we're changing pronouns, or whatever, through 230 pages. Pronouns probably wasn't a good word to use, but we're changing --

CHAIRMAN FRYER: Not in this day and age.

COMMISSIONER VERNON: -- ands and ors or whatever. I want to have some impact is what I'm trying to say. And we can't dig into every issue, and I don't want to dig into every issue, but just to pick -- like I said, if you propose two or three, maybe we pick up one of them and say, okay, let's spend an extra half hour on this, an hour on this. Let's think about it before we get to the meeting. Let's see if we can come up with something better.

MR. BOSI: Agreed.

CHAIRMAN FRYER: Let's do this -- since it's not coming on in October 5, maybe if there's any further developments or further thinking on the part of staff about how this should be presented, give us a report at that meeting, if you would, please, sir. Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Just as a follow-up, one of the biggest issues that we deal with on a regular basis that we probably know the least about, except for maybe Joe and the Chairman, is transportation. I would like to see us spend more time on transportation and get a little -- delve into it a little bit more, because it's going to come up today. It comes up every single meeting, and we don't -- we understand it because we sit

out there in the traffic like everybody else, but we don't understand the long-range planning part of it, and I'd like to see us spend more time on that. That would be helpful to me.

CHAIRMAN FRYER: Thank you.

All right. Moving -- oh, addenda to the agenda. Anything further, Mr. Bellows?

MR. BELLOWS: No other changes.

CHAIRMAN FRYER: Okay. Thank you.

Planning Commission absences. Our next -- our next meeting is October 5, 2023. Anybody know if he or she will not be able to attend that meeting?

COMMISSIONER SCHMITT: I just have a -- to affirm, again, my understanding that the Fiddler's Creek PUD amendment will be coming on that day, and I will have to recuse myself from voting on that.

CHAIRMAN FRYER: Okay. Is that --

COMMISSIONER SCHMITT: So I don't know if that puts in predicament --

CHAIRMAN FRYER: I don't think it's coming up.

MR. BOSI: It is not scheduled for the 5th.

COMMISSIONER SCHMITT: It is not, okay. I saw it on the -- I thought it was on the notes coming the 5th. All right. Thanks.

CHAIRMAN FRYER: So we'll see you on the 5th?

COMMISSIONER SCHMITT: Yeah, I'll be here. I was just going to have to --

CHAIRMAN FRYER: I understand.

COMMISSIONER SCHMITT: -- just one voting member less, and it may put you in a predicament so -- okay.

CHAIRMAN FRYER: Thank you. Thank you, Vice Chair.

All right. So we're good on October 5. The next meeting after that would be October 19. Anybody know if he or she will not be able to attend that meeting?

(No response.)

CHAIRMAN FRYER: And, again, I don't know about Fiddler's, but we understand where you're going to need to come from when that arrives.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: Okay. Thank you very much.

Now we go to approval of the minutes. We have one set in front of us today, and those are minutes of our August 17, 2023, meeting. Any corrections, changes, or additions?

(No response.)

CHAIRMAN FRYER: If not, I'd entertain a motion to approve.

COMMISSIONER SCHMITT: Motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHUMACHER: Second.

CHAIRMAN FRYER: Further discussion?

(No response.)

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously. Thank you very much.

BCC report/recap, Mr. Bellows? And before I turn it over to you, sir, I want to announce with a word of congratulations on behalf of the entire Planning Commission for the unanimous re-appointment of our two commissioners, Commissioner Schmitt, Commissioner Shea, who were unanimously reappointed to the Planning Commission.

(Applause.)

COMMISSIONER SCHMITT: What were you thinking?

CHAIRMAN FRYER: Well, we're -- obviously, you're a very important part of this process, and we're very, very glad that you'll be with us for another four years. So thank you and congratulations.

Mr. Bellows.

MR. BELLOWS: Yes. On September 12th, the Board of County Commissioners approved on the summary agenda a scrivener's error for the SRA for Ave Maria. There was a scrivener's error there that was corrected. And then they also approved a settlement for a HEX approval decision. That was also approved on the summary agenda.

CHAIRMAN FRYER: Thank you. And if the Planning Commission will indulge me, I'm going to ask Mr. Bellows or Mr. Bosi for a very, very quick, one sentence or two, report as to the outcome of last night, because it was not televised beyond three hours.

COMMISSIONER SCHMITT: I don't think either of them were here till 2:00 in the morning.

MR. BOSI: I have to admit, Chair, I was asleep. I wasn't here.

CHAIRMAN FRYER: I'm sorry. And I didn't warn anybody about that. All right. No problem. I have --

COMMISSIONER SCHMITT: Terri will fill us in.

CHAIRMAN FRYER: Terri was here, that's for sure.

Okay. All right. Well, then, so moving on, Chairman's report, none today.

Consent agenda, none today.

***Public hearings, and with the reordering, we'll go to PL20230003895, the North Naples Medical Park CPUDA.

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

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Thank you very much.

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

MS. LOCKHART: Staff materials only.

COMMISSIONER VERNON: No disclosures.

COMMISSIONER SHEA: Staff materials only.

CHAIRMAN FRYER: Matters of public record, meeting with staff, and a communication with representative of the petitioner.

COMMISSIONER SCHMITT: I had a phone conversation with Bob Mulhere, representative of the commissioner [sic].

COMMISSIONER SCHUMACHER: Staff materials, site visit, and telephone

conversation with Bob Mulhere.

CHAIRMAN FRYER: Thank you. Is that it? Okay, good.

All right. Mr. Mulhere, you have the floor, sir.

MR. MULHERE: Thank you. Appreciate the opportunity to present this first on the agenda.

With me this morning, Jack Ulrich, who is the executive director, and it wouldn't be a presentation by me if there wasn't a typo. That's not "cooperate"; that should be "corporate" real estate. Mark Shannon with Studio Plus, who is the project architect and the project manager; Terry Cole, who works with me, is the civil engineer; and Norm Trebilcock did our traffic analysis.

I'll make this a summary presentation. What you have before you is the zoning map. We're talking about the North Naples Medical Park PUD, which is this PUD, kind of triangular-shaped PUD right here, which is immediately adjacent to the Collier Health Park or health center PUD, which is where the NCH North campus is located.

We're talking primarily -- the improvement that we're talking about, which is a hospital for special surgery for orthopedic surgery, is on Lot 6 and 7, which is located by the star, fronting directly on Immokalee Road. This is just an aerial.

The great benefit to this is that it's all part of a singular campus. There's a parking garage and surface parking and pedestrian access throughout the project from the proposed hospital for special surgery to the balance of the campus, which is great, because there's transit that's available and employment opportunities.

I will note that the two buildings that were located on Lots 6 and 7, one of which was the Bear's Den Childcare, have been demolished. The hospital has made other arrangements for childcare in the same area.

And we'll expeditious -- assuming we get this approved, we'll expeditiously move with construction.

I just wanted to point out that this PUD was an older PUD, and -- excuse me -- it -- the actual plat and construction is somewhat different than the original PUD. We worked with the County Attorney's Office to make various changes to the master plan to reflect what actually exists, including the preserve areas.

There was sort of an odd allowance in this PUD that allowed those lots fronting on Immokalee Road, which is 7, 6, 5, and 1, to include the area that they were providing to the county for widening years ago, of Immokalee Road, into the FAR calculation. Rather than carry that forward, we simply did the math and increased the FAR for those lots so that it's no longer confusing.

This is just a couple of exhibits showing the location, and renderings.

And so I'll just list the changes, and I have one additional change to put on the record. So we've up -- as I said, we've updated the master plan. We are increasing the maximum leasable floor area from 150,000 to 205,000. That is -- that increase is entirely for the hospital for special surgery.

This change will minimize impacts on the arterial network system, if that was to be located elsewhere. We retained all the development rights without impacting them for the other lots that aren't owned by NCH in the PUD. There are a couple of minor setback deviations or variances, so allowing for a zero-foot setback along the western boundary of Lot 7 because it's immediately adjacent to the campus, allowing for a 25-foot setback for Lots 6 and 7 from Immokalee Road, and a 16-foot setback in a couple of locations along

Medical Park Boulevard.

We are establishing a maximum total daily trip generation for Lots 6 and 7 only, because we didn't -- we really couldn't affect the other lot owners in this process. That's 294 two-way p.m. peak-hour net trips.

Again, we retain the FAR for Lots 2, 3, 4, 8, 9, and 10. We increased the FAR for 1, 5, 6, and 7 that front on Immokalee Road. And we are -- the structure will be within the existing PUD 50-foot height limitation.

The building was designed to not impact the existing heliport and to meet the elevation requirements for medical facilities.

And this just shows you the existing PUD master plan and then the actual platted delineation on the master plan, the changes that we've made to reflect that.

I did have one change. I'll see if I can go to the visualizer. Thank you.

I had a conversation with the Chairman. The way the language read, SIC Code 8069 was a conditional use, and 8069 is hospitals for special surgery, so we've made that a permitted use. Within the SIC code, alcohol and drug addiction rehabilitation hospitals are allowed. It was requested that we remove that. I spoke to Mr. Ulrich. There was no problem from NCH's perspective. They don't do those kinds of activities, and so we've added a phrase to exclude alcohol and drug addiction rehabilitation hospitals.

And that's my summary presentation. I and the team are here to answer any questions that you might have.

CHAIRMAN FRYER: Thank you.

Planning Commission?

(No response.)

CHAIRMAN FRYER: No one is signaling at this point, and the one issue I had has been resolved, as Mr. Mulhere indicated.

So with that, we'll turn it over to staff.

MR. BOSI: Mike Bosi, Planning and Zoning director. Staff has reviewed the petition and its consistency with the Growth Management Plan, is recommending approval. Just would note that this use on its own would not be consistent with the Growth Management Plan, but because of the location of the hospital and the provision that we have within the GMP that allows for support systems for the hospital's benefit within a mile of the hospital, that's how this PUD originally gained its approval, we see this functioning almost as an expansion of the NCH campus, and we are fully in support of the proposal.

Any questions that you may have?

CHAIRMAN FRYER: Thank you very much.

Planning Commission?

(No response.)

CHAIRMAN FRYER: No one is signaling.

Vice Chairman.

COMMISSIONER SCHMITT: Yeah. I'm going to make a motion to approve. I noted that there was no one at the public -- the NIM, neighborhood information meeting. There appears to be no objection. Highly supported. And I'm ready to make a motion if you --

CHAIRMAN FRYER: You may, and I'm going to call for speakers.

COMMISSIONER SCHMITT: Oh, speakers, yes.

CHAIRMAN FRYER: And there are no registered speakers; is that correct, Ms.

Padron?

MR. SABO: Mr. Chairman, that is incorrect. We did get one, Julie Guerra.

CHAIRMAN FRYER: All right. Let's ask for Ms. Guerra to approach.

MS. GUERRA: I just had one question. What provisions --

CHAIRMAN FRYER: Tell us your name and spell your last name.

MS. GUERRA: Julie Guerra, G-u-e-r-r-a.

CHAIRMAN FRYER: Thank you.

MS. GUERRA: What provisions are you making for parking? The parking is very congested in that area. The patients at the old NDIC facility, which is where the proposed building is going up, we're all parking across the street on the empty lot, and now you're changing the setback from 25 feet to 16 feet on Medical Boulevard. So I would like to find out about the parking and what provisions are being made to make sure there's adequate parking.

CHAIRMAN FRYER: Thank you.

Mr. Mulhere, do you want to answer that, please, sir?

MR. MULHERE: Sure. And I will get to that in one second. I just wanted to point out to you the only locations are very minimal. They're just these two points of the building, if you can see on the visualizer, that the setback is reduced to 16. There is surface parking here, and there's a four-story parking garage -- five-story parking garage just to the west, and we've made pedestrian connections to that parking garage. So there's actually more than the required amount of parking on the site.

CHAIRMAN FRYER: Thank you.

Vice Chairman.

COMMISSIONER SCHMITT: Yeah. I just want to point out, I need staff to affirm that as far as there's been no request, and from the petitioner as well, there's been no request for a parking exemption in this.

MR. MULHERE: Right.

COMMISSIONER SCHMITT: And staff to affirm that when this comes in for Site Development Plan, that staff will review in accordance with the Land Development Code to assure that all parking -- required parking spaces are identified; is that correct?

MR. BOSI: Correct. Staff and Ms. Cook's staff will review the Site Development Plan amendment and review the existing or the modified PUD for compliance within the parking standards as well as the LDC for parking standards.

COMMISSIONER SCHMITT: Because I have to -- Bob, I have to assume that some of the parking that may have created the problem was the existing uses on the site. Now those are going to be gone.

MR. MULHERE: True.

COMMISSIONER SCHMITT: That parking will now be integrated and incorporated as part of this use, so -- but the net result is no parking exemption. All requirements for the number of parking spaces will be identified and should be for the entire PUD.

MR. MULHERE: Correct.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Does that answer your question? I think it -- I just want to make sure.

CHAIRMAN FRYER: She's nodding yes. Thank you.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Do we have any further registered speakers?

MR. SABO: Mr. Chairman, there are no other speakers.

CHAIRMAN FRYER: All right. Thank you.

Anybody who is in the room who's not registered but, nonetheless, wishes to be heard in this matter, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing no hands being raised, I'll turn it over to the vice chair, who wants to make a motion.

COMMISSIONER SCHMITT: I'll make a motion to approve PL20230003895 as written with no other adjustments or amendments other than what was identified on the visualizer, that small change as far as drug and alcohol rehabilitation.

CHAIRMAN FRYER: Thank you. Is there a second?

COMMISSIONER SCHUMACHER: Second.

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: And I'll point out that this does not require EAC approval, so it's just a vote on the commercial PUDA.

Any further discussion?

(No response.)

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

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you, applicant. Thank you, everyone else.

***Okay. Next on the agenda is companions, and they are PL20220003494, which is the Orange Blossom Airport Crossroads small-scale GMPA, and PL20220000533, which is the Lutgert Airport Road commercial PUDZ.

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

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: Thank you.

Disclosures, again, starting with Ms. Lockhart, please.

MS. LOCKHART: Text materials only.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: No disclosures.

COMMISSIONER SHEA: Staff materials.

CHAIRMAN FRYER: Thank you.

In my case, matters of public record, meeting with staff, communication with

representative of the applicant.

COMMISSIONER SCHMITT: Staff materials only and, of course, knowledge of the previous petition that was related to this.

COMMISSIONER SCHUMACHER: Staff materials and conversation with Rich Yovanovich for the petitioner.

CHAIRMAN FRYER: Thank you.

Therefore, without further ado, the Chair recognizes Mr. Arnold.

MR. ARNOLD: Good morning. I'm Wayne Arnold, certified planner with Grady Minor & Associates here representing the applicant.

And our project team consists of Lutgert representatives. Mike Hoyt is here for the Lutgert family; Rich Yovanovich is our land-use counsel; Mike Herrera from our office is the civil engineer working on the project; and Jim Banks is our traffic engineer.

So this property, as a summary -- I'm not sure what happened to the screen there. But as a summary, the Orange Blossom Airport Road subdistrict includes the subject property. The northern five-acre tract is the Italian-American Club PUD, the southern portion of the project -- the southern portion of the project is the vacant five-acre piece that the Lutgert has purchased -- Lutgert family has purchased, and we're proposing to make amendments to the subdistrict to allow for the changes that would support the development we're proposing.

Another location exhibit, so the Carlisle surrounds us. To the south will be The Haven project that the Board recently approved and then, of course, to the north is the Italian American Club.

The subdistrict currently provides two parcels: Parcel 1, which is the Italian American Club, and Parcel 2, which is the Lutgert property. And it makes provisions today for there to be about 40,000 square feet of commercial development on this parcel under the Comp Plan, but the ag -- it's currently zoned agricultural, so we're proposing the companion PUD to establish the commercial development rights for the property.

So what we're proposing is to allow up to 104,000 square feet of gross leasable area for indoor self-storage, including automobile, RV, and boat storage facilities.

When we initially submitted this project, it was substantially different. We were proposing about 75,000 square feet of, largely, medical office. We held our neighborhood information meeting. We had a lot of -- a lot of folks representing the coalition of people along the Orange Blossom corridor that were opposed to that for, primarily, traffic generation reasons.

So the Lutgert family reconvened. They determined that even though we had indoor self-storage as our -- one of our uses in addition to the medical office, that since Hurricane Ian, the demand for car storage has gone up considerably. People lost so many vehicles that were in the coastal area. A non-coastal location to build a secure facility that would house, largely, cars and other personal items became sort of the highest and best use.

We didn't conduct another neighborhood information meeting, but we did reach out to the coalition and held a separate meeting with them at the clubhouse in Monterey and proposed to them the change in direction to put in the, largely, auto storage facility. And it was well received. I don't know if representatives from the coalition are here. I didn't see anybody stand when we were sworn. But it was very positively received, and I'll go through some of those changes briefly.

So this, again, the new subdistrict map just highlights that we had Parcels 1 and 2

that are part of the small-scale amendment. These are the language changes. And so we've made some changes to the text of the subdistrict, and -- so for the -- for the subdistrict language in the Comp Plan, we're going to retain the 40,000 square feet of medical office and some limited retail, and then we've added the allowance for the 104,000 square feet of indoor self-storage, which includes the auto store, which I mentioned.

The PUD, on the other hand, does not include anything except the auto storage. So we decided that, from the Comprehensive Plan standpoint, we'd go ahead and allow for the non-automobile storage uses, but from a PUD zoning standpoint, right now the Lutgerts are all in on the auto storage, and that's what we were proposing for the zoning.

CHAIRMAN FRYER: And those uses are disjunctive. "Or," correct?

MR. ARNOLD: That's correct.

CHAIRMAN FRYER: Thank you.

MR. ARNOLD: So in the permitted use section, we've added a lot of language here, and this came about just in conversations with staff and the County Attorney's Office where we've allowed the warehousing and storage, typical SIC code that you've seen, often the 4225, but we've limited that to indoor air-conditioned auto storage, and then we've written some descriptive words that allows for those auto storage units to also have mezzanines, auto lifts, bathrooms, and things that -- I don't know how many of you-all have toured some of the more luxury auto storage facilities in town, but these will be varying in size. We've limited it to 70 total units.

So you could put four, six, eight cars, depending on how you want to purchase a unit. And then in that you might have a small lounge area. You have a mezzanine where you can have other storage. A lot of these end up with wine storage facilities in them as well as a component of the auto storage, since they're climate controlled.

So that's what we were proposing. Obviously, it will have probably a sales or leasing office as a component of it, but that would be the only nonstorage component permitted in the PUD.

Pretty basic master plan for this, but the two important parts are the interconnections that we show to the Italian American Club to the north. The subdistrict currently has language that requires that there are two potential interconnections through that to get to Orange Blossom Drive. And what I did was a side-by-side. And I apologize, but north is to the right. So Orange Blossom Drive is to your right. Airport Road is on the bottom of the page. And you can see we've aligned our proposed interconnections with those that are shown on their PUD master plan.

And the good news is, the PUD, we've -- we have a trip cap of a whopping 16 trips. So it just shows you how incredibly low volume the traffic is associated with the storage facility. And there's not a separate ITE standard for auto storage. But we used the typical indoor mini self-storage facility at 104,000 square feet, and it's 16 peak-hour trips.

So an incredibly low number. So the volume of traffic that would possibly go out to Orange Blossom is extremely limited. We also have a right-in, right-out that's proposed on Airport Road, which allows for their traffic at the Italian American Club to also come through and access Airport Road since they don't have an Airport Road access.

This was a rendering we presented to the neighborhood group showing that we're going to have, essentially, a one-story facility with allowances for mezzanines. This is a view from Airport Road. There will be yet to be determined how it's going to be gated, but the primary drive in where you see the vehicle, that would be open to the public and allow

for the traffic to go through the Italian American Club and this property, and then we would have some sort of security measure for the storage facility that would house the cars, and that's yet to be determined exactly whether that's gates or swing arms, but we would make provisions for the security for that.

We made development standards for the project. We've limited our height and the zoning to an actual height of 35 feet. I think that was well received by the neighborhood as well. I think there was concern that we were going to have -- at the time when we were proposing a medical facility, we were looking at buildings exceeding 50 feet in height. So we're at 35 feet. That's a typical residential development standard, so I don't think we have any objectors to that as well.

And that's really a very brief presentation of where we are, and I'm happy to answer any questions that we didn't address in that presentation.

CHAIRMAN FRYER: Thank you.

Planning Commission? No one is signaling. Anyone want to be heard at this time?

(No response.)

CHAIRMAN FRYER: If not, I'm going to ask staff for its report, please.

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

Both our Comprehensive Planning staff, our Zoning staff are recommending approval of the proposal. I would recognize that at the beginning, the original, as indicated within the applicant's presentation, I think there was some concerns over the proposal.

I would applaud the applicant in terms of hearing the concerns of the surrounding neighborhood and lowering the heights, lowering the intensity proposed, and I think what's being proposed is something that will generate a small amount of traffic in comparison to what could go from a commercial standpoint.

And we are in support of the alignment of the interconnection that's provided for. We do have transportation staff who could get into a little more detail. When we originally created this subdistrict, we had always anticipated and required interconnection between the two parcels, the existing Italian American Club parcel as well as the undeveloped parcel that we're discussing today.

And we are supportive of that type of additional interconnection to provide for access either to Orange Blossom Road or Airport for this project. We think it has benefits on a lot of different levels. So staff is recommending support.

And if you'd like to hear anything more in terms of the interconnection or the history of it, we do have transportation staff who would be available.

CHAIRMAN FRYER: Thank you. No one is signaling again. Anybody up here wish to be heard, comment or question?

Commissioner Schumacher.

COMMISSIONER SCHUMACHER: On this storage, is the language as such as the same as the automotive storage down off of 41 as you're going towards Old 41? In essence, that language doesn't allow for excess noise after a certain hour, working on boats you know. I know this facility is going to be a higher end than just a U-Stor-It with open-air parking, but I do want to make sure that the residents around there don't have somebody working on their car at 10:00 at night making all types of noise, or boats, or whatnot.

CHAIRMAN FRYER: Good question.

MR. BOSI: And Mr. Bellows just asked Nancy Gundlach, our project manager, to review if those additional restrictions were imposed upon the facility.

MR. BELLOWS: It doesn't appear so.

MR. ARNOLD: I can address that, if I might.

CHAIRMAN FRYER: Please. So as one of our developer commitments -- it's on Page 333 of your packet -- we have Item F, and it says units shall not accommodate bedrooms, sleeping facilities/accommodations, guest quarters, guest suites, short- or long-term habitation, or overnight stays.

COMMISSIONER SCHUMACHER: That's not what I was asking. I was talking about people working on their vehicles at 10:00 at night, washing their boat out, that type of thing after a certain time of day.

MR. BOSI: Then the response would be, no, that has not been incorporated withinto the --

CHAIRMAN FRYER: Would the applicant entertain a request that that be included?

MR. ARNOLD: Yes, I think we would. I'm not sure what -- the final language, Mr. Schumacher, that you're proposing, but happy to include some language.

COMMISSIONER SCHUMACHER: I think you could mirror it off of the same language that's on --

MR. BOSI: Across from Sabal Bay?

COMMISSIONER SCHUMACHER: Exactly.

MR. BOSI: Yes.

CHAIRMAN FRYER: Is that acceptable to the Planning Commission?

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: I think it's a good idea.

CHAIRMAN FRYER: It is a good idea.

Thank you very much. And thank you, applicant, for your flexibility.

Anything else of staff at this point?

(No response.)

CHAIRMAN FRYER: If not, do we have registered speakers?

MR. SABO: Mr. Chairman, we have one registered speaker, James Boatman.

CHAIRMAN FRYER: All right. Sir, I'll ask you to spell your last name and state it as well for us, and then you have the floor.

MR. BOATMAN: Good morning, Commissioners. My name is James Boatman. It's B-o-a-t-m-a-n. I'm with Boatman Ricci Law Firm, and I represent the Naples Italian American Foundation.

If you don't know much about the foundation, I want to read a little bit of a blurb from their website. Over 60 years ago a visionary group of Italian men and women of Naples came together and established an organization to provide social gatherings and promote camaraderie among persons of Italian ancestry; thus, the Naples Italian American Club was born. The current building became part of the Naples landscape in 1969.

Throughout the years, because of its active membership and strong leadership, the organization gradually assumed a greater role in promoting rich cultural and heritage of the Italian people, including Americans of Italian descent.

Naples Italian American Foundation is a 501(c)3. It was formed in 2009 to appeal

to a broader range of people in the community. And this has provided an opportunity to expand our mission from merely social to include educational, cultural, and charitable activities; however, at the 7035 Airport Road North location, we still maintain our home-away-from-home atmosphere and welcome everyone who is interested in Italy cultural to join us and consider donating to our foundation.

The Italian American heritage -- oh, excuse me -- the Italian American heritage goal is to --

CHAIRMAN FRYER: While you're looking for your material --

MR. BOATMAN: I'm sorry.

CHAIRMAN FRYER: -- let me ask a question. Does the Italian American association, do they support or oppose this -- these matters?

MR. BOATMAN: Well, at this juncture, Commissioner, we would oppose only because we think we've -- there's a cart that's before the horse.

At this juncture, there's only been one public information meeting. It was in March. Subsequent to that meeting, there were some modifications to the proposal but not modifications that had a substantial bearing on the 104,000-square-foot warehouse.

Now, as the Site Development Plan depicts, there is contemplated access across the Naples foundation -- foundation parcel, and there have been no communications by the developer with the foundation. There's been discussions about the Orange Blossom Coalition feeling positively about the modifications after March, but we really feel like there should have been additional public information opportunities, and specifically communications by the developer with the foundation.

So at this juncture, I'm wondering if there is no existent easement, but there is a requirement for interconnectedness, both vehicular and pedestrian, why has that not occurred?

Now, I've spoken this morning with Mr. Yovanovich. I have an excellent relationship with Mr. Yovanovich. We have not spoken before this morning on this issue despite my desire to do so.

So I'm not sure why the developer has proceeded in this manner. I'm not suggesting there's any untoward strategy involved, but I just feel like we are the neighbor to the immediate north, and we feel like kind of one of those awkward situations where you show up to a dinner party and, you know, you weren't actually invited.

You know, it's like we're here to have a conversation, but we feel like this conversation should have occurred before now, because there's substantial impact on that northern parcel based upon the current site plan.

And so, you know, I wonder what if -- what if our foundation said no to the access, what happens to this project? And that's a rhetorical question.

So maybe if we could delve into some of these questions, our concerns would be alleviated. Because we like, honestly, what we see about the conceptals. We like the 35-foot height.

I think anybody in Collier that owns anything that needs to be stored can definitely agree on the fact that we need some nice storage. So we're not -- we don't want to show up and be like, not in my backyard, but we just haven't been engaged in the dialogue, and I think that's what we're looking for.

CHAIRMAN FRYER: Before I call on Commissioner Vernon, I'm going to ask Mr. Yovanovich to respond.

MR. YOVANOVICH: For the record, Rich Yovanovich.

I appreciate that Jim just got retained, correct --

MR. BOATMAN: Yes.

MR. YOVANOVICH: -- to deal with this. What he doesn't know is I personally reached out to the Italian American Club, and my client has personally reached out to the Italian American Club. We've not received responses back.

So we've left messages to try to get ahold of them. My old contacts for the Italian American Club apparently are no longer involved with the Italian American Club.

To answer the question about access, if they refuse to give us access through the property, we'll use our right-in, right-out access onto Airport Road. We're happy to have a conversation between now and the Board of County Commissioners to talk about -- if you want to try to finalize what the easement actually looks like, that's fine. But I'm not sure they know what they want to develop on their property yet to where they can actually identify exactly where we are going to go across their property and how we're going to get across their property.

We've aligned with their current PUD master plan. We're happy to work with them. I'm glad that Jim is on board and has reached out to me. But to represent that we haven't tried to reach out is not factually correct. And we have tried to reach out, and we're happy to reach out. I've had many, many clients who have, frankly, wanted to buy their property, and we've not had any response when we've tried to reach out. So we have tried to reach out.

CHAIRMAN FRYER: Mr. Boatman, you want to reply quickly?

MR. BOATMAN: Yes, sir. Let's just say that we have a difference of opinion with regard to the information that we're receiving. I could call the manager, you know, of the association, who is there 9:00 to 5:00 and takes calls, that's not -- we're not hard to find.

So -- but I don't want to go down -- stay down this rabbit hole. If they're saying they've tried to communicate, the bottom line is, there's been no communication. And following the modification to the application, there was no subsequent public information meeting, and I think that that's a problem.

Staff indicated on Page 69 of the package that we decided not to require a new NIM based on recent changes due to the reduction of intensity in uses.

Well, actually, there was no reduction in intensity in uses in terms of what's actually going to be there. The 104,000-square-foot warehouse is still there. That's still what we're going to be neighboring.

CHAIRMAN FRYER: Well, there was 75,000 square feet. That request has been withdrawn, so that's a reduction in potential intensity, is it not?

MR. BOATMAN: It was, but it was -- it actually wasn't a full 75-. I think they went from a total of 2 -- it was, like, a reduction of, like, 40-. But it came from the part of the density that they weren't actually utilizing. It's the alternative. So the 104,000-square-foot warehouse was -- is the issue of concern.

CHAIRMAN FRYER: Let me see if I can cut right to the bottom line here, mixing metaphors.

It sounds like Mr. Yovanovich is willing to meet with you and talk through the easement issues and come to a resolution before this goes to the Board of County Commissioners. Is that satisfactory?

MR. BOATMAN: I believe that it would be premature for this board to send this

proposal to the Board of County Commissioners before there has been additional communications by and between Parcel 1 and Parcel 2.

MS. ASHTON-CICKO: May I comment?

CHAIRMAN FRYER: Go ahead, Counselor.

MS. ASHTON-CICKO: Are you familiar with the interconnection requirement in ordinance -- let me get my glasses -- 0946 near the Italian-American Club?

MR. BOATMAN: Yes, ma'am.

MS. ASHTON-CICKO: Okay. So there is an interconnection requirement, and most of these issues are resolved or discussed prior to the Site Development Plan. So there may be some preliminary conversations that they -- that at least Rich has tried to have. But for purposes of the rezone, these final conversations occur later. And there is an interconnection requirement on the Italian American Club parcel.

MR. YOVANOVICH: And if I may?

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: My client just texted. He's out of the country. He said he spoke to a Mr. Carlucci. Does that name sound familiar?

UNIDENTIFIED MALE VOICE: Yes.

MR. YOVANOVICH: Okay. Howard Gutman says he reached out to Mr. Carlucci.

CHAIRMAN FRYER: Well, I mean, I think we're operating at a level that may be beneath our charge, and it sounds also like it's going to be resolved because the applicant is going to meet with you and your client and work within parameters that have already been laid out with respect to that access easement, and I'm confident that it will -- I'm confident that if we were -- if we were to postpone hearing this, that it wouldn't advance the ball at any significant degree.

So without objection, I'm certainly not going to recommend that and -- but I will thank you for your public comment.

MR. BOATMAN: Thank you, Commissioner.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. So there wasn't -- there wasn't another NIM after they switched to the storage; is that correct?

MR. BOSI: The practice that the zoning department has guided under is if there's a reduction in intensity from what was presented at a neighborhood information meeting, another neighborhood information meeting has not been required of the applicant.

COMMISSIONER VERNON: So just to follow up with you, what duty, if any, does Rich's client have to reach out to the neighbor other than to have --

MR. BOSI: I mean, I think it's within his professional responsibilities. There's not a requirement that they have to have a conversation. There's a requirement that they have to have a neighborhood information meeting.

COMMISSIONER VERNON: Which they had.

MR. BOSI: Which they had. I would say that -- I would remind this Board of County Commissioners -- or remind the Planning Commission, the ordinance that Ms. Ashton was referring to was the ordinance that created that subdistrict originally. So for the existence of the Italian American Club, they agreed that there was going to be interconnection between these two parcels for this subdistrict to be created. So to object to

interconnection now is somewhat troublesome.

MR. BOATMAN: Respectfully, we're not objecting to interconnection. We're wondering who bears the burden of that interconnection and who pays for that.

CHAIRMAN FRYER: Well, that's not something that's going to come before us. And I strongly urge you to accept Mr. Yovanovich's invitation to get together, talk this out. And you're going to have a hearing before the Board of County Commissioners. There will be a development order, opportunities to get this completed in a way that is mutually satisfactory. And so I think that we've talked this out sufficiently, but thank you very much.

MR. BOATMAN: Thank you, sir.

MR. YOVANOVICH: Can I just add one thing, Mr. Chairman?

CHAIRMAN FRYER: Go ahead.

MR. YOVANOVICH: We've always had self-storage in the PUD that we were proposing and in the Growth Management Plan. So everybody was on notice that we were going to have self-storage at the first NIM, and all we did was eliminate the commercial -- the commercial.

COMMISSIONER VERNON: Yeah. And I actually had a couple questions.

CHAIRMAN FRYER: I'm sorry. Of Mr. Boatman, because we can --

COMMISSIONER VERNON: That's okay. Mr. Boatman -- he doesn't even have to come unless you need him to.

Did the Italian American Club attend the first NIM?

MR. BOATMAN: Can you advise whether you attended the first public information meeting?

UNIDENTIFIED FEMALE VOICE: I think all of our board members were out of town.

MR. BOATMAN: They were not able to.

CHAIRMAN FRYER: They were not able to.

COMMISSIONER VERNON: They didn't attend the NIM.

MR. BOATMAN: Correct.

CHAIRMAN FRYER: All right. Anything further for Mr. Boatman? If not, sir, you're excused. Thank you.

MR. BOATMAN: Thank you, sir. Appreciate the time.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Vice Chair, go ahead.

COMMISSIONER SCHMITT: Just for the record, they did not attend the NIM, but was there -- from the client's perspective or from this county's perspective, was it sufficient being deemedly -- deemed to be within the confines or within the statute of the LDC for advertisement and notice and fully noticed and advertised in regards to public being fully informed as to the time and place of the meeting?

MR. BELLOWS: For the record --

CHAIRMAN FRYER: Signage?

COMMISSIONER SCHMITT: Signage as well.

MR. BELLOWS: -- Ray Bellows. Yeah, it's a requirement for the notice to send out, as far as I know, that they were, but I am double-checking to see if they made the Property Appraiser list. We go from the Property Appraiser list.

COMMISSIONER SCHMITT: And on that sign notes clearly, if there are any

questions regarding any of the petition, the staff information is on there, can be emailed or contact the staff if there's any concerns?

MR. BELLOWS: That is correct.

COMMISSIONER SCHMITT: Okay.

MR. YOVANOVICH: There's actually no sign for neighborhood information meeting.

COMMISSIONER SCHMITT: Okay. Thank you. No sign.

MR. YOVANOVICH: But it was a very well-attended neighborhood information meeting. Interestingly, there is a sign for today's meeting and the Board meeting, and the Italian-American Club actually called us to tell us it blew down. So the --

CHAIRMAN FRYER: How long has that sign been up?

MR. YOVANOVICH: At least a month. Yeah, I think it goes up approximately a month before the hearing, maybe longer.

CHAIRMAN FRYER: Okay. Okay. Thank you.

Anything further -- well, we're at the point where we're asking about registered speakers. So do we have any other registered speakers?

MR. SABO: Mr. Chairman, there are no other registered speakers.

CHAIRMAN FRYER: Thank you.

Anybody in the room who's not registered, nonetheless wishes to be heard, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing no hands, we will close the public comment segment of this hearing, and the matter comes to us now for decision.

There is no need for a vote on EAC, but we have two matters which we can vote together on, and that is the small-scale GMPA and the CPUDZ, if it is our wish to vote on them together. I'll open it up for discussion and/or motions of the Planning Commission.

COMMISSIONER VERNON: I move that we vote on them together, and I move for approval.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER SCHUMACHER: Second.

CHAIRMAN FRYER: Further discussion?

MR. YOVANOVICH: To be fair --

CHAIRMAN FRYER: Please go ahead.

MR. YOVANOVICH: -- I just want to make sure it was with the change requested by Mr. Schumacher in the motion.

CHAIRMAN FRYER: Ah, good point. Yeah.

COMMISSIONER VERNON: Thank you.

CHAIRMAN FRYER: With that change. And the movant and the seconder has agreed to that.

All those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: Both resolutions pass unanimously.

Thank you very much, applicant. Thank you, members of the public.

All right. Let's see. We've got some time before our midmorning break, and without objection we will get right into that, if we may. And I will call it momentarily.

***All right. This is another set of companions. It's PL20220003213. It's the Vanderbilt Beach Road residential subdistrict small-scale Growth Management Plan amendment, and PL20220002908, the Ascend Naples Residential PUDZ.

All those wishing to testify in this matter, or these matters, please rise to be sworn in by the court reporter. And this includes members of the public. So if you're a member of the public and you want to testify on this, please stand up and raise your hand.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

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

CHAIRMAN FRYER: I'm not sure why there was a din in the room there, but so be it.

All right. Ex parte disclosures starting, ma'am, with you.

MS. LOCKHART: Staff materials only and emails from the community members.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: I did read a few emails or letters from the community objecting to this project.

COMMISSIONER SHEA: Staff materials, emails from the community, and I met with a community member.

CHAIRMAN FRYER: Thank you.

Matters of public record, in my case, emails, meeting with staff, and a communication with the applicant's representative.

COMMISSIONER SCHMITT: No disclosures other than the information in the public record regarded -- provided by the agenda and the numerous emails I received, all of which came into my collier.gov email and are a matter of public record.

CHAIRMAN FRYER: Thank you.

You may proceed, Mr. Yovanovich.

COMMISSIONER SCHUMACHER: I've still got to give my ex parte.

CHAIRMAN FRYER: Oh, I'm sorry.

COMMISSIONER SCHUMACHER: No, I'm sitting down here on an island by myself, so I get kind of forgotten. That's okay.

COMMISSIONER VERNON: That's where I want to be.

CHAIRMAN FRYER: Go ahead, sir.

COMMISSIONER SCHUMACHER: Public record, conversation with County Attorney, conversations with staff, conversations with the public, and conversation with Attorney Rich Yovanovich.

CHAIRMAN FRYER: Thank you.

Mr. Yovanovich.

MR. YOVANOVICH: Thank you.

Good morning. For the record, Rich Yovanovich on behalf of the petitioner.

This is the project team. You'll hear from most of us but not all of us. Gregg Fusaro is the representative of CIG Communities. You may remember Mr. Fusaro when he

did the Blue Coral project up on Immokalee Road. This project is very similar to that project but less dense. Patrick Vanasse is our land planner for the project, Dan Waters is our engineer today, and Jeremy Sterk is our environmental consultant, and Norm Trebilcock is our transportation consultant.

We are here for two requests. One is a site-specific Growth Management Plan amendment to create the Vanderbilt Beach Road residential subdistrict. That subdistrict will allow for 208 units on 17.5 acres. There will be a percentage of those units income restricted. Patrick will get into a lot more details. What this amendment does, it removes us from the Golden Gate Estates master -- sub-element and puts us into the urban element and creates a subdistrict within the urban area. And then we are also doing a rezone from Estates to the Ascend Naples RPD, which is a residential PD.

The property is located along Vanderbilt Beach Road about a half a mile east of Logan Boulevard intersection. It's four parcels totaling the 17.5 acres. As I mentioned, the current land-use designation is the Golden Gate Area Master Plan, and it's the Urban Estates portion of the master plan. The current zoning is Estates. And there's one home right now on the property, and it's predominantly vacant.

This is a location map identifying exactly where the property is, and the yellow area is areas designated urban, and the areas where you don't see yellow are designated Estates.

You will see that they're immediately adjacent to an urban area, which is cemetery, and directly across the street is an urban area as well.

As you will notice, we are on Vanderbilt Beach Road, and all of the necessary infrastructure is there to serve this proposed community. I want to be -- kind of give you a little bit of history of how this project came about and how we submitted it at the current two-story height.

There was another project proposed to the east of this project on Collier Boulevard and Vanderbilt Beach Road. We had a neighborhood information meeting for that, of which you-all have been apprised and have made some suggested revisions to the NIM process based upon how that neighborhood meeting went.

That had four stories and had higher density. Mr. Fusari -- Mr. Fusaro watched that and understood that a four-story building was not appropriate from a compatibility standpoint in this area. So he made changes to the project prior to even submitting the project. So you're seeing it in its current format based upon observations of other proposed projects in the periphery of the Golden Gate Estates area.

I also want to point out that it's not unprecedented for higher intensity development or projects to occur on the periphery of Golden Gate Estates. Now, we're not going to be in the Golden Gate Estates area, but if you're familiar with the master plan, the Golden Gate Master Plan, if you're familiar with Oakes Estates, which is Golden Gate Estates, on the periphery of that community, which we've highlighted on the visualizer, you will see that there's commercial development along the periphery of Golden Gate Estates.

That community recognized that, like us, is on a busy road, Immokalee Road, and the community supported the first row of the roadway to be designated for nonresidential uses in that area.

Also, although we're not in Rural Golden Gate Estates, there's a subdistrict called the Randall Boulevard Subdistrict which is along Randall Boulevard. The history of that subdistrict related to -- I don't think any of you were on the Planning Commission, but there was an Estates shopping center subdistrict created in Rural Golden Gate Estates at the

intersection of Wilson and Golden Gate Boulevard.

The residents of Golden Gate Estates at that time said, we know we need these services. We know we need these uses. We don't want them in the heart of Golden Gate Estates. We want them on the periphery of Golden Gate Estates.

So, historically -- and in that particular subdistrict, it was approved for 360,000 square feet of retail and office uses on that property. So, historically, Golden Gate Estates has recognized and accepted that there are services that residents in Golden Gate Estates need and they have advocated for them to be on the periphery of Golden Gate Estates.

That's exactly what we're proposing to do is to provide a community on the periphery of Golden Gate Estates. It is a developer that you're familiar with, and he will come through and will explain in greater detail the project and the economics of the project.

The community will include 15 percent or a hard number of 31 units at the 100 percent and below median income; 15 percent of the units, 31 units, at the 80 percent and below, and we're modifying today -- based upon the adoption of the Live Local Act, we're going to put another nine units into the mix at the 120 percent and below. And the reason we can do that is because, with the Live Local Act, we can bump up the number of units, and there are some incentives tax-wise that will be passed along to the community through the provision of additional income-restricted units by the way of adding nine more income-restricted units to this project. So it's approximately 34 percent of the units will have an income restriction out of this project.

If you recall the Blue Coral project, it started the 30 percent -- it offered 30 percent at 15 percent at the 100, 15 percent at the 80 percent, which was carried forward in this provision -- proposal, and that was and continues to be the highest commitment to income-restricted units in projects that have come forward so far.

Now, there's no question and no debate that we need attainable housing for the workforce, and that is exactly what we're proposing to do in a Class A residential community.

I've been to more than one NIM where people think what we're proposing is somehow substandard housing and that substandard individuals may be living in that housing. But there's no question in Collier County that there is a tremendous shortage of safe, decent housing for our workforce.

These statistics came from other -- not us, but there's roughly 60,000 homes that are household burdened, which means, as we all know, you're spending more than 30 percent on your rent or your mortgage.

There are a lot of -- the median earning households can't afford a median-priced house in Collier County. Rental rates have gone up over 20 percent over the last few years. Construction costs continue to rise, and insurance costs have tripled since the last several years.

All of those factors go into how much you can construct the residence for, how much you can operate the residence for, thus, how much of the income-restricted units you can actually provide to have a project that is economically viable.

I've said on many occasions that -- you know, how do you eat the elephant? It's one bite at a time. You're not going to get a project that's going to come in and immediately take care of the affordable housing shortfall in Collier County, but you're getting projects that are coming through and chipping away at the tremendous need. And the Collier County Chamber has recognized that this is the number-one policy issue for them, and the

Board of County Commissioners have said this is a big issue. We need to address it. And we have clients that are coming forward and making proposals to address the shortage of this type of housing.

I went too far.

COMMISSIONER SHEA: Rich, was that -- that 9 percent wasn't in our package.

That's --

MR. YOVANOVICH: We're adding it today.

COMMISSIONER SHEA: You're adding it today, right?

MR. YOVANOVICH: We're adding it today.

Paul Hiltz, who you all are familiar with, says that 40 percent of their employees live outside of Collier County. That's a large number. People are going to stop commuting when they can find a job where they live, and where will we be as a community if NCH can't find nurses and doctors? And same thing with Physicians Regional. It's a big issue for our medical system.

It's a big issue for the school system. You know, I didn't realize this, but -- I didn't realize that we were the second highest starting salary in Florida for schoolteachers, yet they have 170 vacancies. People can't -- teachers, people who work in the schools, they can't afford to live here. Where will we be as a community if we can't have what we currently have is a top-notch first-rate public school system?

This is a community-wide big issue for Collier County and has been for many, many years. And if we don't start approving projects like this, we're doing a disservice to the community, and we are going to affect the quality of life for those of us who live in Collier County and those of us who have lived here for a long time. And everybody in this room that lives in Collier County is partly responsible for the fact that we don't have sufficient housing for our employees and our workforce.

What you have on the map is identification of where income-restricted communities have been approved, and we've identified the subject site. There is a shortfall of income-restricted communities in this portion of Collier County.

I'm going to bring Pat Vanasse up here in a minute, but this is the right community in the right location. It's on Vanderbilt Beach Road. It's 208 luxury units. It's 11.9 percent -- 11.9 dwelling units per acre, and they are luxury units. You will never be able to tell the difference between the income-restricted unit and the market-rate unit because they are required, and they will have, the same level of finishes, the same level of first-class amenities, the same access to all of those amenities. This will be a Class A project.

As I mentioned, affordable housing is a countywide problem -- it's not just this area. It's throughout the county -- and we all need to participate in addressing this issue.

Your staff is recommending approval. At the conclusion of our presentation, we're going to ask you to make a recommendation to the Board of County Commissioners for approval of both the Growth Management Plan amendment and the PUD rezone.

That's my brief introduction of where we are, how we got here, the need for this proposed project, and I'm going to ask Pat to come up and take you through details of the location and the site plan. Unless you have any questions of me -- again, we'd prefer to get through our entire presentation if we can and then address questions. But if you want to interrupt us at any time, feel free.

CHAIRMAN FRYER: No one is signaling at this time, so please continue.

MR. VANASSE: Thank you, Rich.

Good morning, everybody. My name is Patrick Vanasse. I'm a certified planner with the Neighborhood Company. It's a pleasure to be here this morning to discuss planning and zoning issues related to these two petitions.

The intent of my presentation today is to demonstrate that, indeed, as Rich mentioned, this is the right community and the right location. And in order to address that, the major issues that we're going to look at are the location, we're going to look at density that is being requested, and compatibility. And we're going to go into project details, design choices that were made, and we're also going to look at the general context of where this property is located and what's surrounding it, and we're going to talk about broader issues, as Rich mentioned, about housing and housing affordability in Collier County.

So from the standpoint of surrounding uses, I'll jump right into it, and I will go back to our aerial. The subject property is identified in red. It is, to the north, bordered by Vanderbilt Beach Road, which is a six-lane divided major arterial, and beyond that we have the Island Walk PUD which is comprised of single-family residential, multifamily, and some accessory commercial and recreational uses.

To the south of us, we have Cherry Wood Drive, and beyond that we have Estates residences. To the east of us, we have the Palm Royal Cemetery mausoleum, and to the west we have one single-family Estate residence.

With regards to the location, I'll keep this map up and talk about the general context that we're in. So one very important point is that we are located west of Collier Boulevard, County Road 951, and I'll go into detail as to why that is significant.

We are also located along a major arterial, which has sufficient capacity to accommodate this project, and also it has central water and sewer which allow connection to our project.

It's located in an area of the county that is surrounded by designated areas to the north, to the west that -- and to the south that are urban designation. And that is in -- that is significant because those urban designated areas allow for greater intensities, greater residential densities, and also have urban level of services and infrastructure.

It's also important to note that we are in the northern part of the county where there are significant employment centers. One of the slides that Rich was showing with the green centers, those are major employment centers that were shown on there. Also, we're in a part of the county, as Rich mentioned, where there is little very -- or no housing communities with affordable housing components in the vicinity.

And from a more detailed look, the next slide shows you these urban level of services in the vicinity. So what we have here are radiuses of one mile, and within a three-mile radius, we show that we have parks, fire stations, hospitals, schools. We have those urban level of services and that infrastructure in the immediate vicinity.

Moving on to the next slide, this slide is a copy of the Future Land Use Map. And what's significant with this Future Land Use Map is that we are west of 951. And as you can see from this map -- and I'm sure you're familiar with the broader Future Land Use Map of the county. The areas in yellow are all urban designated areas, and 951 is that demarcation point between urban and rural areas. And, again, the areas west of 951 are urban in nature. They have urban facilities, urban infrastructure.

And while we have Estate-designated land within the urban area, the reason for that is that these were historically pre-platted lots years ago before the Comp Plan was adopted. But what's significant is that the county has always respected those Estate lots, and even

though they are surrounded by urban designations, they have kept their value, they have kept their integrity, and they are very desirable locations. And from a property value, also very expensive properties.

So I would surmise that the mix of uses that are close by and those urban types of uses that are close by to those Urban Estates have not been a detriment. They are complementary, and they have actually provided a benefit to those residents and also to the county, because not only does it provide easy access to goods and services for the residents, but also it reduces longer trips on the roadway for the entire county.

This next slide is the Urban Estates Future Land Use Map. And, again, what I'd like to identify there is that -- a demarcation between the urban and rural areas. And as residents of the county, I'm sure you understand that there is a marked difference between the urban area and the rural areas. The character is different.

The integrity of these large-lot subdivisions is still in place; however, they are closer to town, they are closer to employment centers, and there's a bit of a different feel in the Urban Estates versus the Rural Estates.

This slide is just a summary of the three distinct areas that are within the Golden Gate Area Master Plan. There is the Golden Gate City area, the Urban Golden Gate Estates, and the Rural Golden Gate Estates. What I'd like to point out is that the Urban Golden Gate sub-element does allow for a mix of uses. And, again, that has to be where it's appropriate.

And as Rich mentioned, they allow for mixed-use nodes, and they also allow for commercial nodes but, again, on the periphery of the residential areas and also located on major arterials. And all those places that have been allowed -- and there are numerous districts -- have been designed to be compatible with the neighbors where you've got greater buffers, greater setbacks, and, also, access is restricted to the major arterial, not out to the local roads, and that's what we will be presenting.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHMITT: Could you back up one slide. So the -- what it is right now and then what you're proposing on the left there -- so basically everything west of Collier Boulevard you're going to change the designation?

MR. VANASSE: No. The designation --

COMMISSIONER SCHUMACHER: We're just talking about this one lot --
(Simultaneous crosstalk.)

MR. VANASSE: -- is the 17 and a half acres only, yes.

COMMISSIONER SCHUMACHER: Okay.

MR. VANASSE: And it is identified right here in this little square, and it would be removed from the Urban Estates designation and would be identified in yellow as urban designation.

COMMISSIONER SCHUMACHER: Got it. Thank you.

MR. VANASSE: So the next major issue I want to touch upon is density, and the density we are requesting is directly related to housing needs.

As Rich mentioned, it's undisputable that we have a housing challenge in this county. And according to the Community Housing Plan, we need an estimated 1,600 units every year to just keep up with the need for workforce housing.

The request for 11.9 units per acre is to make this project financially feasible and to be able to deliver a quality project and at a scale and a height and a design that is

compatible. Without this desperate need for affordable housing, I don't think our client would be coming forward and asking for this project today, but he has been very conscious of the location and wants to provide a project that, as your staff explains in their staff report, is addressing the missing middle. And what is meant by that in planning theory and planning discussion is, there is -- you know, we see dense urban housing that provides affordability, and then we have people that commute very far off from urban centers, and they can afford housing in remote areas.

The missing middle is the type of housing that is attractive that is at a scale that is consistent with residential neighborhoods but also has enough density that it can provide an outstanding product and something closer to the urban areas and the employment centers.

So I just want to point out also that when it comes to that need, we've got plenty of evidence in the county that it is needed. The ULI extensive charrette that was done years ago and their report, the housing plan from the county, the recent Live Local Act that was approved, and also the amendments to the Rural Fringe Mixed-Use that were approved that now allow affordable housing projects to go up to 12.2 units per acre, and the transfer of development rights that typically are needed within that area have been waived because housing affordability is that important.

So the next major issue is going to be to address compatibility. And we're going to look at specific design aspects of this proposed community and how we've ensured that it is compatible and completely screened and buffered from adjacent properties.

So what you have here is the PUD master plan. At a very high level, I'll give you a summary of what is being requested. As Rich mentioned, 208 multifamily residential units. Those will be luxury apartment units. Of those 208 units, 71 -- 71 units will be income restricted. There will be an amenity center, clubhouse, and recreation area which will be capped at 12,000 square feet.

The uses allowed will be residential, clubhouse, and rec uses, and customary accessory uses such as walls, berms, water management.

There will be a preserve tract of 2.35 acres. Open space will be provided in accordance with the LDC. And the PUD contains commitments for landscaping, buffering, lighting, architecture, and, obviously, affordable housing.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: My eyes are getting old. I just want to make sure I'm reading it right. On the -- you talk about 75 feet of preserved land on the west side, and 50 feet?

MR. VANASSE: Yes, and I'll go --

COMMISSIONER SHEA: Why isn't the 50 feet 75, just a simple --

MR. VANASSE: Well, I'll go to the detail, but we have preserve of 75 feet on the western side, and what we have on the southern side is a 50-foot preserve which acts as a buffer, retained mature vegetation. Beyond that, we have 30 feet of easement, and that's all vegetated. And going towards the internal part of our project, we've located the water management, the dry detention, in that area to create further separation and vegetation. So all put together, that is over 80 feet.

COMMISSIONER SHEA: I didn't realize the easement would stay vegetated.

MR. VANASSE: Yeah.

CHAIRMAN FRYER: Mr. Vanasse, we're going to break in four minutes. So between now and then, if you would reach a breaking point...

You can obviously continue to speak after our break.

MR. VANASSE: If you'd like, I think this is a good spot to stop, and then go into some of those details.

COMMISSIONER SCHMITT: Before we --

CHAIRMAN FRYER: Okay. We've got Commissioner Schumacher first.

COMMISSIONER SCHUMACHER: Can you back up one more slide again. I'm sorry. I keep repeating myself.

That vegetation buffer that you're showing on Cherry Wood Drive is very misleading, and the reason I say that is because Cherry Wood Drive, where that road is and where you have it marked as being a buffer, there is no landscaping adjacent directly on that road. It's a swale. So the swale goes down, and then you're going into the property before you actually hit any wooded area whatsoever.

MR. VANASSE: Well, I've got some slides that go into further detail, but we've clearly identified that that buffer is 50 feet from the easement. So the 50-foot buffer is not inclusive of that easement.

COMMISSIONER SCHUMACHER: Okay. We'll go over that after the break then. Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. Just clarification to follow up on Commissioner Shea's questions. The west side, that's where Cherry Wood Drive is?

COMMISSIONER SHEA: South side.

MR. VANASSE: No. There's one single-family residence over here on the west side where my cursor is. Cherry Wood Drive is to the south.

COMMISSIONER VERNON: Okay. All right. I'll look at it during the break. Thank you.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Patrick, when you come back, what I would like to hear is -- well, the biggest concern I had is the number of emails I received from folks in Island Walk. So if you have any renderings of what we're looking at, if I'm standing at Island Walk looking across the street, I would like the public to see that and those of the viewing public as well to see that.

Also, I would like for you to discuss -- I had a lot of emails that -- concerned about the impact that this will have as far as water. I know all the reasons, but they're concerned about protecting their lakes in Island Walk. If your environmentalist, or whoever is your applicant for your Environmental Resource Permit, could just cover clearly so the public understands the permitting requirements in regards to protecting -- for you to retain your water on your site or deal with it in a manner to meet the requirements of the South Florida Water Management District and clearly identify anything in regards to the Clean Water Act, Environmental Species Act, or whatever, because I want all that to be stated.

The letters I received covered in detail concerns about traffic, which I know we're going to discuss because Norm is going to be asked about that, but, too, from the standpoint of the impact, the visual impact and the environmental impact that folks in Island Walk were concerned about.

So after the break, I would like to have that made during the -- you to cover that during the presentation.

MR. VANASSE: I'll address the visual impacts. We have an expert part of the team, Dan Waters, that has plenty of experience with ERPs and can walk you through that.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: I can go through it in detail, but I'm going to leave you to do that. Thank you.

CHAIRMAN FRYER: Thank you very much. We stand in recess until 10:40.

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

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

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

Ladies and gentlemen, let's reconvene. Let's reconvene, please.

Mr. Vanasse, you have the floor.

MR. VANASSE: Thank you. For the record, Patrick Vanasse.

In this next phase of my presentation, I'm going to --

CHAIRMAN FRYER: Just a moment, Mr. Vanasse.

Ladies and gentlemen, please, when you don't have the floor, there's not to be any speaking in this room as a courtesy to the speaker. Thank you.

Go ahead.

MR. VANASSE: Okay. As I was saying, in the next phase of my presentation, I'm going to look at how we've ensured compatibility through thoughtful design, and some of the things that I'm going to touch upon is the overall orientation of the community, the buffering, the setbacks, the preserve location, the architecture, the height limit that we've imposed on this project, the access. Also, I'll talk about how the development standards are consistent with zoning districts within the county.

So looking at this slide, this is to address orientation of this proposed community. As you can see, access to the community is solely along Vanderbilt Beach Road. There is a primary access, which will be gated, and a secondary emergency access.

The applicant has committed to absolutely no access onto Cherry Wood Drive; that includes vehicular, pedestrian, and cyclist access. Moreover, after the NIM, the applicant is committed to put a fence or a wall. Even though we have very dense vegetation and preserve where we abut adjacent residential, the applicant is committed to that wall or fence completely surrounding the property.

And also what I'd like you to note is the way we've designed this community is all the amenities will be central to the project, internalized, and the intent behind that was really to put any activity that was outdoors to have it internal to the project and separate it and buffered from adjacent properties.

COMMISSIONER SHEA: Where will the fence be located?

MR. VANASSE: The fence will be the perimeter, on the outside of the --

COMMISSIONER SHEA: Property line or --

MR. VANASSE: On the outside of the preserves. The exact details we haven't worked out yet, but the commitment is certainly there.

So this is a graphic depicting the buffers and the separation. Just going back to one of the comments about the buffer here on the south, it is a 50-foot buffer. There's a -- I don't know if you can see it really well, but there's a different shade of green. Again, that 30-foot easement is partly swale, partly vegetated. It creates separation. And, as you know, buffers aren't necessarily just big, tall vegetation. Buffers are also green space, and that is green space right now. And internal to the project, in lieu, we have the water

management area which, again, was located strategically to the south of the property to create more separation, more buffering.

So with regards to separation from adjacent residential, so if we start at the north here, these lines show the separation from the closest home within Island Walk to our residences, and that's approximately 360 feet. I have renderings showing what that line of sight is, and I'll show that in a moment.

To the west of us, there's one residence there. It's identified in this area. Separation, there's -- they have vegetation on their side, and the separation is going to be 135 feet, plus or minus.

And then to the south, we looked at all the homes adjacent to Cherry Wood Drive to the south of the project. The closest home is where we've got our arrow. We delineated approximately 100 feet of front yard in front of that home. With our buffers and setbacks, the separation will be approximately 210 feet. And then on the eastern side, we've got the mausoleum that is shown there, and the separation from our project is going to be over 500 feet.

So this slide just reiterates those separations. And then with regards to buffers, while I've talked about this, I just want to go into this in a little more detail. So to the north of the property where we abut Vanderbilt Beach Road, we're providing a 25-foot enhanced buffer. This exceeds the typical type deal along a major roadway. It will meet the requirements of the Golden Gate Estates for commercial properties that abut right-of-ways. They require this enhanced 25-foot buffer. We are meeting that requirement.

To the south, we have a 50-foot buffer, as I mentioned. It will be mature vegetation followed by the right-of-way easement, which will create some green space and separation.

To the west, we have a 75-foot preserve with mature existing vegetation, and to the east we have a 10-foot enhanced buffer, but also to the east -- and Dan Waters will be able to address this -- we have a 30-foot water conveyance swale in that area. So there's 45 feet of green space and buffering along that side.

What I've put under these buffers is I compared our proposed buffers to some of the standard buffers in Collier County. So if you're multifamily in the urban area abutting single family, the code calls for a 15-foot Type B. We far exceed that. If you are industrial zoned land abutting single-family homes, the code calls for a 24-foot Type C buffer. We far exceed that.

The Golden Gate Area Master Plan where they do allow for mixed-use centers and commercial centers have stringent buffering, and what they require when that project abuts a single-family residence is a 50-foot retained native vegetation buffer with an extra 25 feet of no parking. We meet and we exceed that requirement.

From a setback standpoint, again, these are just shown to show that we exceed standard setbacks in residential areas of the county.

To the north we have a 50-foot setback, to the south we have 110 feet minimum. To the west we have an 80-foot setback, and to the east 45 feet.

Again, looking at the Golden Gate Area Master Plan, when you have commercial abutting single-family, the requirement is for 75 feet of setback. We exceed that. And the caveat I want to make is I'm using the comparison with industrial and commercial to demonstrate that those are more intense uses than what we have. And the Golden Gate Area Master Plan was crafted in such a way where there was a recognition that those uses were more intense; however, through the property setbacks, buffering, and separation, you

could ensure compatibility. So not are we only less intense, but we meet or we exceed these requirements.

So I've got these line-of-sight exhibits. I'm not going to go into a great amount of detail on each of those, but what you're going to see is that there is ample separation but also ample vegetation that will shield/block the line of sight from abutting neighbors.

So this one is from the north, from Island Walk, looking south towards the proposed project. Island Walk has a buffer along the perimeter of their project. We have about 230 feet of right-of-way in Vanderbilt Beach Road. There is a landscape median island. And then our property, we have a 25-foot enhanced buffer. So the average person looking, what we see there in yellow, would be looking straight into trees and would probably not even see our project beyond that vegetation.

This next one is from the south looking north from Cherry Wood Drive. So, again, we looked at all the adjacent residences there. We looked at the one that was closest to us. That one's got about 100 feet of front yard. All those front yards are vegetated, so they've got ample vegetation in their front yard. Then we have Cherry Wood Drive, which is about a 20-foot roadway. We have the easement, and then we have a 50-foot buffer. So, again, ample vegetation completely shielding the project.

CHAIRMAN FRYER: I have two commissioners who want to jump in at this moment.

MR. VANASSE: Okay.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Okay. On this rendering, again, what I'm having a hard time dealing with is what I feel is a misrepresentation. Your line of sight is showing these apartments at pretty much the same height as that neighboring home when that neighboring home was built, more than likely, quite a while ago, being either the early '80s, late '80s, which -- there was a different floodplain at that point in time. This property also needs a lot of fill, which means it's got to come above flood in order to get constructed.

So your apartments are going to sit much higher than that home does. So how many -- how many feet of fill are we putting into this project to bring these residences up? Because it's not going to be dead level with the house across the street.

MR. VANASSE: I don't have an exact answer. We haven't done that level of design yet, but a lot of low-lying areas in Collier County we're looking at perhaps plus or minus -- I'll let Gregg, the applicant, answer that question.

MR. FUSARO: Good morning. My name is Gregg Fusaro. I'm a partner with CIG Communities. We're the developer for Aspire Naples on Immokalee Road and this proposed development as well.

Generally, we have four to five feet of fill that's required for almost any site like these, and so that will increase the base, kind of, foundation level.

What I think is really critical here and is one of the things that we heard early on and why we went to the design that we have, these are all two-story buildings. And the reason we did that is because we wanted to make sure that the existing vegetation in the preserve areas, primarily the trees, are taller than the buildings, which they will be.

The existing trees in there are 40 to 50 feet high, and our maximum height is 35 feet. I don't even think we'll get to that point with our two-story buildings. It just depends on final design in terms of roof lines and architecture.

But our plan is, all along, has been that you won't see the buildings at least from the

south and the west because the preserve is going to provide that visual buffer that's higher than the actual buildings themselves.

COMMISSIONER SCHUMACHER: Okay, thank you.

MR. FUSARO: Sure.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER SHEA: Yeah. I guess just a follow-up. It's 35 feet from the -- sir -- 35 feet from after the fill, or --

MR. VANASSE: Thirty-five feet zoned height, so crown of road, adjacent crown of road.

COMMISSIONER SHEA: Center of the road.

COMMISSIONER VERNON: Center of the road?

MR. VANASSE: Yeah.

COMMISSIONER VERNON: Okay.

CHAIRMAN FRYER: It's 45 feet actual height, correct?

MR. YOVANOVICH: Tippy-top. To the tip of the roof is 45 feet.

COMMISSIONER VERNON: Forty-five feet.

MR. YOVANOVICH: From -- grade's not the right word, but it's not from minimum flood elevation. It's -- I think it's from the crown of the road.

COMMISSIONER VERNON: Forty-five feet from the crown of the road.

MR. YOVANOVICH: Tippy-top, yeah.

COMMISSIONER VERNON: Okay. And then my original question was just to follow up on Commissioner Schumacher. You were talking -- when you talk about the swale, you were talking about this view on the south side.

COMMISSIONER SCHUMACHER: Correct, on the south side.

COMMISSIONER VERNON: So where is the swale? Right in the middle?

MR. VANASSE: So what we have -- the roadway is -- so what we have is we have easements on the private properties, and in the case of Cherry Wood Drive, the roadway is mostly on the residential properties to the south, and then we have that 30-foot of easement, which has not been constructed. It's swale and vegetation. So what we're showing is the roadway here, and that would be the swale and the easement here, and then the buffer beginning.

COMMISSIONER VERNON: Okay. And the -- all right. The buffer, without including the swale, is 50 feet.

MR. VANASSE: Is 50 feet.

COMMISSIONER VERNON: Okay. Thank you.

CHAIRMAN FRYER: Go ahead, sir.

MR. VANASSE: This is line of sight from the western side of the property. We measured the adjacent house has about 55 feet of side yard. Most of it is vegetated. If I had to venture a guess, maybe 40 feet of that 55 feet is vegetated. And then beyond that we have our 75-foot preserve, and then a 6-foot landscaping strip. So, again, ample vegetation that would screen and shield and buffer the property.

Lastly -- and I don't think there's any concern here -- we are over 530 feet from -- actually, this shows 485-foot separation, and the cemetery mausoleum have a buffer on their property. We have our 30-foot water management conveyance, and we have our enhanced 10-foot buffer. Again, very extensive separation and vegetation that will be screening and buffering the property.

So the next issue I want to discuss is architecture. As Gregg has mentioned, they went out of their way to design a project that's innovative and is compatible with surrounding properties. This is a rendering of what they call the big home residential concept. The intent is to provide multifamily apartments within a building that mimics a single-family home.

As you can see here, it's limited to two stories. Again, when we talked about the zoned height versus full height, if you can see, there's some nice rooflines on there, and that makes for attractive buildings. If we put a flat roof, we could certainly bring the building down. But, again, we want to mimic the character and the level of architecture that is seen in adjacent properties and these larger homes in the Estate lots.

Also, the aerial vernacular is a modern farmhouse architecture and, again, the intent behind that is to have something that is contemporary but, again, is consistent with a more suburban or Estate lot type of subdivision.

As mentioned, the height will not exceed two feet -- two stories, 35 feet zoned height. The development standards identify that and commit to that, and also all the projects -- all the structures are very high-quality, high-end units that are in there with quality finishes, and there's going to be ample amenities for the residents when it comes to gym, indoor and outdoor entertainment areas, pool, and jacuzzi and, again, that will be central to the project and internalized.

With regards to access, as mentioned, very strong commitment to direct all traffic, all access onto Vanderbilt Beach Road. Absolutely no access will be provided onto Cherry Wood Drive. Again, on top of having preserve there and no access, it will be fenced and walled from that roadway.

Also, the internal community will have a network of pathways and sidewalks connecting all the buildings and the amenities, and that sidewalk will connect onto Vanderbilt Beach Road and the greater county network of sidewalks.

Just a quick summary, some of the other design items. We're going to meet the 60 percent open-space requirement, so internally there will be ample green space to make it look consistent with other residential master planned communities. The preserve will provide some habitat for wildlife. The preserve is located strategically to create separation and screening.

We have a commitment to have Dark Skies compliant lighting on the project. The entire project will have a unified architectural theme, and all stormwater will be controlled and managed on site, and Dan will address that in a little more detail shortly.

With regard to development standards, the only thing I want to reiterate here is our setbacks meet and exceed code requirements. And what I've got highlighted here is the maximum of 35 feet, which is consistent with standard residential districts, single-family residential districts in the county, and a maximum of two stories.

From a transportation standpoint, we provided a detailed TIS. Norm Trebilcock is here to answer any questions. Staff has reviewed that TIS and is recommending approval for both of these petitions. There will be a cap trip generation maximum included in the PUD, and the cap is that the project will not exceed 110 two-way p.m. peak-hour net trips, and that will be reviewed and enforced at the SDP stage.

Last, but not least, the developer is going to be paying transportation impact fees, and that would be there to mitigate for any concerns into the future.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Can you go back one slide. So the size of these will be anywhere from 450 square feet to 700 feet -- 750 feet?

MR. VANASSE: The individual apartments will be in that range. Again, Gregg's going to touch upon this in a little more detail. But it sounds a little counterintuitive that they are providing a luxury residential product, but the luxury residential product is what allows them to provide the affordable housing on a per-square-foot basis, they get better rent. Some of these units are smaller, but the quality is really there, so people are willing to pay for that quality and that luxury.

COMMISSIONER VERNON: Are there any -- are there any common areas inside the big house, the big home?

MR. VANASSE: Some of the amenities will be internal, and I'll let Gregg touch upon that in more detail.

COMMISSIONER VERNON: Okay. So I'll turn things over right now to Gregg, and he'll give you a little more detail about those units but also talk about financial feasibility and the economics of the project.

CHAIRMAN FRYER: Any more questions for Mr. Vanasse before he steps down? (No response.)

CHAIRMAN FRYER: If not, okay.

MR. YOVANOVICH: Actually, before we --

CHAIRMAN FRYER: Vice Chairman.

MR. VANASSE: I'm sorry.

COMMISSIONER SCHMITT: Patrick, were you going to -- I wanted somebody to cover the water management as well. Thank you.

MR. YOVANOVICH: That was the audible I was going to call. We're going to bring Dan Summers [sic] up now to address the water management system, and then we'll have Gregg come up and talk about the project.

COMMISSIONER SCHMITT: Okay, thanks.

MR. YOVANOVICH: In greater detail.

MR. WATERS: Do you want me to wait for Dan Summers or no?

MR. YOVANOVICH: Sorry. Dan Waters.

COMMISSIONER SCHMITT: Dan Summers, I think, is --

CHAIRMAN FRYER: He works for the other team.

COMMISSIONER SCHMITT: Works for the other team.

MR. WATERS: Good morning, Commissioners. Dan Waters with Peninsula Engineering.

I'm going to talk about water management, what the process will be following this, and want to kind of set in note that initially, you know, we're in the step of the process here where we will identify what -- through this and the Board of County Commissioners, what intensity is appropriate here and what land use is appropriate here and what buffers are required here.

Once we're through this process and those decisions have been made and we know basically what development footprint we're working in, the next step would be, you'd begin to apply for permits from South Florida Water Management District.

So when you get into the Water Management District, you're basically demonstrating that we satisfy all of their rules and the requirements and, basically, the bedrock foundation of their rules are their conditions of issuance for granting a permit.

So the first thing that we will have to do, or one of the things we'll have to do, is basically demonstrate that whatever is proposed here does not adversely impact the floodplain. So, essentially, basically, demonstrate that if there is floodplain storage on this site, that our water management system adequately addresses that and we do not displace that onto somebody else and make somebody else's situation worse or adversely affect their rights.

The project will be limited to -- like all developments in Collier County to a restricted rate of discharge that is prescribed by the county and, as part of the permit application, we'll evaluate basically what the allowable discharge is and ensure that there are no adverse impacts to anybody upstream or downstream as a result of our proposed discharge.

Mr. Schmitt, you mentioned Clean Water Act and water quality. Again, once we figure out what the intensity is, where the project is, part of that design will be to design into our water management system a series of water-quality treatment measures and ensure that the discharge that leaves this site is -- basically, the nutrient levels are no more than they are in the existing condition.

In terms of environmental topics, I'll touch on them. If there are more specific comments or questions, Earth Tech Environmental is probably better to address them. But there will be site walks and listed species surveys that will be performed with the district as part of the review of the ERP. Additionally, they'll do an evaluation of any wetlands that are on site, and whether those wetlands should be preserved on site, should they be mitigated off site, and how you maintain that wetland function.

COMMISSIONER SCHMITT: Let me ask a question on that, Dan. So right now you've done no preliminary jurisdictional determination?

MR. WATERS: There's FLUCFCS mapping that has been done as part of the preliminary environmental work.

COMMISSIONER SCHMITT: Yes.

MR. WATERS: The agency that basically establishes a binding jurisdictional and says, "This is the line between upland and wetland," will be South Florida Water Management District, potentially DEP if these wetlands would be jurisdictional to the federal government, and it will happen as part of that process. But, yes, there have been preliminary evaluations of it.

COMMISSIONER SCHMITT: So if there are jurisdictional wetlands, you'll go through the proper -- I'm assuring the public this -- that you're going to go through the required -- through the state, the required permitting applications, and determine whether there's going to be an impact, if there is an impact, either mitigate, compensate, or avoid?

MR. WATERS: Absolutely, correct, yes.

COMMISSIONER SCHMITT: And as far as the concerns that were constantly identified in the communications I received, are there any plans in regards to water management to displace any water that folks are fearing that may impact the lakes at --

MR. WATERS: Island Walk.

COMMISSIONER SCHMITT: -- Island Walk? Thank you, lost the county -- term. But there's no plans of any way, shape, or form to impact the lakes in Island Walk; could you state that?

MR. WATERS: No. And the process will be, when we submit to the district, it's a transparent process like the rezoning process is. Every document, every calculation, every

piece of information will be available online. Any member of the public can access it, can review it, can comment to those agencies, and if the proposed project were to adversely impact Island Walk, adversely impact any neighbor, then a permit shouldn't be issued and wouldn't be issued.

COMMISSIONER SCHMITT: Correct. Okay. Thank you.

MR. WATERS: So that's an overview unless you have any specific questions.

COMMISSIONER SCHMITT: You answered the question. I just wanted to make sure that was on the record so the public understood the permitting process.

MR. WATERS: Okay. Thank you.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN FRYER: Thank you.

Mr. Yovanovich.

MR. YOVANOVICH: With that, we're going to bring up -- Gregg's going to come up and talk about the project and who he is intending to serve.

CHAIRMAN FRYER: Okay.

MR. FUSARO: Again, my name is Gregg Fusaro. I'm a partner with CIG Communities, and we are, just as a little background, a multifamily residential development company. While our office is in Cincinnati, we believe that we are members of this community. We -- myself and my partner both have homes here. We're members of the Chamber, and we're committed to doing the things that we understand, both from county staff and a lot of other people, are really needed here, and that's trying to provide as much attainable housing as possible in our developments. And as Rich indicated, Patrick as well, you know, when we committed to the 30 percent at Aspire Naples, that was the highest level of attainable units that any development had committed to, and that was a development on just over nine acres, 233 units, and that was actually the highest density that the county had approved.

Part of that was based on, you know, again, taking a little bite out of the apple in trying to provide more attainable units within the county.

By the way, that project we just broke ground on a couple weeks ago, I guess about a month ago now, and we're extremely excited about, you know, what that will do to, you know, take another bite out of that problem.

One of the things that I think is really important to us -- you know, I get it, nobody wants change, and we understand that, which is the reason that we've gone to great lengths to try to create a development that is compatible with the neighborhood. It's a development that, again, is on a major arterial.

We held two NIM meetings, one virtual and one in person. And there were some great points made at those meetings, which we have incorporated into our development. We originally looked at this site and had programmed 280 multifamily residences on the site. You know, we got input with respect to that density, and so we reduced the density. We're now at 208 units, which is under 12 units per acre.

We also had initially looked at, based on that original density, doing three- and four-story buildings, which is what we're doing on Immokalee. Those are four-story elevator buildings. And we said, okay, we've got to find a way to make that work. And so we reduced the density. They're all two-story buildings. And just for the specifics on that, if you take the current elevation, add five feet for fill, our floor to floor will be about 11 and a half to 12 feet. So you're looking at 24 feet, plus 5, 29, plus whatever the pitch of the

roof is. And we haven't made that decision -- final decision about, you know, the architectural styling. We've got a look here that we like, but we're going to get input from a lot of different people. So I think at the end of the day, our maximum actual height above current grade will be about 35 feet.

CHAIRMAN FRYER: Actual?

MR. FUSARO: Yes. In terms of the actual buildings themselves. Now, we're committing to what we have proposed here, but I'm just telling you, from a practical perspective, we'll probably have about 5 feet of fill, and we're 12 feet floor to floor, which is, then, 29, and depending on what the roof height is, we'll be 35, 37 feet is my guess. We haven't -- we haven't finished that architectural. But in any case, our intention and our commitment is that the existing trees that surround us on the south and the west are going to be taller than our buildings, and we're going to stay, obviously, within the commitment that we've made in terms of the zoning petition.

So I just want to make that clear. That's -- that was input that we got from a lot of people in terms of height of the buildings, and that's what we're doing.

I think it's -- again, I just want to reiterate, for example, that driveway that now leads from Cherry Wood onto the site will be gone, totally gone. The only access is on Vanderbilt Beach Road.

You know, if I was coming in here to say I want to have our traffic passing through Cherry Wood Drive, I mean, I just would never do that because it wouldn't work, and we get it. And the only reason it works is because we're on a six-lane highway. But the only access of any sort is on Vanderbilt Beach Road.

We heard input from neighbors that they wanted a fence or a wall around the entire development. I personally am not a fan of walls because I just don't like what they convey, but we'll commit to doing either, a wall around the entire development or a -- I like more decorative fencing because it restricts the movement, but it's, to me, less obtrusive.

But, again, that's -- we're amenable to doing whatever, you know, again, in general is deemed to be the best solution based on that concern. The concern was that our folks are going to go into the neighborhood. We're not worried about that at all. If anything, we think the opposite might be true. But I think it was -- it was input that we got from the neighbors, and we're committing to do that even though it's not -- it's not in the materials that we submitted to the county, because that request came after the NIM meeting.

So I'm just going on record that we're committed to doing that. The other thing I want to clarify -- because Patrick hasn't seen our design model yet, but we actually have units that will range from approximately 600 square feet, which is a studio and, interestingly enough, in most of our developments, the studios and one-bedrooms are the units that lease up the most quickly because a lot of the younger professionals and workers in any market -- it's not unique to Collier County or to Naples.

Again, pricing has gotten more difficult just because of where construction costs have gone. But young professionals want to be in our developments. They want to preserve as many of their dollars as they can, so they don't care so much about the space they're actually living in. They want a great community that has great amenities that's in the right location and that allows them to drive less, whether it's to work every day or to the market or to other recreational amenities.

So those are the smallest units. The largest units, based on our current plan, are about 1,350 square feet, and those are three-bedroom units.

And what's currently on the screen -- so when you -- this particular slide -- and, again, this is just for informational purposes, but it gives you an idea, based on household size and different levels of income that you have based on having incomes less than 80 percent of AMI, which is average median income, incomes at less than 100 percent of AMI, and incomes at less than 120 percent. And then down below that is kind of the median salary for some of the different essential services personnel and workforce housing that exist in this marketplace.

The other thing I just wanted to talk a little bit about in this -- is just basically for informational purposes, but I think it's important to understand that, you know, we're doing -- without, again, looking at some subsidies -- which other markets that we work in have different types of subsidies to encourage attainable housing.

Collier County is a little bit different in that respect. But I've just shown up here some of the numbers that we're looking at in terms of this development. Total cost is just over \$72 million.

The equity going into it is about \$29 million, and, you know, again, when we had originally looked at the development as a market-rate project, cash-on-cash returns between, you know, over time starting at 6 and a half or so percent and going up from there, you know, again, what we're looking at now are cash flows at less than 5 percent. And as you all know, I can go get a savings account or a CD today at over 5 percent.

So, you know, it's become very, very difficult without subsidy, based on the cost of construction today, to be able to -- to provide affordable and attainable housing.

So I think it's important to understand that if we could do 50 percent or 100 of these units at an attainable level, we would do that. But based on the cost structure that we're looking at today -- as another example, as I said, we just started Aspire a few weeks ago. When we did that budget, our insurance costs per unit was about \$500 a unit. We bound the insurance last week at \$1,600 a unit. So it tripled between the time that we did our models and when we actually closed on the loan. So I think that's the unfortunate circumstances that we're dealing with today.

I'll let Patrick go through the Growth Management Plan consistency, but I just want to see if there's any questions at this point of me.

CHAIRMAN FRYER: Planning Commission?

(No response.)

CHAIRMAN FRYER: Apparently not, sir.

MR. FUSARO: Okay. Thank you.

MR. VANASSE: Thank you, Gregg. Just to wrap things up here, I will address Growth Management Plan consistency and consistency with the LDC.

In your packet and in the staff report, there are very detailed narratives associated with that. I'm not going to bore you with all those details. But I do want to point out two very important overarching goals within the Growth Management Plan. The first one is the future land-use goal, and I've highlighted in black a sentence where it says that the goal of the county is to provide a well-planned mix of compatible uses which promote public health, safety, and welfare. We believe that what we are doing and what we are presenting to the county is really providing that mix of housing and does promote public health, safety, and welfare.

And then we've got the housing goal, and the areas I've highlighted says that the county shall provide an adequate supply of decent safe, sanitary, and affordable housing for

all residents of Collier County.

I think it's not even debatable. We know we have a housing challenge on our hands. And also what that goal says at the bottom is, thus, there is a need for the county to find ways to encourage the provision of affordable housing, and that's what we are doing today.

We're coming before you to ask for the creation of a new subdistrict that will allow the provision of affordable housing, and we've presented a PUD that has a lot of safeguards and has assurances that make it compatible with the surrounding neighborhood.

Again, with regards to compliance and the staff review, staff -- the staff reports were very detailed, very good. We concur with their findings. But I just want to reiterate a few things on there. We've demonstrated compliance with the Comp Plan as amended and with the PUD zoning decision criteria. The development meets or exceeds applicable development standards for residential zoning districts. The development has demonstrated compatibility with surrounding uses. It will provide significant public benefit through affordable housing and will advance the county's countywide goals for housing.

The proposed development will not adversely impact public infrastructure, it will not cause drainage problems, reduce light or air to adjacent properties, nor will it harm the public health, safety, and welfare.

And last, but not least, your staff has looked at the project from many angles, including drainage, landscaping, transportation, utilities, planning and zoning, and they concur with our assessments. And they recommend approval for both petitions.

So, in conclusion, it's my professional planning opinion that we are, indeed, consistent with the Comp Plan, as amended, and with the Land Development Code. We support staff's recommendations for approval, and we respectfully ask that you support these projects and recommend approval for these two petitions.

CHAIRMAN FRYER: Thank you.

Planning Commission, any questions or comments for the applicant?

Commissioner Vernon.

COMMISSIONER VERNON: So one is just a curiosity question. Two different presentations, sub-presentations by your team. You left off law enforcement, as you had firefighters, teachers, nurses. I've just -- did you hear what I said?

MR. YOVANOVICH: I did.

COMMISSIONER VERNON: Did you hear what I said, Terri?

THE COURT REPORTER: Yes.

MR. YOVANOVICH: About law enforcement, we left them off of the list?

COMMISSIONER VERNON: Well, in two different -- and it was probably you just didn't get the data for them, I'm assuming. But I just want to make sure I'm not missing something.

MR. YOVANOVICH: Because I thought we had that number for --

COMMISSIONER VERNON: I saw firefighters, nurses, teachers, and you missed it once. I said, no -- didn't give much thought to it, but then there was a second presentation, and it was left off -- yeah, there it is right there. That's the second one. It's okay. I'm wondering if there was a reason for it.

MR. YOVANOVICH: No. We know also --

COMMISSIONER VERNON: Okay.

MR. YOVANOVICH: -- that sheriff's deputies fit this category as well.

COMMISSIONER VERNON: Just thought it was odd.

MR. YOVANOVICH: It was actually -- it was a miss. It was a miss.

COMMISSIONER VERNON: All right. And then the next question, just trying to visualize this project, if I'm coming home -- I'm living there, and I'm coming home heading east on Vanderbilt, turning right, and it's 5:15, and there's 17 of us who live there getting home at the same time, is there a turn lane there?

MR. YOVANOVICH: (Nods head.)

COMMISSIONER VERNON: And how deep is -- it said it was a gate -- you said it was a gated -- hold on. You said it was going to be gated. So where -- maybe just give me practical, where's the gate going to be? How many cars can be accommodated? If it's one at a time through the gate, et cetera, et cetera.

MR. YOVANOVICH: Specifically, as part of the Site Development Plan review, we will be required to build a turn lane to serve our project, so we will have a turn lane.

The County also has a requirement that our gate be set back, I think it's 100 feet, to have sufficient stacking for cars that are coming off --

COMMISSIONER VERNON: Okay.

MR. YOVANOVICH: -- to get into the community and not back up into the road or into the turn lane. So the county has specific requirements that will be implemented at Site Development Plan review.

COMMISSIONER VERNON: Okay. And then I know Joe covered it and it's premature to ask this, but I'm going to ask it anyway. If you heightened the land and you increased the fertilizer, because now you're grooming the landscaping, you're probably going to create changes in water flow, and you're going to change water quality. And I know that you don't know the full answers now, but, typically, what kinds of things do you do just as a very -- from a layman's standpoint?

MR. YOVANOVICH: I'm going to ask Mr. Waters this time, not Mr. Summer, but Mr. Waters to come up and explain that process.

COMMISSIONER VERNON: Mr. Waters, to talk about water.

MR. WATERS: Again, Dan Waters.

So that will be part of the final design and permitting. What I would --

COMMISSIONER VERNON: Okay.

MR. WATERS: -- what I would anticipate would be that you'd have some form of probably dry retention within this community, and what that would mean is smaller storm events would not discharge off site. Smaller storm events would just perk into the groundwater, and that would be part of elevating the ground, and would not discharge off site, and that's how you control some of that pollution runoff. And it goes back to what I mentioned before, when we submit and go through the process with South Florida Water Management District, one of the things we'll be required to do is a nutrient loading analysis, and so that basically looks at the existing condition property, what the contributions of nutrients to offsite areas are in the existing condition, and then we will design our water management system. And whether it be some dry retention, then go into lakes or however we might do it. The amount and types of treatment we would do would be as part of that calculation to show that we're not going to make anything any worse.

COMMISSIONER VERNON: And just explain, what do you mean by dry retention?

MR. WATERS: So it's basically -- dry retention would be something that -- typical,

you know, in the winter, if we haven't had rain the previous handful of days, it would be something that would be above the water table, would be sodded. You see it in a lot of commercial areas where, basically, they'll have, you know, shallow, just sodded area where water collects.

In the case of dry retention, basically you would -- essentially, that matter would perk into the groundwater table and not discharge off site and so, basically, the transport of any pollutants to downstream areas would be reduced by not discharging every storm to off site.

In addition to that, I would imagine there would be lakes within this proposed community, and you'll get some removal from the lakes as well.

But, again, the -- to say it's going to be X percent of the site or we're going to do it a certain way, it's premature to say that, because --

(Simultaneous crosstalk.)

COMMISSIONER VERNON: I understand. I just want to get a sense of -- you answered my question. I just wanted to get a sense of it. Okay. Thank you.

MR. WATERS: Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: Just another follow-up question. What frequency of storm would you be required to retain on site? Because above that design frequency, it then would go off site.

MR. WATERS: Yeah, and it's a little bit of a balancing act. So in terms of water-quality treatment, the way it works is the -- and the state has a procedure in place for this that basically governs how we would design and permit this.

And so, essentially, based on what the change is in pollutant generation from the existing, essentially, undeveloped condition to a proposed more intense condition would tell us, basically, this is the additional amount of pollution that would be created by this proposed project.

And then, essentially, based on that delta --

COMMISSIONER SHEA: When you say "pollution," are you talk about water or contaminants in the water?

MR. WATERS: Typically, contaminants in the water; nitrogen and phosphorous.

COMMISSIONER SHEA: So you're basing it on a nutrient load rather than a flow rate?

MR. WATERS: Well, it sort of all ties together in terms of based on -- you know, again, we have to -- part of that permitting process will be demonstrating that post development the annual loading to offsite areas does not exceed the existing condition or predevelopment rate.

COMMISSIONER SHEA: Under what condition?

MR. WATERS: So it's not based on a single storm. The state, essentially, has a guideline set where they have evaluated for every part of the state what the typical annual rainfall is; also, for every part of the state, what the characteristics of that rainfall are. So what frequency of those storms are half-inch storms or quarter-inch storms, what are one-inch, what are two-inch.

And as you can imagine, it's different in Naples than it is in Orlando than it is in Jacksonville.

And so when we get to that point and know what project we're designing for, we'll

do an analysis that essentially says this is the level of storm or the frequency of storm that we have to capture and basically keep on site and retain into the groundwater, and that's how we will establish, basically, that the post development is equal to or less than the pre.

COMMISSIONER SHEA: Okay. Thank you.

CHAIRMAN FRYER: Thank you.

MR. WATERS: Thanks.

MR. YOVANOVICH: Any other questions of our team before we turn it over to staff?

CHAIRMAN FRYER: No one is signaling. No one's signaling. I'm sorry. Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Sorry, Chair.

When I look at the site plan for this community, on the website it says that there's preserve throughout the community. The only preserve shown on this is around the boundary; is that correct?

MR. YOVANOVICH: Yes. The preserves have been placed around the boundary intentionally to be buffers. There will be -- I actually -- there will be open space throughout the community.

COMMISSIONER SCHUMACHER: The second thing is going back to the stormwater. So living one street over from this, I know how my property's constructed. We have a swale in the front, we've got a swale in the back. Your property's crowned in the center. You retain your stormwater, basically, to a certain point, which then goes into the swale. Where this property is located is a stone throw away from the canal at the end of the street. So whatever it exceeds that maximum, it's going into that canal, which then goes down to Pine Ridge. That canal starts on the other side of Vanderbilt, which is the outer side of Island Walk, which I believe is where that concern came from for their lakes, because there's a swale on that side, feeds into that canal, and then goes down to Pine Ridge.

So if the stormwater gets to a certain point, it's going to overflow. It's going to go into that swale, which then goes into that canal like the rest of the neighborhood does. So just to kind of capture that.

MR. YOVANOVICH: Right. But engineers will design that to make sure --

COMMISSIONER SCHUMACHER: Exactly. It will be -- I'm sure Southwest [sic] Florida Water Management and the engineers and everybody else will get involved, but that is -- in the way those neighborhoods were constructed, that is the original intention, as it was explained to me by the county stormwater when I first moved out there.

I'm going to hold all my other questions till after we get through public comment.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: And we'll, obviously --
(Simultaneous crosstalk.)

MR. YOVANOVICH: -- for rebuttal if necessary.

CHAIRMAN FRYER: Okay. Thank you. We'll now hear from -- are you finished, Mr. Yovanovich?

MR. YOVANOVICH: Yes, just gathering our stuff.

CHAIRMAN FRYER: Okay. Staff, please.

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

I wanted to introduce Rachel Hansen, who performed the Comprehensive Planning analysis. She has a presentation and would entertain any questions that the Planning

Commission may have for her as well.

CHAIRMAN FRYER: Ms. Hansen.

MS. HANSEN: Good morning. Rachel Hansen, for the record.

I do have a PowerPoint, but I think that the applicant has pretty sufficiently covered what I have. So I just wanted to make a brief statement that we've reviewed the proposed amendment, and we feel that there is significant public benefit based on the proposed affordable housing commitments, and we do recommend approval of the Growth Management Plan amendment and the PUD rezone.

Additionally, we feel that the development standards proposed will maintain a compatible scale with the surrounding area.

So, again, I do have a PowerPoint, but I'm happy to answer any questions if there are any.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: So if they didn't want to come here, what, by right, could they use -- develop in terms of a density in that property right now?

MS. HANSEN: The existing density is one unit per 2.25 acres per the Estates zoning.

COMMISSIONER SHEA: So six dwelling units, and now they're asking to go to 208?

MS. HANSEN: Correct.

COMMISSIONER SHEA: And how do we get there? Just -- that's a big jump. It's not -- is there some sort of a bonus program for affordable housing they can get that kind of a jump?

MR. BOSI: The Board of County Commissioners -- Mike Bosi, Planning and Zoning director.

The Board of County Commissioners has established a policy that any petition that comes before them asking for an increase in density above what the Growth Management Plan would allow for has to provide a minimum of 21.6 percent. This -- this project initiated a 30 percent affordable housing commitment. With the additional nine units, they're at 34 units.

COMMISSIONER SHEA: But is there -- is there a number -- a density that goes along with that, or they can get whatever density they want if they provide --

MR. BOSI: There's -- the way that the policy has been established, how much is being set aside against how much is being requested above what the GMP would provide for.

So if you're asking for more -- if you're asking for higher units than what the GMP would allow, then you have to increase that percentage. So there's not a -- there's not a set rate.

COMMISSIONER SHEA: There's not a table that says, if you add 30 percent, I'll give you 10 more dwelling units per acre?

MR. BOSI: We do have an existing affordable housing bonus program that does have a table that does exactly that. They have chosen to utilize the Growth Management Plan amendment, like the majority of the affordable housing projects that have come before them.

So in that regard, there's no set rate in terms of what they could have received at the

34 percent -- 34 percent with, you know -- or half of them at under 80 percent AMI, half of them at under 100 percent, and now nine additional at -- or are under 120 percent.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Vice Chair Schmitt.

COMMISSIONER SCHMITT: Yes. Could staff, just for the record again, so it's made a matter of public record, clearly state, from your standpoint in staff's review, all of the essential public services requirements have been met regarding schools, fire rescue, transportation, water/sewer, utilities. All those have been reviewed. Staff concurs with the impact finding no significant impact or any other reason to deny this because all of the essential services can be met; is that correct?

MR. BOSI: That is correct. And when we started this discussion this morning, not on this petition, but when we started this meeting this morning, we talked about the AUIR.

COMMISSIONER SCHMITT: Yes.

MR. BOSI: And the AUIR is designed to maintain a level of service for all of the infrastructure providers.

When you have a zoning petition, there's not a hard application of concurrency. What that means is that they submit the -- they submit their application. We'll evaluate the impact upon the various infrastructure providers. Concurrency's not applied. We'll let them know if there's capacity or if there's going to have to be an issue in terms of a shortfall, which they would have -- they would be -- they would have to address their proportionate share of addressing that shortfall.

But it's when they come in for a Site Development Plan that the concurrency is actually applied. But all of the review agencies have looked at this, have provided an assessment that there was adequate infrastructure available, but when concurrency is applied at the DO, and that's when, if there was any deficiencies, they would have to address it.

COMMISSIONER SCHMITT: A follow-up. Of course, Amy Taylor sits on this panel as a representative of the school board, and staff has concurred, and the school board has concurred as well that there's no adverse impact on schools because there was -- so many other things I've read as well.

And I don't know, Amy, if you want to discuss that. The schools seem to have the capability to absorb any impact on this increase in population?

MS. LOCKHART: Yes. At this time, there is capacity at the existing schools that they're zones -- this area is zoned for. We also have in our five-year plan an additional school that will be built off of Immokalee Road just east of 951, so we're introducing more capacity for the area within our five-year plan.

COMMISSIONER SCHMITT: I think the other thing that concerned me -- and that was an interesting statistic on the impact of not being able to hire sufficient staff. From your position -- I'm not asking you to be an advocate of this project, but from this -- from your position, representing the school board, does this seem to be a project that would be welcomed in order to provide what you think would be needed housing for young professionals, specifically teachers?

MS. LOCKHART: Yes. We have great challenges. Our starting salary for teachers is \$50,000. Our average -- it may be factored differently, but I confirmed this with our human resources department. Our average is -- \$62,056 average teacher salary. So it is a very -- extreme concern.

COMMISSIONER SCHMITT: Okay. Well, thanks. I just wanted to make sure

that was on the record as well. I'm not advocating. I just want to make sure the public understands --

MS. LOCKHART: Right.

COMMISSIONER SCHMITT: -- that there's a give and take here. And I believe, if I'm not mistaken, your director and our county manager just participated in a forum held to discuss affordable housing which, again, was a well-attended and, I guess, a great concern. Jamie French and Amy Patterson both were speakers talking about the impact of affordable housing in this community.

So just from the standpoint of staff review, yes, there's a benefit, but I want to make sure that from a standpoint of the review process, there are no concerns of any other adverse impacts other than -- and, of course, the impacts, we're going to hear, certainly, from the community, I'm sure, in regards to what they believe will adversely impact their standard of living right now, specifically the folks from Island Walk, because I'm sure most of the folks out here are from Island Walk.

But from that standpoint, all reviews are in concurrence?

MR. BOSI: Correct, yes, sir.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: A traffic question. The biggest concern I have on the traffic is just the right-in, right-out. That's an awful lot of vehicles, depending on which way you're coming, that you're going to be making a U-turn or going up to the light and turning -- making a U-turn one way or another.

Are we concerned at all about that, or is there anything we can do to mitigate that as a safety issue?

MR. BOSI: And I would ask our transportation staff to come up and address that.

COMMISSIONER SHEA: Yeah. I didn't want to let Mike get out of here without speaking at least once.

MR. SAWYER: Good morning. Mike Sawyer, Transportation Planning.

We have looked at the project in depth, as has our consultant, Jacobs Engineering.

Basically, you've got the same information that we provided in the staff report. The road system can accommodate that number of trips. Specifically, when you're talking about the right-in and U-turn movements, that is actually an operational review that comes when the SDP actually comes in.

The applicant is already committing to making a turn lane at the cemetery median opening. We've looked at that. It looks like there's no issues as far as meeting the distance requirements, and that will all be on their cost. They will construct it. They'll design it. Our staff will be looking at that design and approving it.

And, again, that happens when we get the second bite of the apple when they come in with their SDP, with a new TIS, and it will include those operational details.

COMMISSIONER SHEA: Just an observation. It's kind of tough to be an applicant when the stormwater and the transportation cost -- you lock everything in, you think it's a financially feasible project, and then you could come into the process and then be blown out of the water with either stormwater or traffic concerns. And that's just an observation.

MR. SAWYER: I will also point out that they are going to be paying their fair share of impact fees every time they come in for a building permit. And, operationally, you

can't use those because those fees can only -- impact fees can only be used for capacity. Operationally, those don't contribute to capacity.

COMMISSIONER SHEA: Thank you.

CHAIRMAN FRYER: Vice Chair.

COMMISSIONER SCHMITT: Is that going to be a full opening right in front, left/right full opening, or will it be just right-in, right-out for -- what's the -- what are they looking for in regards to the entrance?

MR. SAWYER: For the -- for this particular development, you're going to have a right-in/right-out on Vanderbilt Beach.

COMMISSIONER SCHMITT: Onto Vanderbilt.

MR. SAWYER: Vanderbilt Beach Road. They will also be -- operationally, be providing a turn lane at the current full opening in front of the cemetery.

COMMISSIONER SCHMITT: So if I'm going to go west, I have to turn east, get into the left lane, then make a U-turn to go west then?

MR. SAWYER: Correct.

COMMISSIONER SCHMITT: So that will be planned for and accommodated?

MR. SAWYER: Yes.

CHAIRMAN FRYER: Just a moment, sir.

COMMISSIONER SCHMITT: So from a standpoint of review -- and I'm going to ask Norm if he could come up, because I want to ask Norm as well from a traffic engineering standpoint.

For the record, Norm, if you could state --

MR. TREBILCOCK: For the record, my name is Norman Trebilcock. I'm a professional engineer, certified planner, and certified professional traffic operations engineer with over 33 years of experience here locally.

We prepared the TIS for the project.

COMMISSIONER SCHMITT: Have you -- and your TIS -- and I have not gone through it in detail. You've planned for and -- are you, from an engineering perspective, comfortable with the movements that have to take place in regards to traffic in and out of this development?

MR. TREBILCOCK: Yes, sir. As Michael had mentioned, we planned for a right-in, right-out at the main entranceway, and then downstream would be a plan for a -- committed for a U-turn there, and then also for the traffic that is coming from the east that wants to come to the project, what they would do is they would make a U-turn at the existing signal there at Island Walk, and there's an existing turn lane there. But we would evaluate that for operations as well in terms of any length increases or anything like that.

COMMISSIONER SCHMITT: So there's no prohibition there that I know of for a U-turn.

MR. TREBILCOCK: No. It exists there today.

COMMISSIONER SCHMITT: It exists there today.

MR. TREBILCOCK: It exists there today, exactly. But we would -- we would analyze that. That would be a part of our operational analysis, and we'd look at the actual traffic volumes at that time to see if we cause any triggering or anything like that based on our peak-hour traffic volume for the community.

COMMISSIONER SCHUMACHER: At the cemetery, there's no U-turn.

COMMISSIONER SCHMITT: No. He's saying at the cemetery, they would have

to put a left --

MR. TREBILCOCK: Yes, sir, exactly.

(Simultaneous crosstalk.)

MR. TREBILCOCK: Correct, exactly. There's a specific commitment to put in the U-turn right there at that location, yes, sir.

COMMISSIONER SCHMITT: And that's developer funded, not impact-fee funded.

MR. TREBILCOCK: Correct. That's a site-related impact that we have to specifically pay for, just as the right-turn lane on Vanderbilt Beach Road we would have to pay for, and then if there's any impacts at the signal at Island Walk operationally caused by our development, if the turn lane has to be extended or anything, that's a commitment we have to make as well, yes, sir.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Commissioner Vernon.

COMMISSIONER VERNON: Don't leave.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER VERNON: So you take a right coming out of the project, you go up to where the cemetery is and do a U-turn, and you guys are going to pay for the cut there.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER VERNON: About how far east is the turn -- the cemetery turn from the entrance to the new project?

MR. TREBILCOCK: Let me see if I have that. I have that in the report. Let me just grab that.

From our proposed opening, let me see. Okay. So the -- let me see. The project's proposed driveway is 820 feet from the nearest connection west of the property, Island Walk Boulevard, and approximately 1,040 feet from the driveway from the Palm Royale cemetery to the east of the project access.

COMMISSIONER VERNON: So about three football fields?

MR. TREBILCOCK: Yes, sir.

COMMISSIONER VERNON: And then where would the cut start? What's the standard -- you know what I'm saying?

MR. TREBILCOCK: Yes.

COMMISSIONER VERNON: Where the turn starts, not that you're -- so it's three football fields to the cut, and then to get up -- where do you get to the turn lane?

MR. TREBILCOCK: So typically what you'd have, depending on the section if it's based on, say, a 45-mile-per-hour design, it would be 185-foot deceleration length, plus queue. So we'd normally do a 50- to a 100-foot type queue. So you're talking, you know, a couple hundred, few hundred feet there --

COMMISSIONER VERNON: About a football field?

MR. TREBILCOCK: -- that would allow for folks -- exactly.

COMMISSIONER VERNON: So it's about two football fields. You turn right, and you've got two football fields to get into that turn lane?

MR. TREBILCOCK: Yes, sir, yes, sir. So you allow that weave for folks to be able to make. You know, if there are other, you know, downstream turn lanes as well there, but we would plan for the folks to make this one, just as, similarly, we have in other

areas in the county as well.

COMMISSIONER VERNON: Thank you.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: On the traffic study, how many -- what's the maximum amount of cars leaving during the peak hours in the morning?

MR. TREBILCOCK: The a.m. peak -- let me grab that. The a.m. peak -- let me see, exiting is 66 vehicles per hour would be the exiting.

COMMISSIONER SCHUMACHER: So 208 units of workforce housing, and only 66 of them are leaving at the peak hours which would be to go to work?

MR. TREBILCOCK: Seven to 9:00 between -- so between -- in that peak hour.

COMMISSIONER SCHUMACHER: In that peak hour?

MR. TREBILCOCK: Yes, sir, yes, sir.

As any development, you have a diversity of people. We all don't start work at the same time. You know, there's multiple shifts and hours that people do work. And this is based on the standards that we have established as well. Just as the p.m. peak hour entering, it's 69 vehicles per hour is the entering. The exiting is 41 vehicles in the p.m. peak hour. And, again, that's a singular hour during the peak period. So over a two-hour period, it would be --

COMMISSIONER SCHUMACHER: One hundred twenty.

MR. TREBILCOCK: -- exactly. You're going to get -- you know, but your peak is the slightly higher amount of that.

COMMISSIONER SCHUMACHER: Does the study show how many vehicles will be associated with the property?

MR. TREBILCOCK: No. It's -- the independent variable is the units themselves. It's based on the number of units and not those other factors. But it is based on a low-rise multifamily product.

COMMISSIONER SCHUMACHER: Okay. Thank you.

CHAIRMAN FRYER: Commissioner Shea.

COMMISSIONER SHEA: What is the peak hour?

MR. TREBILCOCK: The peak hour for Collier County is 4:00 to 6:00 p.m. is our peak-hour period that we look at.

COMMISSIONER SHEA: So the other question is, we have a lot of areas where we have to make a right out and then immediately make a U-turn similar to this, but we're going across two lanes of traffic. So at some point in time west of the right turn out, there's got to be an interrupter. I'm assuming the closest interrupter is the stop light at Vanderbilt and Logan?

MR. TREBILCOCK: Current -- yes, sir.

COMMISSIONER SHEA: So that would provide the gap --

MR. TREBILCOCK: No. To the west you said?

COMMISSIONER SHEA: Well, if you're coming out, you have to take a right.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER SHEA: Somewhere -- if there's not a break in traffic, you're not going to get out -- you're not going to be able to get across two lanes of traffic safely to the U-turn.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER SHEA: And I'm -- that worries --

AUDIENCE MEMBERS: Three lanes.

COMMISSIONER SHEA: Three lanes.

CHAIRMAN FRYER: Ladies and gentlemen, we're not going to permit this.

COMMISSIONER SHEA: But that is -- that's -- that's a tough one, because, I mean, there's a lot of traffic coming off of Logan. So even when the light changes, you don't get much of an interruption.

MR. TREBILCOCK: So you're going to have the signal for your coming out. So you're going to have the signal at Island Walk. That's the existing signal there just to your west, and then you have the signal as well --

COMMISSIONER SHEA: I forgot about that.

MR. TREBILCOCK: -- at Logan. So you have multiple signals in that location, yes, sir.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SHEA: Thank you.

MR. TREBILCOCK: Yes, sir.

CHAIRMAN FRYER: All right. No one else is signaling at this time.

MR. TREBILCOCK: Okay. Thank you.

CHAIRMAN FRYER: Anything further for staff?

(No response.)

CHAIRMAN FRYER: If not, since there are some people here who have been here since the early hours of the morning on the BCC meeting of yesterday, we're going to be quite liberal in taking our breaks, and we're going to have one now until 5 minutes after 12. We're in recess.

(A brief recess was had from 11:51 a.m. to 12:05 p.m.)

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

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

Ladies and gentlemen, let's return to our seats and reconvene, please, so that we can get underway.

And my initial question is to staff: Is there anything further from staff?

MR. BOSI: We did provide the -- Rachel provided the overview for Comprehensive Planning. We had our -- Laura DeJohn provided the review for the PUD review, and we are recommending approval on that as well.

CHAIRMAN FRYER: Okay. Thank you very much. That takes us, then, to public speakers, and I will ask Mr. Sabo what we have in store for us.

MR. SABO: Mr. Chairman, we have about 27 public speakers -- we can use both podiums -- and seven people will be ceding time to Jerry Kurtz. He has requested to be at the end.

So -- and then a couple other people have requested to move back to the back of the line because they had to leave but will be coming back. So right now at the right podium, Jeff Bronsdon, please, and Richard Miller at the left podium.

CHAIRMAN FRYER: Okay. Now, is that registered speakers in the room or people on the phone as well?

MR. BRONSDON: That is in the room, and there are four Zoom speakers.

CHAIRMAN FRYER: All right. Then without objection from the Planning Commission, I'm going to exercise the prerogative of the Chair, and we will limit public

speakers to three minutes per person. And if you have additional time ceded to you, you can have three minutes per ceding time.

All right. Who's our first registered speaker?

MR. SABO: That is Mr. Jeff Bronsdon.

MR. BRONSDON: Jeff Bronsdon. I live at 4990 Cherry Wood Drive. I built my house about 27 years ago.

CHAIRMAN FRYER: Would you spell your last name for me, sir.

MR. BRONSDON: B-r-o-n-s-d-o-n.

CHAIRMAN FRYER: B-r-o-n-s-e-n.

MR. BRONSDON: Bronsdon.

CHAIRMAN FRYER: Bronstone.

MR. BRONSDON: Bronsdon, d-o-n. Don.

CHAIRMAN FRYER: Don. Thank you. Sorry.

MR. BRONSDON: I strongly oppose the petition to rezone this tract of land to allow for an intense and high-density housing use in this neighborhood that consists of single-family homes on large wooded lots in accordance to the Urban Estates Master Plan. The rezone would be in direct conflict to that master plan.

Patrick Vanasse, I think his name is, he spoke in support of this project for the petitioner, but -- and he mentioned to the west of this project that there was one home there. There's about 15. There's one home right next to it and about 15 more to the street, but anyways.

The Collier County mission statement: To be the best community in America to live, work, and play, to meet the needs of our residents, visitors, and businesses today and tomorrow, exceeding expectations every day.

Today we're going to ask you to just meet those expectations and say no, because this affects our quality of life, which is mentioned numerous times in the master plan, Golden Gate Master Plan.

And Goal No. 1, to guide land use and public facility decision-making and to balance the need of -- to provide public -- basic public services with natural resources, concerns, through a well-planned mix of compatible land uses which ensure the health, safety, welfare, and quality of life of local residents. This will have a negative effect -- impact on our quality of life.

One, we'll get stormwater runoff. We all live on wells. Where's the -- what kind of pollutants are going into the aquifer? What about aquifer recharge? When you blacktop and put roofs -- and rooftops and stuff, that's runoff. That goes away. So you're eliminating so much of that recharge -- aquifer recharge.

In the Growth Management Plan, Objective 3.2, Policy 3.23, rural character shall be further protected by resisting site-specific master plan changes that are out of scale or character with the rural quality of urban Golden Gate Estates. And it specifically says in the Estates designation, multifamily dwelling units, duplexes, and other structures containing two or more principal dwellings are prohibited in all districts and subdistricts of this designation. That's number one in the land use.

Policy 3.23 -- or 3.3.3, the county shall encourage the combination of parcels smaller than 2.25 acres with other parcels in order to preserve and enhance low-density environmental advantages.

This project is doing the exact opposite. It's encouraging throwing, what'd they say,

16 per acre -- 16 units per acre. And we're always talking about affordable housing. What about affordable homeownership? As you -- as this -- if this gets passed, that's going to be an open gate to other Golden Gate Estates, rural and urban areas, to be gobbled up, turned into apartment complexes, housing units, and just multi -- you know, multifamily units, and it takes that property off the block for somebody that wants to buy a lot of 2.25 acres and build their house that's affordable. It's affordable ownership.

I measure my property value not by the dollar signs in the offers from real estate brokers or from my TRIM notice. I measure my quality of life, my peace and quiet and my neighbors -- knowing each one of my neighbors. This will put 200 -- over -- probably 400 people as new neighbors directly across the street from my front door with a wall. Well, I don't want to look at a wall. I don't want to have 200, 300 people in my neighborhood I don't know when -- they have a big entertainment -- outdoor entertainment. They'll have parties out there. We'll have to put up with the noise, lighting, so I strongly oppose it.

And the drawing -- oh, yeah. The actual height that I saw written on this -- the thing up here says actual -- it's proposed height or whatever it was, 35 feet; actual height 45 feet. That's 3 feet short of a three-story building. That's the roof height. That's after they bring in all this fill to bring that up to an acceptable plain to avoid paying flood insurance.

CHAIRMAN FRYER: Thirty seconds, sir.

MR. BRONSDON: I'm done.

CHAIRMAN FRYER: Thank you very much. Next speaker, please.

(Applause.)

MR. MILLER: How do you do? My name's Richard Miller. I live at 5270 Cherry Wood Drive.

I've been living here 25 years. Cherry Wood Drive has gone under water at least three times since I've been there, maybe four. The canal gets filled up and overflows onto the road. The fish come up and swim in the swales. I could go fishing in my front yard sometimes with the heavy rain, and it doesn't necessarily have to cover the road. The swales stay full, which are draining into a canal, which can't handle the water flow now.

Now if you put this apartment complex there, fill that -- fill it in five feet high, you're displacing a lot of that is going to wind up running into the canal and then overflowing onto Cherry Wood Drive. I think that should be taken into consideration.

And also the wildlife. I mean, I have a gopher tortoise that comes in my front yard and eats my grass and goes back into the woods.

There's a bobcat there. There's wolves there. There's a herd of deer there. There's everything there. And it's going to displace a lot of those animals. And, also, the area is only supposed to be a low-density population. That is not low density. There's supposed to be one house per two and a half acres.

We're only allowed to clear one acre of property if we're building a house. They're going to come in and clear-cut 15 acres of a wildlife preserve and leave nothing for the animals. And then they only want to give us a 50-foot buffer on the south side, and the cemetery, I believe, is 80 or 100 feet. So why should they have to give less than the cemetery? The cemetery's got more people in it.

And, by the way, they don't party.

CHAIRMAN FRYER: Thirty seconds, sir.

MR. MILLER: Thirty seconds, okay.

And the other thing is, if apartment houses are needed so badly, why is new places like the Pearl advertising free two months' rent if you sign a lease? Logo [sic] was on Google yesterday advertising one month's free rent. If there's such a shortage, these guys should be having a waiting line to get into their apartments, and they don't.

And also there was another one on Livingston, Allure. They were advertising one-, two-, and three-bedroom apartments. That complex is only two or maybe three years old. If these places have to be advertising for apartments, there mustn't be that much of a shortage. Thank you.

CHAIRMAN FRYER: Thank you, sir.

(Applause.)

CHAIRMAN FRYER: Ladies and gentlemen, I'm going to ask that we refrain from applause or booing or any other noise at the conclusion of people speaking. Thank you. Who's the next speaker?

MR. SABO: Mr. Chairman, at the right podium, David Bobay, and the left podium, Todd Lyon, please.

CHAIRMAN FRYER: All right, sir. I'm going to ask you to spell your last name for me.

MR. BOBAY: David Bobay, B-o-b-a-y.

CHAIRMAN FRYER: Thank you.

MR. BOSI: I live at 780 North Logan Boulevard, been there 25 years, like the previous gentleman.

My biggest concern is the safety there on that corner. It's not safe now. It hasn't been safe at all.

When you try to make -- when I try to make a -- turn into my house, people think that I'm at the light. So I got my blinker on and each way when I make the U-turn, and they're slamming into me, and I have to run off the road to not get hit. And I've talked with the county about it. They've changed the intersection three times.

We're in the process right now of changing it again, but they had funds. They're going to change the intersection, and they're going to put more lanes in to merge, but that doesn't stop the problem. The problem is, is people see the light, and they think I'm turning at the light and not into my driveway. And it happens in both directions.

And then I get people that stop and tell me I can't make a U-turn there because there's a double yellow line, and they get out of their car, and they're screaming at me and telling me I almost killed them and all, and I have -- I've done everything legal. I called the cops on it. I've called the commission, and it's not safe.

I would move but I have grandkids here, and I love it. I love Collier County. And it's just not safe. And your adding more people into that intersection is not a good idea. I got cameras now. I've got everything videoed so that when the accidents happen and all this crap that's been going on I've been watching, I'm going to have it on video, because that's what I'm going to have to do to protect my family. It's just not safe at that intersection.

Also, I have a few concerns about the site. As they say, when they built the EMS station on that corner, they said that we weren't going to have any problem with the water drainage. Well, we did. I -- we have water drained onto our property. When they did improvements to the intersection, they raised the pitch of the road, so more water went into our property still, wasn't taken into consideration, and they didn't put the swale back.

I actually had -- to get that fixed, I had to call the county commissioner and have them make code violations on me so that they could come back and put the swale in that they took out when they made improvements, because they made the improvements and never put the swale back in. All that -- between the pitch and the EMS station, I had standing water for two years before they would change it.

I had a honey bell tree, and two of my prize mango trees were destroyed in the process. I don't care about the trees. It's not a safe intersection there. And if you're going to add those properties -- those going in there around -- it's just around the corner, it's not safe. I don't know whether you guys got to buy me out because you can't fix the problem or buy those people out, but it's not safe. It never will be, you know.

And adding those 300 people, when we're trying to get out, all of us on that road try to get out at 8:00 o'clock, the peak hours, a lot of times we can't. The cars are backed up so much that you can't even get out so far. And now, when the bus station -- we didn't talk about where these kids -- all these 200 people, where their bus station's going to be. They're obviously going to have to go into the development and come out.

But what about all these kids that are on bicycles and these motor scooters and all this stuff that are going to be in the complex? Where are they going to play? On Vanderbilt Drive? On a four-lane highway? There's no place for them to play or -- you know, they're going to want to get out and do things. So you're taking a very dangerous intersection -- and, I mean, I love Collier County, but it's a U-turn capital of the world. Put another U-turn in. They're not safe.

CHAIRMAN FRYER: Thirty seconds, sir.

MR. BOBAY: I didn't realize you can make a U-turn in Collier County anywhere where it doesn't say you can't. That's kind of ludicrous. But anyways, it's not safe. We need zoning to protect the urban areas. The harm is way greater than the good, you know. And you're supposed to be providing health, safety, welfare, and quality of life. That's not what you're doing by approving this project. Please don't amend the zoning.

CHAIRMAN FRYER: Thank you, sir.

Next speaker.

MR. LYON: Hi, good morning. Todd Lyon, L-y-o-n. I'm the administrative director of Human Resources at NCH.

I deal daily with the issues of affordable housing here in the community. We're the second largest employer in Collier County, after the school system, with 4,500 associates that work for us.

We see the continuous need for affordable, attainable workforce housing. This location is ideal and proximal to businesses that need these workers.

I've heard a couple speakers talk about the folks that might live in these homes and the partying and the outside partying. I think we need to make a distinct difference to understand that this is attainable workforce housing for working class individuals that want to give more to our community. These are our healthcare providers, these are our teachers, our law enforcement agents.

This is not housing for people who want to stay at home and party all day. These are people that want to be in our community and better our community and can't afford to live in our community.

The issues I'm hearing with traffic and with water would happen anywhere we propose something like this in Collier County, but we need to start somewhere in Collier

County.

I also -- NCH has supported this project. I also sit on the Affordable Housing Advisory Committee with the county, and I encourage people who have such passion about projects like this to get involved with affordable housing on all levels in this county. There are many meetings and committees in which we talk about this ongoing, over and over, and there's a lot of talking done and nothing being done.

If we don't start in one area that is well vetted -- well vetted by a great company who has a good-looking facade -- they have a strong plan in place. If we don't start somewhere, the infrastructure of our county cannot accommodate what is happening here in our county, and we all want Collier County to be number one.

The third reason I'm here is as a parent of a nine-year-old child who attends Vineyards Elementary School. I drive this exact street at least twice a day every day. A sacrifice for 10 more minutes in traffic for me to have top-quality healthcare workers, teachers, law enforcement officials is worth anything to me in this county.

I was also a resident of Island Walk for my first four years living in Collier County. It is disheartening to me that such a beautiful community as Island Walk has residents so vehemently opposed to a development that will be barely visible across the street, may have some impact on traffic, of course as all of Collier County does as it grows. But think of the people that we're looking to serve -- it's us, the residents of Collier County -- by bringing in the people we need to run this county.

How will you feel when you go to the emergency room and the nurse isn't there to take care of you and your child wants to go to class and there's not a teacher to be there to be the teacher for your child? It's more than just this. Affordable housing is an issue. I ask people to look beyond their front yard and realize that this is for the greater good of our community and Collier County as a whole. Thank you.

CHAIRMAN FRYER: Thank you very much.

Next speaker.

COMMISSIONER SCHMITT: I have one question.

CHAIRMAN FRYER: Oh, sir. Go ahead, Vice Chair. I'm sorry.

COMMISSIONER SCHMITT: One question. You stated how many employees you have. How many employees are you aware of, or do you keep the statistics, that commute from -- that have to commute from Lee County down here to work?

MR. LYON: We have -- about 40 percent of our workforce does not live in Collier County.

COMMISSIONER SCHMITT: Okay, thanks.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Todd, you're on the Affordable Housing Committee?

MR. LYON: I am.

COMMISSIONER SHEA: What -- did this project come before the committee?

MR. LYON: Yes --

COMMISSIONER SHEA: Do we have a recommendation?

MR. LYON: -- I should have said that as well. Not only does NCH support this, but on Tuesday at the Affordable Housing Committee meeting, this was brought before the committee, and we unanimously approved this project as well.

CHAIRMAN FRYER: Thank you, sir.

Next speaker.

MR. SABO: Mr. Chairman, at the right podium, Beth Sherman. At the left podium, Scott Sherman.

CHAIRMAN FRYER: Thank you.

MS. SHERMAN: Good morning. I'm a resident of Logan Woods who will be directly impacted by this development.

The development goes against the master plan of Golden Gate Estates which was designed to be low-density housing for rural Florida life. You can't change land code so that 71 people can gain a 400-square-foot apartment in the name of affordable housing.

The rights of 71 people do not outweigh the thousands of residents in Logan Woods who purchased their homes for rural life, but it sure makes a good speaking point for the developer and the county.

Affordable housing does not need to be within miles of people's employment. It also has nothing to do with public health and safety. If employers like NCH paid people a living wage, we would not have to sacrifice the quality of life of those in my neighborhood. You changing LDC is a violation of the rights of Logan Woods residents.

Whenever I hear "for your safety," it instantly is a red flag for me. The world is being changed before our eyes, and "for your safety" is always the line they use.

If you want to discuss safety, then let's talk about how absurd it is to put that U-turn in. I am also concerned for the Future Land Use Map that was shown.

There will be impact to the environment through noise, light pollution, traffic, and wildlife displacement. Has sound mitigation even been discussed? Because there's so many trees right there. They showed that 50-foot buffer, but from someone who lives right there, those trees are Melaleuca trees, and they're Brazilian pepper trees, which are invasive species, which would have to be removed. So if all those trees have to be removed as a buffer and you're going to have to put in new vegetation, that is not going to work.

Logan Woods is a nature preserve, and people bought there for a reason. You can't tear down 15 acres to put up 200 units. The quality of life of Logan Woods residents will be sacrificed, and a change to the LDC will set precedence moving forward.

Meeting at 9:00 a.m. does not work for residents. Almost everyone who lives in my neighborhood is working at 9:00 a.m. I was fortunate enough that I came to speak for all of them.

Changing the LDC on the premise of affordable housing is a violation of homeowner rights. Building 400- to 600-square-foot apartments in the name of affordable housing is laughable.

The affordable housing thing is an issue, but rural residence in Golden Gate Estates areas should not be changed in order to achieve that. It seems that these units were thrown in so that the development plans will proceed due to it being a hot-topic issue.

Schools were brought up and teachers' salaries. The school board raised our taxes 10 percent in order to pay teachers more. Will 60 units mixed with other professions bidding in on a space really make a difference? If so, they build in an area that the property -- lastly, the potential for the increase in crime in the area. You cannot tell me that if it was intended for 16 housing units and now you're going to have over 200, which, in turn, is most likely over 400 individuals living there, that it's not going to increase crime to the area.

The quality of life is suffering in this county. People want to live here because it's

beautiful, but nobody seems to care about people's rights. You should not be able to change Land Development Code to put this in. It's absurd, and I say no. Thank you.

CHAIRMAN FRYER: Thank you, Mr. Sherman.

(Applause.)

MR. SHERMAN: Sorry, I clapped. Isn't my wife lovely? She's a gorgeous woman. I just wanted that on the record.

When we bought in the Logan Woods area, we trusted that the Board of -- that this board's prior ruling being Estate homes would stand. Remember that -- I don't know -- you guys weren't involved with that probably, but there's been hundreds of boards before you that put these rules in place and said not to build multifamily homes in this area. So we bought under that presumption. So we'd appreciate if you would not change it.

Your job is hard. I realize there's lots and lots of people moving to Collier County, and there are lots and lots of places that you need to build, but we don't want it right there in an Estate home. There's got to be a better place to put it than where it is proposed.

I would also like to talk about the clear cutting of the trees. Definitely a huge problem. We live in an area that is a wildlife preserve. We have bobcats. We have bears. We've armadillos. We have raccoons. We have beautiful birds and butterflies and all amazing things. It's like living in a forest, and we would like to keep our forest and not tear it down.

If you could -- could you show this screen right here? Can someone bring this up on the -- I want to show you. I just -- they happened to leave it up for me, so I scanned through their presentation while I was waiting, and I found this. And look at how many -- the green is where they're leaving the trees, and the stuff that's not green is where they're going to basically cut down all the trees.

And so I know there's ordinances in this town based on your recommendations that they take out invasive species and everything. These are native trees. They're going to take them all out, trust me. They're going to clear-cut that. They're going to put a parking lot in, and it's going to cause the runoff issues we're talking about, and all the wildlife there is going to move on to somewhere else or die, probably. I know my neighbor put in -- you know, had to clear out his backyard to put in a building, and the owls -- we had burrowing owls living in our backyard, and because of the disruption and the lights and the noise while they were building it, the burrowing owls are no longer in our backyard. I don't know if you've ever had a burrowing owl. They make the coolest noise ever at night. So the animals will be disrupted.

The apartments are not desired by the occupations listed. I don't know about you, but most nurses I know do not want to move into a 400-square-foot studio apartment. They want a home. As the man said earlier, the most affordable housing in Collier County is the Estates if you want to be a homeowner.

You can buy a piece of property out there for at least a semi-reasonable amount of money, reasonable for Collier standards, and build out there. That's what most of the people I know -- most of the police officers I know, most of the nurses I know, most of those people have done that. They've moved out, kind of, to the Estates and bought there. And a lot of them do go to Lee County, but that's where they go. We want to keep that that way. It's supposed to be -- it's a lifestyle change.

The small square footage is not going to attract families. It's going to attract these young, single people that want to be loud and party at night.

Again, 71 units against the 1,600 needed annually, not much of a dent. Why don't they build a bigger place and make it 100 percent? If they really are concerned about the affordable housing, that's what they should do.

And as my wife stated, crime always increases in areas where you put apartments. That's -- you look at any study, any -- I guarantee you, you can find lots and lots of studies that show when you put in apartments, crime goes up.

And so I think the risks of traffic and crime do not -- and the lighting and the animal disruption do not outweigh the benefits.

Thank you. I wish you'd vote against this.

CHAIRMAN FRYER: Thank you very much.

Next speakers, please.

MR. SABO: Mr. Chairman, at the right podium, Steven Czaplewshi, and the left podium, Kim Reed, and Kim has been ceded her additional three minutes from Zachary Nichols. Is Zachary Nichols -- what is it, sir?

MR. NUCHOLS: Nuchols.

MR. SABO: Zachary Nuchols, so he is here.

MS. REED: He's my son.

MR. SABO: Mr. Chairman, if we could get Amy Kurtz to the right podium, please.

CHAIRMAN FRYER: Thank you. Introduce yourself again, please.

MS. REED: Hi, I'm Kim Reed. My first three minutes, I am a resident at 4960 Cherry Wood Drive. This -- we moved to Naples 20 years ago and have loved it ever since.

I am a broker, realtor, property manager of affordable housing, of tax credit housing, and I know how all of this works, okay. But first I'm a resident, and foremost. I have seen baby cubs born. I have seen the Florida panthers. I have seen a family of deer. I have seen all the wildlife.

I'm from New York City, okay. Alligators in sewers are what we probably saw if we were lucky, not this.

My children were able to grow up enjoying this lifestyle. We don't want to live in an HOA. I deal with HOAs every day. I want my peace. I want my serenity. I have not cleared my land. I am surrounded by trees.

By changing what has been put in place, I believe in 2017, even, recently, that says don't do this to us -- I know what affordable housing is. There's good and bad about it. I have 30 senior living in Immokalee right now I'm managing. I have four vacant units for 55 plus, okay.

When I look at your numbers or the numbers that they're giving us saying that this is affordable for a nurse who makes 60- to 65- a year, do you understand the affordable housing rules? Do you understand that the maximum income for that one person is 55,920?

Did they tell you the rents in any of their presentation? Whether it's affordable or not? These are the questions you need to ask. Besides the fact that we know there's going to be runoff. When my son graduated from the Army, from basic training, it was during Hurricane Ian. I came home a week later to my street still flooded. If you think that those floodwaters don't impact my well, you're wrong. If you think 200 units are not going to impact our wells, you're wrong. But we love our wells, and we love our septic, and we love our way of life.

My son makes 45,000 a year as a disabled veteran. He can't afford to live in Collier County right now, but he also probably can't afford the rents in this new place that's going up.

By changing these rules for our area, you're setting a precedence in Golden Gate Estates that will impact many, many veterans. Did anybody mention the veterans in any of their presentation? I know they left off the police officers. But there's all of the veterans in Collier County, too.

Affordable housing, I finally got to own a house. Yay for me. And now you want to take away my way of life. We trust you guys. You're there to protect us, not the developer.

Please vote no.

CHAIRMAN FRYER: Thank you.

Next speaker.

MS. KURTZ: Yes. Good day, I guess it is now. Amy Kurtz, Cherry Wood Drive. Former teacher in Collier County, retired now. There are teachers who live on our street.

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Pardon me, ma'am. I need to make a brief statement just so that everyone understands, and I apologize for interrupting.

If you've been ceded additional time, we're going to ask for the person who ceded that time to you to raise their hand because they need to be physically present here. So I just want to say that. Now, are you -- have you been ceded any time?

MS. KURTZ: No, sir.

CHAIRMAN FRYER: Okay. I'm sorry to interrupt. Please go ahead.

MS. KURTZ: That's fine.

CHAIRMAN FRYER: It won't be charged against you.

MS. KURTZ: First I'd like to congratulate Gregg and CIG on their Aspire on Immokalee Road. Appropriate area, and good for them.

I also would like to say on all their presentations they have not shown an aerial or rendering of what this Ascend will look like from the air and all the green space with all the green space gone. I've seen it, but I haven't seen you ask for it, so maybe that's something you need to talk to the petitioner about.

Just so you know, the 50-foot buffer that they're proposing for us, giving us, it is totally full of exotic vegetation. The man who sold the property to CIG, or whoever, the holding company, made sure that everything crept in so that the wildlife would be pushed out.

And as you know, if you remove exotics and there are a lot of -- were/are a lot of pine trees in there and you run machines through there, those pine trees that are left are all going to die. We've done it on our property. And anytime you remove other trees or run equipment, the pine trees all die around it. Believe me, with 35 years out there, I know.

Also, your -- their line-of-sight exhibits are a little out of whack. The houses to this -- the house directly to the south, Justin's house, they showed trees in front. He has no trees in front of his house, and he's right close to the road, so he will be direct line to whatever is -- the buffer contains, just so you know.

Hopefully you all have received my most recent email. I don't know if you've driven by Cherry Wood, but I suggest that you do. I understand the drive to fill the void in

affordable housing. Apartment development is one avenue to acquire more.

It appears there's a desperate attempt to build as many as possible as fast as possible. As I look at the many new commercial rentals slated to be built, none are as out of scale as Ascend.

The sheer density increase and excessive clearing needed for 62 or now 71 affordable units is just outrageous. All parcels on Cherry Wood, Golden Gate Estates, they're all Golden Gate -- they're Cherry Wood properties. The parcels -- the land says Cherry Wood Drive, okay. It doesn't say Vanderbilt Beach Road. They're all Cherry Wood Drive parcels.

I presume -- we've talked about the density that's contained. Cherry Wood has many new families and residents who have recently built their dream homes, still building them, only to find out that the county may agree to pull the carpet from under them. It's incredibly upsetting. The adrenaline I've been dealing with is a lot.

This development goes against the county's GMP, the GGAMP, intensely. Thirty times the density and approximately five times the current population that we have now crammed into a 17-acre area.

CHAIRMAN FRYER: Thirty seconds, Ms. Kurtz.

MS. KURTZ: Thank you.

It will forever change the character of our community. It is radical spot zoning of the Estates land and goes against everything that makes Logan Woods unique.

Must we fill every green space along our arterial roads?

Affordable housing quotas and developers should not drive the county into knee-jerk growth that lessens the quality of life for those already settled. Anyone who says this commercial 208-unit development is comparable with the surroundings is lying or unaware of this area. Architectural style does not change the noise, the outdoor activities, the numbers and displacement of wildlife.

CHAIRMAN FRYER: Thank you, ma'am.

Next speakers.

MR. SABO: Mr. Chairman, at the right podium, can we have Michelle Mace, please, and the left podium, Angela Hutchinson.

CHAIRMAN FRYER: Thank you.

The speakers' left and right or the viewers' left and right?

MR. SABO: I think on the right is Michelle Mace, correct?

MS. MACE: I heard right, so I heard right.

CHAIRMAN FRYER: So you're Ms. Mace?

MS. MACE: Yes, I'm Michelle Mace, M-a-c-e.

CHAIRMAN FRYER: Thank you. Go ahead.

MS. MACE: And I live at 4861 Hickory Wood Drive, and I have lived there for 27 years. I am a resident of Collier County for 40 years, and I'm a native of Florida. So I'm very familiar with the area and of this impact.

I want to thank the developers for all their concern for those who don't yet live there in their luxury broom closets. I was expecting Mother Teresa to show up at any moment, so...

But thank you. But while we are all impressed with altruism about affordable housing, I think this is all obfuscations of the real motivations. Like, how much money are you going to make from this development? Millions, likely.

So it's not like you're in this all for affordable housing. You're not. That's your "in," and I feel like everything has been checked off and this is going to be amended. The master plan is only from 2017. It's not ancient, and we're just going to change it from -- I love it, from an out-of-state developer on top of it.

And they're willing to do anything. I'm expecting to get my Ginsu knives anytime soon.

So for some history, I've been to, like, three or four meetings, public meetings. I know exactly how they feel about us, because the first meeting I went to almost ended up in a riot. There was too many people, and they canceled it and wasted our time.

Another one, I believe, was canceled, and then there was another one at the sports complex where they apparently didn't have the keys to get into the place, so we all stood outside in the dark being eaten up by mosquitoes, nowhere to sit, to hear their presentation. And then we stumbled out into the parking lot that was unpaved and riddled with potholes and was totally unlit. So I know exactly how they feel about us; they don't care.

I'm not against growth or affordable living. It's just where they're putting it. I drove past Santa Barbara. There are so many apartments. How many apartments right now that aren't currently people living in them? How many are there going to be available? Because we haven't asked about those numbers. They're still building them. Nobody's living in them, and there's a ton of them.

You know, I actually invested in a piece of property on Pine Ridge and Logan. It is now a green space. I could have made a ton of money commercially. That would have been -- but we decided that it was best to leave it as green space.

So this isn't like I haven't already -- I know what it's like to not make as much of a profit as I would have liked to have made on that investment, but it's green space now, so...

I also live on a cul-de-sac. I'm, like, one house from it. My next-door neighbor has seven acres and has built a 7-foot wall, a cement wall. I have a feeling that once you amend this, it's a slippery slope, and the next thing I'm going to find is I'm going to have new neighbors, lots of them next door, because you don't build a \$250,000 wall. It's right there on the cul-de-sac, and I -- and I just know that when you amend this, you're just opening the door, and I'm going to be -- I'm going to have all these new neighbors over there from Cherry Wood.

And, by the way, that -- there's an easement there with the -- with the swale. How are you going to keep those people from coming through there? I can get through, and I'm 64 years old. I get around those little gates.

CHAIRMAN FRYER: Thirty seconds, Ms. Mace.

MS. MACE: Okay. I want to know what the -- what you're going to do to keep them from doing that, because it almost seems like everybody's already patting themselves on the back over here that you're just going to go ahead and amend this. But you affect us all.

And thank you for hearing me out, and I oppose this amendment. Thank you.

CHAIRMAN FRYER: Thank you, ma'am.

Next speaker. Ms. Hutchison.

MS. HUTCHISON: Yes. My name is Angela Hutchison, and I live at 5234 Cherry Wood Drive.

I know this has got to be really hard for you guys to sit there and listen to all of the complaining.

I feel obligated to add my voice and my passion. I love it. I love Collier County. I love where I live. I also was a hiring manager at Arthrex. I know that the folks that I was hiring out of school can't afford -- and they can't afford a luxury apartment.

This is -- affordable housing is just the in, and you guys know that. This is a -- is a take to get luxury apartments closer because you can't afford anything at the beach anymore.

I have three comments, and a lot of it will support previous and subsequent folks speaking. The conflict to the Growth Management Plan, please don't overlook that. That is important. That is basically, to me, as a nonlawyer, a contract when I bought the property that you -- we had the same vision, and you don't change vision after four years, please.

The cohesiveness of the neighborhood, if anything good has come out of this is that we have a great camaraderie with our neighbors. It's a great place to live. I'm not saying that this apartment complex will change that. I just -- it's something definitely to consider. Please consider it.

And then I really -- and I think you guys sensed it from the questions that you were asking the developer. There's a lot of ambiguity and a lot of double-talk that's going on, and I really hope you take the time to see through that.

You know, we're calling it affordable housing, and that is a huge deal, I know this, but these -- let's be real. These are luxury apartments. Let's be real. So let's just call a spade a spade. We need the tax income. I understand the financial parts of this. But you made a contract with the citizens that live there. You are elected officials. We need you to support us in this. Please, vote no for this.

CHAIRMAN FRYER: Thank you, ma'am.

Next speakers.

MR. SABO: Mr. Chairman, can we have Viviana Villegas at the right podium and Flaviu Forgaci at the left podium.

CHAIRMAN FRYER: Ma'am, if you wouldn't mind spelling your last name.

MS. VILLEGAS: V-i-l-l-e-g-a-s.

CHAIRMAN FRYER: Thank you. Go ahead.

MS. VILLEGAS: Good afternoon, Commissioners. My name is Viviana Villegas, and I live on Teakwood.

Initially I had zero intention of speaking, but upon hearing the opposing side, I felt compelled to share a few thoughts.

Perhaps by reducing Dr. Ricciardelli's salary, who makes about \$700,000 a year, and allocating those funds to the teachers, then we could create a greater incentive for teachers to remain in their positions.

The median teacher salary in Naples is roughly about 51,000. Actually, Commissioner [sic] Amy Lockhart said it was about \$62,000.

Additionally, if we were able to decrease the salaries of the CEO of NCH, Paul Hiltz, Ilia Echivarria, and Gina Teegarden, it might be possible to also enhance -- sorry, I'm nervous -- to enhance the staff and -- of nurses and auxiliary staff at NCH as well.

As a first-generation registered nurse with six and a half years' experience, I find myself struggling to make ends meet myself. Therefore, please refrain from dismissing our concerns with a narrative that places blame on all Collier County residents for the current mass exodus in the service industry, including teachers, nurses, police officers, and everything in between. It is really disheartening.

And my -- and like the previous response, it was noted on one of your slides that the median household -- I was looking at your PowerPoint. You obtained all of your stats from Lightcast. Lightcast is a database that's more bias towards developers. Did you get their median, like, salaries from the censusbureau.gov? I don't believe so.

Firefighters are usually also paid by taxes per their zone. Immokalee firefighters that have colleagues in -- they get about 30,000 a year. Meanwhile, the City of Naples are allocated more funds. So there's just that to put in place.

I was going to consider a full-time position as an ICU registered nurse at NCH, which I worked all through COVID, but they offered me a measly \$32 with six years of experience. Meanwhile, they're offering brand-new nurses who don't have any, let's say, experience a bonus of \$20,000, no experience. They're going to be taking care of all of you guys in the ICU. Meanwhile, they disrespect all of these nurses with \$32 plus \$2 for critical care, but they don't really understand what goes into it.

And don't forget, during COVID, the head of the HR Department, sorry, Todd Lyon, you fired all of those nurses for not following your narrative.

What else? Sorry.

And then for the developers that are coming from out of the state of Florida. Ohio, I went to college in Ohio for a couple of years. The lifestyle there is way more inexpensive to live there than it is Naples, so it was quite, I guess, a slap in the face to say, I understand where it's come -- what is it like to have two houses? One in Ohio and one in Florida. It must be a dream.

So I just ask to oppose this act and don't kill my American dream. Thank you.

CHAIRMAN FRYER: Thank you very much.

Next speaker.

MR. FORGACIU: My name is Flaviu Forgaciu. I go by Frank to some of the neighbors that know me. I live at --

CHAIRMAN FRYER: Spell, please, your last name.

MR. FORGACIU: Forgaciu, F-o-r-g-a-c-i-u.

CHAIRMAN FRYER: G-a-c-i-u?

MR. FORGACIU: Correct.

CHAIRMAN FRYER: Thank you, sir.

MR. FORGACIU: I live at 5237 Cherry Wood Drive, which is two lots over from the development. As a matter of fact, the good thing about this meeting, I see some people that were -- that have been here for 40 years, 20 years. I just moved here in 2021 from Michigan. I'm a licensed builder for 25 years. As a matter of fact, I saw this property as I was looking for a home to buy or a lot because, really, I wanted to build my home. It was for, like, \$2.4 million, but before I could -- and I thought, wow, great, I could probably divide this up and put some residential homes here, because that's what I've done for many years. Before I could turn around, it went for 5 million bucks, and somebody picked it up.

So, luckily, I found this other property down two lots over. The gentleman sold me the home and an empty lot next door. One closing even though they're separately deeded. Because my whole goal was to build my home.

I actually went through the process to get it -- part of it -- to get an approval from wetland to upland, but I could barely get .33 of an acre to add it on so I could build my home.

My new home is 5,000 square feet, plus the garages and stuff. But, luckily, this

amendment came through, and I put the brakes on it. So I'm sitting around. I have all my plans. I have everything. I'm sitting around waiting to see what happens here, because I don't want to build my home next to this big development.

And I agree about affordable housing. I understand that because I moved here, and in Michigan housing was cheaper. But as I said here, I got a text from my daughter, who's 15, and she just got her permit to drive with someone in the car.

And I drive that road. My concern is traffic. I can buy out anything -- any traffic study, as you guys know that. I am -- I've been in this industry for 25 years. If you pay, you get the right traffic study. If you want the water retention ponds to go your way, then you make it work. But please, drive that area. I drive it every day. If something was to happen to my daughter who just got her permit, I wouldn't know what to do.

So that's, therefore, the house -- I remodeled the home that I'm living in, and right next door I'm just putting the brakes on and waiting. Well, if you're going to approve them, then you might as well buy me out, too, because I'm not going to build my home there, because I have concern for traffic.

You did really nice 3D renderings, but you didn't do a 3D rendering of the fence. You talk about fence. And I'm in the industry. I know how this goes. Once they get their approval, I won't be able to dictate what type of fence they put. Are they going to put a fence on Cherry Wood? Are they going to put a fence on their side? What about -- what kind of vegetation is going to stop people from coming over? I have a five-year-old boy, too, that rides his bike down the street.

CHAIRMAN FRYER: Thirty seconds, sir.

MR. FORGACIU: So that's my concern; traffic and safety.

And if you can hold them accountable to do that, why don't they put a -- why don't you ask for them to put a traffic light? They can't operate that many cars coming out of that unit with a U-turn. U-turn, U-turn, U-turn. I drive there every day. I take my kids to school. And it's super dangerous already. Have them put a traffic light, make it work.

But traffic study -- buying a traffic study is not going to work. I had to put a well just a little bit ago because the well on my property that's there no longer works. I have to just redrill a well and go lower.

So that's it. I would ask that you look at the safety and the impact and if they're going to put a fence, and why didn't they provide us a proper rendering of what the fence will look like so we know what it's going to be like before you approve them, and then we are not going to be able to stop them from putting up nothing that people --

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: I just had a question for you, Flaviu.

MR. FORGACIU: Yeah.

COMMISSIONER SCHUMACHER: Do you live two houses to the west?

MR. FORGACIU: Yes. I got seven acres and bought it two years ago.

COMMISSIONER SCHUMACHER: Got it. Do you have any cypress on your property?

MR. FORGACIU: I do.

COMMISSIONER SCHUMACHER: On the back? A lot of it?

MR. FORGACIU: Yeah, I do.

COMMISSIONER SCHUMACHER: It's pretty wet back there, correct?

MR. FORGACIU: Yep.

COMMISSIONER SCHUMACHER: Do you see a lot of bats?

MR. FORGACIU: Bats?

COMMISSIONER SCHUMACHER: At sunset, do you see bats flying around?
Yeah? Maybe?

MR. FORGACIU: I'm not back there --

COMMISSIONER SCHUMACHER: Okay.

MR. FORGACIU: -- all time, but I don't know.

COMMISSIONER SCHUMACHER: Did you do any land clearing on your
property when you bought it?

MR. FORGACIU: I did not need to because the home that I remodeled was
existing, and where I want to build, I didn't clear yet because I'm putting the brakes on it.

COMMISSIONER SCHUMACHER: Got it. How much wildlife do you see go
through your property?

MR. FORGACIU: A ton.

COMMISSIONER SCHUMACHER: A ton?

MR. FORGACIU: Yeah.

COMMISSIONER SCHUMACHER: Thank you. Appreciate it, Flaviu.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: I just wanted to follow up on the fence issue because
that is something that could be discussed here. Would you like to see a fence or not a
fence? And would that fence -- would you like it on the perimeter of their property or on
the inside of the green area that they're leaving?

MR. FORGACIU: You know, to be honest, if I could just get just 20 seconds. I
hate double-talk. I'm a builder. I don't look like I've been in the industry maybe 25 years,
but I was always -- I built homes. I sold. I try to put -- I hate double-talk.

The neighborhood presentation, they had a nice 3D rendering of the actual building,
but they kept talking about vegetation, but nothing to show us what is that going to be like.
Is it going to be -- they said fence. They put all this money into that; then why not provide
us a proper exterior 3D rendering? Is it going to be a chain-link fence? Is it going to be a
CMU block? A 6-foot wall that's going to look like a prison, or is it going to be a
chain-link fence? Is it going to be on our side or their side?

I don't know what I would prefer, but they're the ones presenting it, so why don't
they show us what they plan to do with it?

Because you're not going to be able to -- once you approve them, you're not going to
be able to -- and I'm sure you're not going to control that. I'm going to look at it every time
that my kid rides a bike down there or -- I'm not going to be able to stop them from saying,
hey, you said you're going to do this and, look, we got 50 people crossing over through the
live [sic] fence and walking their dogs and bicycles, all the traffic that they don't have now.

So -- but even more than that, I drive Vanderbilt Beach Road. It's dangerous.
There's accidents there all the time. And for them to make a -- get right-in, right-out
doesn't work, will not work. It will be -- it will be -- it will be a nightmare, so make them
put a light.

CHAIRMAN FRYER: Thank you, sir.

Next speakers, please.

MR. SABO: Mr. Chairman, can we have Cari Jones at the right podium and Michael Puchalla at the left podium, please.

CHAIRMAN FRYER: Thank you.

MR. SABO: Cari Jones here? Is Cari Jones here?

(No response.)

MR. SABO: She was one of the ones who had to come back. Michael Puchalla? Is Michael Puchalla here?

(No response.)

MR. SABO: Neither one are here.

Mr. Chairman, then we go to Jerry Kurtz. Jerry has seven people who are ceding time. We just need a show of hands. Kevin Schmidt. Wait, wait, wait. Hold on. Hold on.

Kevin Schmidt.

(Raises hand.)

CHAIRMAN FRYER: Okay. We see Mr. Schmidt.

MR. SABO: Diane Oczkowski?

(Raises hand.)

CHAIRMAN FRYER: We see her.

MR. SABO: Dan Klein?

(Raises hand.)

CHAIRMAN FRYER: Got it.

MR. SABO: Candy Stafford?

(Raises hand.)

CHAIRMAN FRYER: Got it.

MR. SABO: Norman Petite?

(Raises hand.)

CHAIRMAN FRYER: Got it.

MR. SABO: George Raines? George Raines?

(No response.)

MR. SABO: All right. And Fredet- --

(Raises hand.)

MR. SABO: Thank you, Mr. Rainer.

CHAIRMAN FRYER: What was it again?

MR. FRIEDETSKY: Rainer Friedetsky.

CHAIRMAN FRYER: All right. That's number six.

MR. SABO: Six times three.

CHAIRMAN FRYER: Eighteen plus your three. Twenty-one minutes, sir.

MR. SILVA: I had signed up to speak. I didn't hear my name.

CHAIRMAN FRYER: You signed up to cede your time.

MR. SILVA: I have a lease [sic] on the neighbor. I don't know if I should sign up over here.

CHAIRMAN FRYER: Did you cede your time, or you signed up to speak?

MR. SILVA: No. I signed up, but I haven't heard my name. To speak.

CHAIRMAN FRYER: Well, we're still calling names.

MR. SILVA: Okay.

CHAIRMAN FRYER: Don't lose hope.

MR. SILVA: Okay. Thank you. I just wanted to know, if I won't be able to speak, I would cede my time to him.

CHAIRMAN FRYER: No, you'll be able to speak, but you can also cede your time, one or the other.

MR. KURTZ: I have enough.

MR. SILVA: Thank you.

CHAIRMAN FRYER: Okay. So I think 21 minutes, is that what I said? Yeah. Go ahead, Mr. Kurtz.

MR. KURTZ: Thank you. Thank you very much. Twenty-one minutes should be enough.

My name's Jerry Kurtz. My address is 4860 Cherry Wood Drive. We bought out there 34 years ago for \$100,000. Got the two and a half acres and the house, \$100,000, raised a family, three daughters. Love the street. Love Cherry Wood.

I worked for the -- Collier County for 24 hours as a professional engineer. I'm still a Florida State licensed professional engineer today.

Our community -- and thank you, everyone, who's trusted me to speak for you. It's a privilege.

Our community, our neighborhood is not a NIMBY community. We're a community that's hurting right now because of this impact that this petition will have to us personally. Sometimes it's not even tangible to think what impact this is going to be, but it will be, should it happen -- the impact will be pronounced and severe, but we are not a NIMBY community, and it's not about resistance to change. You can't live in this town peacefully and be resistant to change. Change is all around us. We all deal with it every day.

So to testify about what a giving community/neighborhood this is, there was a nice exhibit on our street that showed what we have on our street. We're not just bottled in and only want us and our stuff. We have Station 76 on the corner. EMS, thank goodness, our response time's probably amazing. Thank God I haven't had to use it yet.

We have the master pump station. Huge pump station that took a lot from Cherry Wood Drive. County bought it. It pumps a lot of wastewater -- or can pump wastewater and balance the flows between the south plant and the north plant. It's a huge master lift station; benefits the entire county.

And, finally, we have the cemetery, 25 acres of cemetery. You know, there's not too many streets -- I don't know if there's any streets that gave up land for a cemetery. I was there for it.

You know, we're concerned about water. We're concerned about our wells. The business is booming in the cemetery, I'm telling you what. They bury a lot of people every week.

CHAIRMAN FRYER: You might say people are just dying to get in there.

MR. KURTZ: They are. They are. They are.

By the way, I believe the cemetery provision was an 80-foot buffer, and it's been 20 years. We can still see right through an 80-foot very high treed buffer. We see the mausoleum. We see the burials going on every week. There's now a funeral home that we can see from our house in the cemetery.

So 50-foot buffers? We've got an 80-foot buffer that not even working, okay. We mainly oppose this petition because it's grossly incompatible with the Growth Management

Plan. But paradoxically or kind of strange is, but the Growth Management Plan is allowed to be amended. There's a process. We're in the middle of the process to amend it. It can be amended to establish a subdistrict. It's perfectly legal. When the plan was created, there were provisions to amend it. So here we are.

But is it really a good idea, though, to amend the plan for something like this? This is not the right place for this apartment complex. It's so obvious to me. Carving out this property out of our street to put in this complex, it's very upsetting. You know, we and all these people bought into this street, beautiful street. We've got our acreage. We got our peace and quiet. We got our animals.

The cemetery was one thing. You know, the cemetery was basically an outparcel. A lot of people don't know, the cemetery was actually not in Unit 95. It was not platted as Golden Gate Estates. I think it was still owned by Harvey, the farmer, who had all the Island Walk property. So the cemetery was rezoned as ag property, rezoned to PUD.

We kind of knew something was going to happen over there, but when we got through that, when we were done with that, we thought, okay, boy, this is going to be great. We're going to have more houses; the buildout for this street will be wonderful. We trusted that that was how it was going to be.

We sit here today, and we're just mind-boggled that this is actually getting strong consideration. For what? The intoxication of affordable housing need. And we can segregate this property out, wall it off like a prison so it will have zero impact on us and our streets. That all testifies to me how incompatible this proposal is.

I mean, it's like, if it fit so well, why do you have to do all this stuff? Why do you have to amend the GMP? The GMP, the master plan, is a wonderful document. Well, Goal 1 allows for the creation of subdistricts, cars, okay. But quickly, going to Goal 3, Goal 3 says you should preserve the area's rural character. Objective 3.2 under Goal 3 says, you should protect the rural character of the Urban Golden Gate Estates.

You know, it's almost like we thought -- we're not in a deed-restricted community, but good lord, the zoning and the master plan would protect us from something like this happening.

Policy 3.2.3, a quote, rural character shall be further protected by resisting site-specific master plan changes that are out of scale or character with the rural quality of the Urban Golden Gate Estates. This is in the newly -- relatively newly created sub-element, you know.

And so to get this amended, the process -- you know, you've got to amend the maps, you've got to -- you know, the Future Land Use Map. It's, like, there's a lot of things that have to happen to approve this thing just in the first item, the Growth Management Plan amendment. Then you get to the zoning. But you've got to ask, is -- just to get this done, requiring all those changes, is it really the right thing? Is it really a positive thing to do if I have to do all those things?

The restudy, my God, the county and some of the staffers are still here. Two years of restudy, 20 public workshops. Estates residents expressed their views on GMP policies for two years and over 20 workshops. It started in 2015. It was completed in '27 [sic]. It was an exhaustive exercise updating the master plan and specifically the Golden Gate Estates Master Plan.

I believe it actually created the two sub-elements, the urban and the rural. Well, the white paper that was created as part of that process, again, huge effort, 222 pages. In there

it said at one point that it was agreed that the county should protect the low-density character of the Estates by resisting private petitions to change the GGEMP, existing residential land uses. It was reaffirmed again in 2017.

And that statement that I just read is exactly stated on Page 43 and Page 77 of the 220-page white paper. Why are we now just pushing that aside like it didn't even happen and shoehorning in this proposal? Why? That's what's got us upset.

Again, it's like, what is happening to our neighborhood? We thought we were, in a sense, deed-protected, right?

The preservation of the area's rural character is mentioned five times in three pages in the goals, objectives, and policies of the Growth Management Plan; five times, that statement, in three pages alone, the vision statement for the Golden Gate Estates urban area, a low-density, large-lot residential neighborhood in a natural setting.

The Growth Management Plan is the County's Comprehensive Plan. It's required by the state. This petition is not compatible and not complementary to the neighborhood. Those are statutorial [sic] requirements required for an amendment to a Growth Management Plan. You have to have compatibility. You have to have complementary features.

This petition is not cohesive with anything in the neighborhood. I mean, maybe some of the people in the cemetery would say it's cohesive, but they're not really talking right now.

The restudy did not identify --

COMMISSIONER SCHMITT: I knew that was coming.

MR. KURTZ: -- the south side of Vanderbilt Beach Road east of Logan and west of Collier as a potential corridor for redesignation or new subdistricts. It did not. It was looked at. It was not identified to do this in the restudy.

The master plan requires compatibility. This is not compatible. This is out of scale with the rest of the nearby built environment. Obviously out of scale.

The petition is out of character with the neighborhood. It's inconsistent with the Future Land Use Element. Oh, wait, but we can modify that, right? It's part of the petition. Part of the legal process.

In order to get this done, we're going to modify the Future Land Use Element of the Growth Management Plan, too; we have to, because it's in conflict with it.

It's mind-boggling around the edge of this proposal. We're going to -- they're saying we're going to get enhanced landscaping and buffering. The setbacks are huge. Now there's going to be a border feature. Wow. Again, I said this once already. That just screams at me, like, how incompatible this proposal is. Wow.

And those things are not going to mitigate the effects. I alluded to the cemetery 80-foot-wide buffer. And I can't tell you enough -- I did a lot of environmental work. You've got earleaf acacia, and they're tall trees; you've got Melaleuca; you've got Brazilian pepper. All that stuff on the whole property has to be removed whether it's preserve, set aside, roped off, whatever. It's going to all come down, and you will be able to see right through everything.

The amount of vegetation that's going to be ripped out of this property is going to be mind-boggling to get the exotics and to build.

These features are proposed to -- I believe, to soften the impact, but it's basically a joke. How are you going to cram in -- on our street, you know, there's 44 families. So let's say two people a family, maybe three. You're talking about 100, 120 people milling

around on our street every day.

You're going to go take 17 and a half acres, and I'm guessing in those units there's going to be 400, 500 people milling around. Picture, like, a little beehive or something, doing what people do. How the hell can that not impact our street and our environment? Just the -- just picture it.

You've got 120 people living quietly in the woods, and then you're going to insert this thing, and it's not going to impact us because we're going to have buffers and a wall? What? What? This is spot zoning at its best, which is not illegal, but it is a horrible thing that happens.

Forty-four homes. There's 55 lots total. Fifty-five lots total. The density increase, it's 30 times, multiplication; 30 times our current density. Again, how can you insert a little community that's 30 times dense with units around us and say it's not going to have a bad effect on us? That's crazy to think that.

The density increase is excessive. Twelve units per acre. Do you know what our density is? It's simple math. It's at 0.4 units per acre. If you do the math, multiple those two together, it's 30 times increase. Simple math.

Do you know that on this parcel -- it's four parcels -- if you subdivided it properly, shifted the lot lines around, you could get six to seven homes in there, six to seven homes. Granted, it's not going to address the affordable housing crisis, granted. And we all want to help somehow with addressing the affordable housing crisis, of course. Nobody's denying it. Nobody hates it.

There's nobody out here on our street saying, they're going to put those people on our street. There's nobody saying that.

And I'll tell you, a good example of putting seven houses and using the current zoning on that property, there's a great example. I can tell some of you haven't even ridden the neighborhood. Right at the west end of Cherry Wood, guess what? A guy bought three oversized parcels, changed the lot lines to current zoning requirements, got five lots out of his three parcels. It's called Logan Farms. He's selling houses and lot packages. He's already built two houses.

So for those of you that say, well, we can't deny the current owner of the property has rights to develop because of the economic impact and blah, blah, blah, there's a great example of a guy who took the plunge, spent millions of dollars on 12.8 acres, and he's selling housing, and he's making money, obviously. It's right there. Drive by it. It's wonderful.

Great plan, great model, Logan Farms right at the other end of our street, the west end, up against the Vineyards. You can't miss it. There's a sign out there. No Growth Management Plan amendment needed. No rezone needed. Zero negative impact to Logan, to Logan Woods, to Cherry Wood, zero. And I bet you he's making money, too.

CHAIRMAN FRYER: Mr. Kurtz, just so that you know, three more minutes.

MR. KURTZ: Darn it.

All right. I'm going to talk faster.

The petitioner, you know, got a great deal on the property, a really good deal when you compare it to his Blue Coral or his Aspire. He had to pay a lot more for that 9.3 acres. Why? Because it was more appropriate for a rezone and apartments. He bought our property based on Estates houses prices. He paid the market value for what you'd pay to build house on 2.2 acres. He got 17 and a half acres for 5.2 million. He had to pay double

that -- more than double that per acre for his project that's underway.

So, you know, bully for him, but he did take a risk. Bought it before any of the rezone process started but got a hell of a deal. And the reason why I bring that up is the property, based on the price, is not appropriate for this. It's a steal if you're going to be able to do this. If it was appropriate, it should have been \$800,000 an acre. That's what you pay for property that's suitable for apartments.

Talked about the clearing. The clearing's going to be devastating.

Speeding things up here. You know, the issue is simply we know there's an intoxicating appetite for affordable housing. We're all in this together, but -- and even with all the features provided to make this not impact us, that's crazy, adding 500 people to our street; that just blows my mind.

And it will all face Vanderbilt. It won't face our street. We won't hear or see anything. That's crazy. That's crazy talk.

So it comes down to, you know, us and our property rights and our quality of life versus squeezing out a few more affordable houses. You know, come on, man. No, it's not an equal -- it's not impact neutral. It's going to heavily impact us.

Our trust to preserve our zoning, to live happily on Cherry -- Cherry Wood Drive is a jewel. The whole Urban Estates is a jewel to Collier County. Everybody wants -- that can afford it wants to live there. It should be protected. Where can you have acreage that close in to our wonderful community? You can't anywhere. And we're building out. This is a jewel. It should be protected, not sacrificed for affordable housing. That's crazy.

CHAIRMAN FRYER: Thirty seconds.

MR. KURTZ: That's crazy.

This is not the right community for this development.

Oh, I love the statement about the area has urban-level infrastructure services. Really? I'm on a private well, septic. I didn't understand that.

They admit the density is directly related to the housing needs. Well, what about us? What about us? There's no consideration for us.

The 50-foot-high trees, yeah, I alluded to that. Seventy percent exotics infestation. It's in their environmental report. It will all be cleared.

Oh, the improvements are going to be required -- now, this is for Island Walk people. I know a little bit about traffic engineering. Any additional impervious that has to be laid down on Vanderbilt Beach Road to accommodate the development, increased impervious area, unless they run all of that into and through their system, some of it's going into Island Walk's lake, 100 percent. If you -- typically, how this is done is they modify the existing system out in the street. It's easy, cheap, quick, done. So what I'm saying is, any additional pervious is graded, built, constructed so it just runs off into the existing system. Guess what --

CHAIRMAN FRYER: You're at your time.

MR. KURTZ: -- the existing system goes into Island Walk.

CHAIRMAN FRYER: You're at your time.

MR. KURTZ: More polluted water going into Island Walk. Somebody needs to keep bringing that up.

CHAIRMAN FRYER: You're at time, sir.

Vice Chairman may have a question or comment.

COMMISSIONER SCHMITT: Jerry.

MR. KURTZ: Yes.

COMMISSIONER SCHMITT: Thank you.

MR. KURTZ: You're welcome.

COMMISSIONER SCHMITT: I've never -- in the years I've --
(Applause.)

COMMISSIONER SCHMITT: In the years I've known Jerry, that's the most animated I think I've ever seen him. How many years have I known Jerry? Probably -- since I've been here, 20-something years, but I --

MR. KURTZ: Yeah, 20.

COMMISSIONER SCHMITT: And for those that don't know -- and raise your hand, those who ceded their time. I think you got your money's worth.

I only say that because it was well-prepared and well done, Jerry. Jerry was with transportation division. He was stormwater management for how many years? Twenty --

MR. KURTZ: Twenty-four years total. I did some transportation, stormwater, road maintenance.

COMMISSIONER SCHMITT: But I detected from your talk, you're in support of the project, was that?

MR. KURTZ: I am, just in an appropriate location.

COMMISSIONER SCHMITT: Okay. No, I appreciate your passion. And I think many of the statements you stated are definitely factual because, certainly, being part of Collier County staff, you're well versed in it and, for the record, it was all the appropriate -- I think if the petitioner's going to challenge, you've got some --

MR. KURTZ: Oh, no. Rich, he won't say anything.

COMMISSIONER SCHMITT: -- a heavy lift there to challenge. Thank you.

MR. KURTZ: You're welcome. Thank you.

CHAIRMAN FRYER: Thank you, sir.

Now, before we move on --

MR. YOVANOVICH: Can I ask Jerry just one question?

CHAIRMAN FRYER: I'm sorry?

COMMISSIONER SHEA: He wants to cross-examine.

MR. YOVANOVICH: Let's -- well, yeah.

CHAIRMAN FRYER: Go ahead. Go ahead.

MR. YOVANOVICH: It's just a math question. I need his help.

MR. KURTZ: What if I don't want to?

MR. YOVANOVICH: Just one question, Jerry. What -- if I go from .2 units per acre to 12.2 units per acre, is that a 60-time increase in density?

MR. KURTZ: Oh, you want me to check my math --

MR. YOVANOVICH: Yeah. I just want to --

MR. KURTZ: -- in front of everybody? No, I learned from the budget meeting last night not to do -- not to do math in front of everybody.

MR. YOVANOVICH: Well, you just went .4 to 12 is 30 times, correct? So if I now go to .2, I just want to make sure my math is correct. That would be 60 times.

CHAIRMAN FRYER: All right. Thank you, Mr. Yovanovich. You're going to have rebuttal time.

MR. KURTZ: Was there a question in there?

MR. YOVANOVICH: There was. I'm asking you if that's the right math.

CHAIRMAN FRYER: All right. So we're at a point where we need to talk about what our afternoon's going to --

MR. SABO: Mr. Chairman, we have more speakers.

CHAIRMAN FRYER: Oh, I know that. Believe me, I know that. But we're at a point where I want to talk about how we spend the rest of our afternoon in view of the fact that there's a potential for lunch. There's certainly going to be a need for more breaks. And I want to poll the Planning Commission to find out what they want to do, and I hope it will be in keeping with the fact that there are people who've been here for the better part of the last 24 hours. So, Planning Commission, what's your wish --

COMMISSIONER VERNON: How many -- do we know how many more --

CHAIRMAN FRYER: That's a good question.

COMMISSIONER VERNON: -- speakers are left?

CHAIRMAN FRYER: Mr. Sabo, how many more?

MR. SABO: There are two that were supposed to come back. So, really quickly, Michael Puchalla or Cari Jones, are they back?

(No response.)

MR. SABO: So that's a no. There's two on Zoom. That's it, two more on Zoom.

CHAIRMAN FRYER: Oh, okay.

COMMISSIONER VERNON: And this gentleman.

CHAIRMAN FRYER: All right. And that gentleman. All right.

COMMISSIONER VERNON: So I'm flexible what everybody wants to do, but I'd like to just charge ahead.

CHAIRMAN FRYER: Yeah. I think that's what we'll do. Thank you for that accounting. And without objection, we'll plow forward.

COMMISSIONER SCHMITT: I would recommend we take at least a 15-minute break.

CHAIRMAN FRYER: Right now?

COMMISSIONER SCHMITT: Well, if somebody wants to -- after the one in-house speaker, and we take a break. Those who want to take a break. I know Terri's been here since 3:00. She went to bed last night, and she's back here this morning after that marathon meeting. So I think a break would be appropriate, but I'm not sure when. At least 15 minutes so folks could -- if they want to grab something to eat.

CHAIRMAN FRYER: Nod, Ms. Court Reporter, 15 minutes okay for now?

THE COURT REPORTER: (Nods head.)

CHAIRMAN FRYER: Okay. Thank you.

So let's continue with speakers, then, please, Mr. Sabo.

MR. SABO: Mr. Chairman, we have two on Zoom. Oh, do you want to use the --

COMMISSIONER SCHMITT: Yeah, I want to do our speaker in the house first.

MR. SABO: I don't know his name.

CHAIRMAN FRYER: And, sir, if you have not been sworn in, we'll take care of that for you.

MR. SILVA: Yes.

CHAIRMAN FRYER: Go ahead. Approach the podium, and then we'll swear you in.

THE COURT REPORTER: Do you swear or affirm the testimony you will give will be the truth, the whole truth, and nothing but the truth?

MR. SILVA: Yes.

CHAIRMAN FRYER: Thank you. Approach the podium, and please give us your name, sir.

MR. SILVA: My name is Fernando Silva.

CHAIRMAN FRYER: Spell the last name.

MR. SILVA: S-i-l-v-a.

CHAIRMAN FRYER: Thank you.

MR. SILVA: I just moving to the community. As a matter of fact, I got my CO day before yesterday, and I'm amazed the way everybody got together to talk about it. I haven't seen that.

And I wanted to remind you guys that, you know, our constitution said We the People, and we elected you guys to hear us, and when we see what they're doing against the people that are there, it's just an absurd.

All the numbers that they're presenting, they're talking about that they're going to help the community -- and like it was said here, what is the price of that? We know the area's very expensive.

Talk about affordable. I'm no millionaire, and I just built a house there. I'm a hard worker. I pay, and I built to be in that community the way it is.

Now, if they are going to change it and they're going to open the door for anybody else to come in and change it, because it's one. They're going to open it, and another company's going to look at it and be like, okay, I can go ahead and do the same thing. And then what's going to be? We're not going to have the community the way we have it anymore.

So I would like to ask you guys, very simple, you know, everybody who's here is very beautiful, 35 years, 25 years. I'm there for, like, three days. But I believe I have the voice, too.

This is what this country's about. I can come over here and say, look, we don't want this over there.

So you can have somebody that's there for 30 years, 50 years, and somebody just move into the community, and I invested all my resources to be there the way it is. I don't want a change.

And they have to hear it. If they -- you see, he has money. If they have so much money, why they don't buy it with the appropriate price like it was said here? They pay for a price that was cheap compared to a project. They're going to make millions, and they're here saying, oh, to help the community. How beautiful.

I work with low-income properties. I know there's money involved. And now they come here, oh, we want to help the community. It's all about money.

So we are here. Ask the people. Ask our supposed to -- you know, I never seen the street gather together on the house. People here, they gave their backyards for us to get together and talk about it. And now, you know, we just wanted to come over here and say we are saying no for this, and we want you guys to hear.

As a matter of fact, you guys were hired by us. We voted you guys in to hear us. So just because they have plenty of money to do and to turn things around the way they are doing, everything that was said here, building this, doing that, they don't have the right to do it. The community is saying no, and that's all I wanted to say.

CHAIRMAN FRYER: Thank you very much. We're going to hear from the two

people who are on Zoom. Two, correct?

MR. SABO: Yes, that is correct, Mr. Chairman.

CHAIRMAN FRYER: And then after that we're going to take a break and come back for rebuttal.

COMMISSIONER SCHMITT: Could I just point out, just so you know and understand, we're not paid.

COMMISSIONER SHEA: We're not elected.

COMMISSIONER SCHMITT: We're not elected. We're not elected. We're not paid. We're appointed by the Board of County Commissioners. We applied for this position, and we were appointed by the Board of County Commissioners.

Your elected official is the Board of County Commissioners. We're just simply members of the community who volunteer to serve as -- on this commission. Of course, it's quasi-judicial, but we are not paid, so the folks understand that, that we are part of the community, and we're the first phase of the review process.

So I'm not looking for a response. I just want you to understand. Thank you.

CHAIRMAN FRYER: We were just at the wrong place at the wrong time.

COMMISSIONER SCHMITT: We were at the place at the wrong time.

CHAIRMAN FRYER: All right. Let's go to the phones.

MR. SABO: All right. Mr. Chairman, Michelle Lauka is the first Zoom speaker.

CHAIRMAN FRYER: Are you there, ma'am?

MS. LAUKA: I am here, but I actually did not sign up to speak. I was signing up to observe.

CHAIRMAN FRYER: Oh. Well, it's up to you. Do you want to say anything, or do you want to continue observing?

MS. LAUKA: Well, I guess I could say something now that I've been called out. I am a new resident, more of a part-time --

CHAIRMAN FRYER: Spell your last name, please.

MS. LAUKA: L-a-u-k-a.

CHAIRMAN FRYER: Thank you. Go ahead.

MS. LAUKA: And I am a new resident. We've been coming down to the area since 2001, and we absolutely loved it, and we recently purchased a home off of Pristine Drive off of Vanderbilt Beach Road.

There is one way to get in there, which doesn't look like a turnaround, but people use it as a turnaround. It's more like a straight-through to go to Pristine Drive to get into Raffia and Vanderbilt Preserve -- or Reserves, excuse me.

And so my question, I guess, well -- or my comment is, is during season and not during season, more so during season, that is a nightmare to try and get through to begin with that. How would -- that would be another turnaround lane from this development. It is barely able to, you know, get through the way it is, and people in our own community are talking about, during season, being able to even turn right off of Pristine onto Vanderbilt Beach, which then approaches Island Walk where the community that is being proposed ends up coming out of and in.

All great affordable housing, all for it. I'm in no way rich whatsoever. I just don't understand, with all of the land that seems to be for sale or available that is actually east of Collier, why this one particular development has to be the end-all be-all.

I sympathize with those who live off of the road who bought for a particular area,

because my home in Michigan is the same sort of situation. I live in Oxford part time and live in Florida part time. In Oxford, I have two and a half acres in a subdivision. We have wildlife here. There is nobody that can build across from me, unless somebody actually rezones our HOA, which we have an HOA here.

There's only 21 houses in our HOA, and every -- but the point, basically, that I'm trying to make is, is if you make a promise or you have a statute that says that you can't change a certain thing, I don't understand why money is being involved to make that change.

And that's about all I have to say.

CHAIRMAN FRYER: Thank you, ma'am.

The next speaker, please.

MR. SABO: Next speaker, Mr. Chair, and our last speaker, Ana Romero.

CHAIRMAN FRYER: Thank you.

Ms. Romero, are you there, ma'am?

(No response.)

CHAIRMAN FRYER: Ms. Romero?

(No response.)

CHAIRMAN FRYER: All right. She is not there.

And so we will -- we've concluded with the registered speakers. Anyone who has not neither ceded their time nor registered to speak and wishes to be heard at this time, please raise your hand.

(No response.)

CHAIRMAN FRYER: Seeing no hands raised, we will close the public comment portion of this hearing, and we will stand in recess for 10 minutes until 1:44.

(A brief recess was had from 1:33 p.m. to 1:44 p.m.)

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

CHAIRMAN FRYER: Thank you, Mr. Bosi.

Ladies and gentlemen, we're perhaps at the 5- or 10-yard line here, so let's reconvene and attempt to complete our business.

Having ended the public comment segment of this hearing, it's now appropriate to ask the petitioner if the petitioner wishes to make a rebuttal.

Mr. Yovanovich.

MR. YOVANOVICH: Thank you, Mr. Chairman.

I want to start with some of the people who couldn't be here today that did write letters of support, and they range from big business to small businesses that have provided letters that -- I don't know if you-all received them or if the public is aware.

The Collier County Affordable Housing Advisory Committee wrote a letter of support. Collier County Public Schools, the chief human resources officer wrote a letter of support. Moorings Park, a big employer, wrote a letter of support. You heard from NCH, but also Matthew Holiday from NCH wrote a letter of support. And you have some small businesses, Loos & Company, Elephant Creative Company, and other individual businesses writing letters of support recognizing that they need reasonably priced attainable housing for their businesses to survive and for other businesses to actually continue to provide services to those of us who live in Collier County.

The median income, as we understand it, for a deputy or a police officer, is about \$57,000, so we'll update the presentation when we get to the Board of County

Commissioners to go through those numbers.

A couple things I want to address, and then I'm probably going to ask some questions of Cormac, because he's the most knowledgeable person about affordable housing. But with respect to the comment about our neighborhood information meeting, what actually happened is the person who was supposed to open the place up was in a car accident. She called and sent somebody else to come open the place.

We offered to reschedule and not hold it that day. The people there wanted to move forward with it that day. So we offered to do it at another time. They wanted to move forward. I think it's a little disingenuous to now say to us we held this in poor conditions so that we didn't care about them. That's not the case.

MR. FORGACIU: Why so far, Rich, then? If you care about us, then why so far?

CHAIRMAN FRYER: Excuse me. Just a moment, sir. Enough is enough. You've had your time at the mic. Public comment's closed.

MR. YOVANOVICH: You know, I'm going to answer -- I'm going to answer the "why so far?" I'm going to do that.

CHAIRMAN FRYER: Now, just a moment, Rich. Hang on. I'm going to say this for everyone. We're going to maintain decorum in this room on all sides and complete this in an appropriate process. The public has had its opportunity to speak, and I was very liberal on three minutes. Most people were allowed to go to four or longer. And so that portion is behind us.

Now it's time for rebuttal, and that's where we are.

So I'm going to ask everybody to respect that, and if we don't, if you're unable to respect that, then we'll just close it off and we'll take a vote.

Go ahead.

MR. YOVANOVICH: In response to the "why so far," if you will recall, there was another affordable housing project going through the process on Vanderbilt Beach Road at the corner of Vanderbilt and Collier Boulevard. The first location we picked was the firehouse. There were well over 100 people that showed up. The fire marshal said you can't hold it here; you're exceeding fire capacity.

So we canceled that one. We then went to the stadium, the new stadium, Paradise Park, where we had several hundred people show up. I got to "thank you for coming" and never got to say another word.

So the "where" we could hold a neighborhood information meeting where we could house the crowd we anticipated based upon the same neighborhood location of this was that location. It was limited opportunities for us to be able to hold -- have a venue large enough to hold these people. So that's why we picked that location. We didn't pick it to be inconvenient. We picked it because that's really our only opportunity to house what we thought was going to be a much larger crowd than ultimately turned out.

Now, there was a lot being said -- you know, we've done enough of these projects now. You've heard enough of these projects now. It always comes down to we love the mission, we hate the location. Which affordable housing higher-density project have you seen a neighborhood come out and say we love it? Zero. Never happens. It's never going to happen.

But we -- in Collier County, we're down to very little land left in order to build attainable housing. Is my client ultimately hoping to make a profit? Of course, he is. That's not -- there's nothing wrong with trying to make a profit.

But in return for that, he's income-restricting 71 units, roughly 34 percent of the project. The cost to build the units, the cost to insure the units, the cost of buying land prohibits a developer from coming forward without a government subsidy to build housing to bring the rents down. So what he's doing is he's making some money on some units, and he's bringing down the rents on the other. So he's internally subsidizing this project. Yes, he hopes to make a profit by doing that, and there's nothing wrong with that.

Collier County recognizes that affordable housing is a problem. You're all aware of recent changes to the Growth Management Plan that have either been transmitted or adopted. Recently transmitted that in the urban area you're going to bump the maximum density up to 25 units per acre for affordable housing projects in the urban area.

You just amended the Rural Fringe Mixed-Use District provisions to go to 12.2 units per acre. The base density there -- and why I wanted to ask Mr. Kurtz this on the record, the base density there is .2 units per acre.

You-all recommended and the Board of County Commissioners just adopted a provision that increased that density on a one-per-five-unit-per-acre lot by 60 times, 60 times, because we know we have to find a solution to attainable housing.

So the -- you also changed in the Rural Lands Stewardship Area. You now have a mandatory requirement for every Stewardship Receiving Area to provide 2.5 percent of the acreage at 10 units per acre for affordable housing.

So you have the urban area doing its fair share for providing affordable housing. You have the Rural Lands Stewardship Area doing their fair share to provide affordable housing. You're going to have the Rural Fringe Mixed-Use District doing their fair share to provide affordable housing.

The only place that affordable housing is not allowed to go is the Estates. That's the only place. Why? What is -- why does the Estates who -- cost is part the burden. The Estates needs teachers. The Estates needs doctors. The Estates needs nurses. They all -- we all do. Why are they not willing to contribute to solving the problem?

I know Jerry said it's not in my backyard, and he did a very good job talking about things, but it is "it's not in my backyard." That's the real -- the real argument. They don't want it in their backyard.

Now, I've dealt with Jerry for I don't know how many years.

MR. KURTZ: Too many. Too many.

MR. YOVANOVICH: A long time, a long time.

So he and I have had some very spirited debates over the years when he was at the county, and that's okay. You know, we'll -- you know, I'm sure we'll still get along. We may never have a beer together, but, you know, we'll still get along at the end.

But we have taken great care to do a project on a parcel of property on the outskirts of the Estates on a major road with sufficient setbacks, sufficient buffers, and reduced height.

We don't -- we didn't ask to put a wall. We didn't ask to put a fence. They wanted it. It wasn't us. So to get up there and say, you know, it can't be compatible if you have to put a wall or a fence around it, it's not. We don't need a wall or a fence. We're happy to do it if that's going to make them happy. We're willing to do a decorative fence. And, frankly, we'd like to put it on the inside of the project, not on the edge. We'd like to -- which will give them more green space between us and them.

And I think it's ironic -- I don't know how many of you were on this Planning

Commission when we did the Allura project. And I bet you the units that are available in Allura are not the ones that are income-restricted. I bet you the ones that are potentially on the market are the market-rate units, but I bet you the income-restricted units are probably fully spoken for.

But you remember the D.R. Horton community right next door to us? They were yelling and screaming about how "our people," like they're not -- somehow second-class citizens. "Our people" were going to go and use their recreational facilities at their community because we have an apartment complex. How could it be possible that people would actually like the amenities we provide?

If you go to Allura, you'll see the resort-style pool. We're going to have the same thing. You'll see the clubhouse, and guess what? It's the people from the single-family complex next door to us that are coming and using our facilities.

So we're not -- we're going to -- our people are going to be very happy where they reside. They're not going to sit around milling around in groups of 4- or 500 people at one time any more than I'm sure Jerry's community mills around with all 120 people in the street.

These are going to be people who are just a range. And let me -- I'm going to try to do this without making anybody too -- we do have an exhibit. Can you put me back on, please.

Someone wants to know what the rents are going to be for income-restricted units and, based upon the different categories and the different persons per house, you know, one person making 100 percent of the median income is going to pay \$1,748, 80 percent's going to pay almost 1,400, and then -- I don't know if I can show the 120. I can't see the 120. They're going to pay -- they're going to pay a lot in rent. They're going to pay almost \$2,100 in rent. That's where we are in Collier County for attainable housing. Those are the numbers that these people will pay.

Teachers will live there, nurses will live there, and firefighters will live there, and police officers will live there.

There's no data whatsoever that says because you're an apartment complex you're going to increase crime. There's no data for that. In fact, Orange County, which is similar to Collier County, in California, the data shows crime goes down and property values around it go up. So we're not going to hurt their neighborhood. We're going to provide safe and decent housing as part of this project.

I think it's important -- one of the speakers got up there early and said, NCH should pay a living wage. And I guess the rest of us who are employers should play a living wage. Well, what's a living wage? I mean, I think \$50,000 for a starting teacher is a nice paycheck. I wish I made that when I first came out of school, \$50,000.

And the irony of this is, if you want to pay a living wage for teachers to buy or rent a house in Collier County, you've probably got to double their income to make that happen, and that requires increasing taxes. Zero percent chance that that's going to happen. So we pay living wages in Collier County. The problem is we have limited -- limited opportunities for houses.

And I think I would like to ask Cormac to come and verify how many units we're short for affordable housing and how the categories we're proposing to provide income-restricted housing on are important to Collier County, and then -- and then I'll open it up to any questions you may have. If you have more compatibility questions, we can put

Pat up here. If you've got more water management questions, we can put Dan Waters back up here.

But I think it's important to hear from Cormac who can provide the unbiased data as to just how bad it is and how much more housing you're going to need. And if you say no to this project, you're probably going to say no to every other project, because every other project's going to either be in the Estates or in the Rural Fringe Mixed-Use District where you're going to have a density that is way higher than what's allowed by it, and you're not going to have any communities that are going to come out and say we love this. Because I guarantee you if I came in with a 100 percent affordable housing project here at the 60 percent and below or whatever number you want, they'd still be upset.

So with that, do you mind, Cormac?

MR. GIBLIN: Good afternoon.

CHAIRMAN FRYER: Have you been sworn in, sir?

MR. GIBLIN: I was, yes.

CHAIRMAN FRYER: Okay. Thank you.

MR. GIBLIN: Good afternoon. For the record, Cormac Giblin, your planning manager.

I pulled these numbers this morning from the Shimberg Center for Florida Housing Data Clearinghouse. What this shows is the percentage -- the number and percentages of households currently living in Collier County and what percent of their income they spend on housing expenses.

For reference, anything more than 30 percent of your monthly income, if you spend it on housing, you're living unaffordably.

So you can see that there are currently 49,399 households right now in Collier County who are paying more than 30 percent of their gross monthly income in housing expenses.

The cost burden is split into two categories, 30 to 50 percent, which is cost burdened, and then over 50 percent, which means you spend -- more than half of every paycheck you earn goes directly to pay for your housing expenses. Those are termed "severely cost burdened." And there are, right now, 24,059 households in Collier County who are doing just that.

You can further see how it breaks down by household income level. At those at less than 30 percent, 30 to 50, 50 to 80, 80 to 100 AMI, you can see how many households are actually in those categories.

So, yeah, when someone asks what is our deficit of affordable housing, well, it's -- at least as a starting point, it's those 49,339 -- 300 households that are living here unaffordably.

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Is there updated numbers? Because this is from 2021.

MR. GIBLIN: This was pulled today, and it was the latest on the website.

COMMISSIONER SCHUMACHER: Okay.

MR. GIBLIN: Yeah, I'm sure it didn't get any better.

COMMISSIONER SCHUMACHER: I know that's what I was trying to look at because the other -- all right. Thank you, Cormac.

MR. GIBLIN: Yeah.

COMMISSIONER VERNON: Just so -- just so I make sure I understand, so,

roughly, one of three households are cost burdened in Collier County meaning more than 30 percent?

MR. GIBLIN: That's correct.

COMMISSIONER VERNON: And some are way over?

MR. GIBLIN: That's correct.

MR. YOVANOVICH: Commissioner Shea asked the question, what could we do as a matter of right on this property? I think you were probably intending the thought about residential density. But actually, as a matter of right -- and we have an entity interested in this. It's as a matter of right, we could put a charter school, and we've had charter schools approach us as an alternative.

I asked Jerry, would you rather have a charter school, or would you rather have this luxury rental apartment complex? I think Jerry said he'd rather have the apartment complex.

So it's not a threat. It's just an option. It's the only alternative. There is -- there are other options that could be worse for the neighborhood. And we're not bad for the neighborhood, so I don't even want to say "worse," because that's -- a lot of people say, you know, you can have something worse. We're good for the neighborhood. We're good for Collier County.

And with that, we would like you to follow your staff's recommendation who have analyzed this independently, and they're recommending both approval to the Growth Management Plan as well as the request to rezone the PUD. And with that, I don't want to get into tit for tat on a lot of the comments. I just wanted to hit some of the bigger points, and we're available to answer any questions about our project you would like us to answer.

CHAIRMAN FRYER: All right. Commissioner Shea.

COMMISSIONER SHEA: Quick question. We hear so often, and we heard it again today, about the flooding on people's properties and we've -- at some point in time -- it seems like the actual and the theoretical are different. Can we do a study based on actual experience in the flows rather than saying the regulations don't require that and get a commitment to do that? Because it seems like there's a lot of experience from the residents that may not watch what the theoretical calculations might do.

MR. WATERS: Sure. And that will be part of whatever gets decided here in terms of what the intent for the use for the property is. That detailed analysis will happen in the next step.

And I apologize, for the record, Dan Waters.

That will happen in the next step, which is the detailed permitting process where you would basically evaluate, you know, what water management facilities are required on this, at what rate can you allow discharge to leave this site to not adversely impact anybody else, or improvements to downstream conveyance is required to get it to where it needs to be. That all would happen next. We just haven't hit that step yet.

COMMISSIONER SHEA: So it that a theoretical model that has been calibrated against actual experience so that it would predict what some of the residents are saying is going to happen or not happen?

MR. WATERS: It's going to be based on -- and you're going to base it on real data and -- for -- I was going to say for better or worse, but it's for worse. We've had, you know, years where we've had a tremendous amount of rain. The county and the Water Management District have gauges at various places and canals. And you can go back

through studies that those entities have done where they've calibrated models to those events and, basically, you would -- you know, to some degree, but we can't sit and wait for the 100-year storm event to know what will happen in a 100-year storm event, but we take all the information that we have available to us and perform our calculations and our models. And it should be, you're absolutely right, based on real events, and that's what all, kind of, that bedrock information we start with when we do that is based on.

I don't know if I answered your question or not.

COMMISSIONER SHEA: No, you did. I just wanted to make sure that it wasn't some theoretical uncalibrated model that -- because it always seems like the residents have a concern. They've already seen flooding but, yet, people are going in for permits, and they're doing whatever South Florida Water Management says, and they're still experiencing flooding. So I wasn't sure whether it was calibrated to actual experience or not.

MR. WATERS: Yeah. And one of the tools we would use to base those calculations on is a model the Water Management and the Big Cypress Basin did, and it, basically, is calibrated to real events and so, again, they can look at rainfall patterns and look at what responses they saw in the canals, how canals went up and down, and then they're able to project, based on that, on virtually any site, what depth of flooding you typically see in a five-year, 25-year, and 100-year event, and that is the information from that calibrated model that would be used to go to that next step and decide what has to be done on this site to not adversely impact anybody.

COMMISSIONER SHEA: I had a couple questions for Rich.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SHEA: Just in terms of trying to soften the site maybe a little bit more and, quite frankly, I think you guys have done a pretty good job trying to -- things like dumpster locations, parking, you know, the farther you can keep it away from the residential. Is that something we need a commitment, or is that something you guys do in your review of the plan?

MR. BOSI: Unless there's specificity within the PUD for a unique arrangement that wouldn't be supported by the current code, we wouldn't be able to --

COMMISSIONER SHEA: So we would ask Rich to commit to that now if we'd like to see the parking and the dumpster, things that those locations -- they're fine points, but in the long run they can have an impact as well, but the only way to get a commitment to that is here, it sounds like.

MR. BOSI: (Nods head.)

COMMISSIONER SHEA: Well, like parking. If you put all the parking in the back, it's going to -- you're going to have a lot of noise and things like that from the cars more in the back. If you put all the dumpsters in the back, every time the trash guy picks up the dumpster, they're going to hear it.

MR. FUSARO: Gregg Fusaro, again. I'll respond to that.

With respect to trash and dumpster locations, generally, we put those as close to the main entry as we can and up against the main highway because, frankly, those trucks and the vehicles that take that stuff in and out are really heavy, and it really has a negative impact on the driveways and parking to run those vehicles back into the -- into the asset so --

COMMISSIONER SHEA: You would commit to --

MR. FUSARO: Yes, absolutely.

COMMISSIONER SHEA: -- following what you typically do?

MR. FUSARO: Absolutely. And I'll also commit that parking will be distributed around every building, because nobody wants to walk any further than they have to from their car to where they live.

COMMISSIONER SHEA: I'm done.

CHAIRMAN FRYER: Thank you.

MR. YOVANOVICH: Any other questions of me or anybody else on our team?

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Hey, Rich. Thank you and your team for the presentation. It was -- it was a great presentation. You and I have had conversations about this.

I understand this is not an amendment to the Golden Gate Master Plan, but basically cutting it out of the Golden Gate Master Plan.

MR. YOVANOVICH: Right.

COMMISSIONER SCHUMACHER: Which is something that was done back in 2017 through 2019, as me and Mike had talked about, in some other sections of the Golden Gate Master Plan such as like the corner of Massey Avenue and Vanderbilt, which I wish you guys could flip-flop properties, because they just want to put Estate homes up out there versus this would be a better fit for that point.

The letters of support that were received, the developer's PR company that reached out to those folks, what was the message that they were conveying? Because I had a number of conversations with those folks that received it, and a lot of them had no clue about the affordable housing that this planning committee has already approved over the last six months or even that there is availability in some apartment units at the current pricing model that you have listed.

So I'm just trying to gauge, like, what was that -- what was that message that the PR company kind of reached for there?

MR. YOVANOVICH: Sure. Well, I have that PR person here.

COMMISSIONER SCHUMACHER: Great.

MR. YOVANOVICH: I could only tell you my personal conversations that I've had with many of the people that wrote letters --

COMMISSIONER SCHUMACHER: Yeah.

MR. YOVANOVICH: -- is they're fully aware of all the other projects there are out there, and it still isn't enough.

COMMISSIONER SCHUMACHER: Okay.

MR. YOVANOVICH: In fact, I'm working with a couple for them to try to find a way to buy land themselves and build employee housing for themselves, so it's -- this is a drop in the bucket, but I can't tell you what every one of the -- I'll let --

COMMISSIONER SCHUMACHER: Yeah, I was just curious. I just want to know how that -- how that message was conveyed.

MS. BUZZACCO-FOERSTER: Hi. For the record, Jenna Buzzacco-Foerster.

We, in particular to this project, provided information about this project and the needs in the community and related when asked about other projects that were going on. But in particular, it was the benefits and specifics to this project.

COMMISSIONER SCHUMACHER: Got it. Did you convey -- because the question I kept getting was the whole project would be -- would be workforce housing.

MS. BUZZACCO-FOERSTER: It was conveyed that --

COMMISSIONER SCHUMACHER: And Rich and I had touched on this because the problem was is that some of these folks believed that the max rent would be the 100 percent AMI, which is not the truth, because this is only, for now, 71 units. The rest of them will be at market rate.

MS. BUZZACCO-FOERSTER: Thank you.

COMMISSIONER SCHUMACHER: Correct?

MS. BUZZACCO-FOERSTER: Correct. It was conveyed to everyone that there was a percentage.

COMMISSIONER SCHUMACHER: Okay. All right.

MS. BUZZACCO-FOERSTER: Yes. Thank you.

COMMISSIONER SCHUMACHER: Thank you.

MR. YOVANOVICH: And every one of the letters referenced 208 units of which 30 percent would be income-restricted, and so --

COMMISSIONER SCHUMACHER: Because I had received an email where somebody had cut and pasted from the web page where the web page says the same, but it doesn't say -- it just says these are -- it says, how much will it cost to live here, and then it says one-bedroom, two-bedroom, three-bedroom would be in between 1,700 and 3,200. That's what it says on the website, and that's what some folks came back, and I said, no, this is only for a reduced amount of units.

MR. YOVANOVICH: Right, yeah. I can only -- the letters that I received copies of all said 208, of which a percentage were --

COMMISSIONER SCHUMACHER: The other question I had is on the environmental. So, obviously, if I were to buy a lot on this street, I could only -- I had two acres, I can only clear one acre, and I've got to keep another acre wooded. This, obviously, is not happening with this project.

MR. YOVANOVICH: Correct.

COMMISSIONER SCHUMACHER: The preserve is going to surround the border of it.

In reading the developer's environmental report, they had spent five-and-a-half hours out there total over 17 and a half acres and found minimal amount of wildlife. Is that something that is going to be re-examined again as you go into an SDP or --

MR. YOVANOVICH: Yes. When we -- well, I think it will be as part of the water management -- the ERP.

COMMISSIONER SCHMITT: No, no, only unless there is a requirement -- if there's identified endangered species. Let me have Jaime come up. Because if you have a preliminary endangered species, then you have to go through the permitting process.

COMMISSIONER SCHUMACHER: Sorry, Ms. Cook. I was trying not to call you up here.

COMMISSIONER SCHMITT: Maybe I'm wrong, but I thought it was just -- preliminary is fine. But go ahead, Jaime.

MS. COOK: That's okay. Jaime Cook, your director of Development Review.

So for all planning applications, the Land Development Code requires that listed species surveys be less than one year old. So if they -- they will, essentially, need to resubmit -- re-conduct and resubmit a new listed species survey when they do submit for their Site Development Plan.

COMMISSIONER SCHMITT: Because of the age of the study.

MS. COOK: Because of the age of the study, yes.

COMMISSIONER SCHMITT: Yeah, that answers that.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHUMACHER: I might have another question, Rich, but not right now. I'm sorry.

CHAIRMAN FRYER: We're running down to the wire here, because no one else is signaling, Commissioner. So it might be a good idea, if you've got a question, to ask it now.

COMMISSIONER SCHUMACHER: Put me on the spot there, Chair.

CHAIRMAN FRYER: Sorry.

COMMISSIONER SCHUMACHER: All right. I think I'm good now until discussion.

CHAIRMAN FRYER: Okay. Fair enough.

Anything further on rebuttal?

MR. YOVANOVICH: No, sir.

CHAIRMAN FRYER: Okay. So now the matter is in our hands for deliberation. At the appropriate time, a motion, and certainly to have discussion along with that deliberation.

Anyone wish to be heard?

COMMISSIONER SCHUMACHER: If I can just open up the discussion.

In a conversation I had with Mrs. Kurtz, they had a change.org petition go out, and I had a conversation with her. I said, if you can break down that data to actual Collier County citizens, because obviously anybody across the nation can sign this -- what was it, 967?

MS. KURTZ: Yeah.

COMMISSIONER SCHUMACHER: 967.

MS. KURTZ: I don't know. It's changing every minute.

COMMISSIONER SCHUMACHER: Yeah, it's changing every -- it was 967 as of --

(Simultaneous crosstalk.)

CHAIRMAN FRYER: Just a moment here.

COMMISSIONER SCHUMACHER: I just want to go into some detail that I got from the feedback from the residents.

MR. YOVANOVICH: I understand, but none of that's in the record, and we've not been given an opportunity to even question or verify any of that. So, Mr. Schumacher, I'm a little concerned about talk about things that never entered into the record and we don't have an ability to verify.

UNIDENTIFIED MALE VOICE: Can we interrupt?

CHAIRMAN FRYER: Just a moment.

COMMISSIONER SCHUMACHER: I guess that's something -- I can ask the County Attorney, is that something I can't bring up just --

CHAIRMAN FRYER: Here's what you can do, Commissioner. If you want -- even though we've closed public comment, if you want to hear from the public on something, we can do that. And, then, of course, the petitioner would have the right to respond. That's up to you.

COMMISSIONER VERNON: I would promote that. If you want it in the record, let's get it in the record, and then you can talk about it.

COMMISSIONER SCHMITT: But I have to ask, has any of that been forwarded to the county?

COMMISSIONER SCHUMACHER: I don't think any of it's been forwarded to the county or --

COMMISSIONER SCHMITT: Or the petitioner. So I don't even know if it can be entered into the discussion. So I'm going to defer to the County Attorney.

MS. ASHTON-CICKO: I think you can ask questions about it, but I wouldn't introduce it into the record.

COMMISSIONER SCHMITT: All right.

COMMISSIONER SCHUMACHER: Okay. So, Ms. Kurtz --

COMMISSIONER SCHMITT: Open the public hearing again.

COMMISSIONER SCHUMACHER: Well, I'll just ask --

CHAIRMAN FRYER: Yeah, this is -- well, we're really -- yeah, we're not opening the public hearing, but the one commissioner wants to hear from a witness, so we're calling that witness back.

COMMISSIONER SCHUMACHER: Ms. Kurtz, take the podium, please.

MS. KURTZ: For the record, Amy Kurtz, Cherry Wood Drive.

COMMISSIONER SCHUMACHER: As of yesterday, how many Collier County citizens signed the change.org for no reason?

MS. KURTZ: I had 968 as of yesterday midday.

COMMISSIONER SCHUMACHER: Okay.

MS. KURTZ: And a total of 1,828 signers. Some of those -- some of those -- more of those might be Collier County, and a lot of them are from Fort Myers, Bonita area as well.

COMMISSIONER SCHUMACHER: Thank you, ma'am.

COMMISSIONER SCHMITT: Can I ask what went out and --

COMMISSIONER VERNON: Yeah.

COMMISSIONER SCHMITT: I have no idea, when we talk about change.org, was it a -- did you set up a website where people could comment or -- what is it that went out and what was --

COMMISSIONER SCHUMACHER: It's actually on the corner of the street.

MS. KURTZ: We have petitions out, online petitions.

COMMISSIONER VERNON: What do they say?

MS. KURTZ: Change.org.

COMMISSIONER VERNON: What do they say?

COMMISSIONER SCHMITT: What do they say?

MS. KURTZ: I mean, I can read it for you.

COMMISSIONER VERNON: Is it short?

MS. KURTZ: Let me see if my phone works here. Okay. It says -- it's called change.org, oppose Ascend. Developers from Ohio are attempting to amend the Collier County's Growth Management Plan and are currently seeking to rezone for 17.5 acres in Golden Gate Estates for 208 high-density residential apartments. The planning numbers assigned.

This will have a major impact on the neighborhood, environment, traffic, and

compatibility of the surrounding areas, including Cherry Wood Drive, Island Walk, Vanderbilt Beach Road, Collier Boulevard, and Logan Boulevard.

Traffic routing in front of Island Walk community will create traffic and safety issues. The approval of this amendment and rezoning in the middle of an Estates neighborhood will lead to further amendments and more spot zoning for -- throughout the unique Golden Gate Estates community.

Please sign the petition and write to persons below to say no to this incompatible land-use change.

And I also posted the public hearing notice, one of which was hidden behind a tree when they posted it from the county. There's a big oak tree, so no one could see it on the side of the road, and it was spelled -- Ascend was spelled wrong, too, by the way. The County spelled it A-c-e-n-d on our signs. But I posted a picture of that and the meeting dates.

COMMISSIONER SCHUMACHER: Thank you.

CHAIRMAN FRYER: While you're here.

MS. KURTZ: Yeah.

CHAIRMAN FRYER: We've heard an enormous amount of testimony today. Was there -- is there anything that we haven't heard yet that was in this petition, or is it representative and it's just a matter of numbers?

MS. KURTZ: It's basically -- it's a matter of numbers.

CHAIRMAN FRYER: Okay. I mean, that's fair enough.

MS. KURTZ: I mean, other than I put, like, the board members -- the commission board members' addresses on there.

CHAIRMAN FRYER: But all the points that you wanted to make.

MS. KURTZ: All the points.

CHAIRMAN FRYER: Okay. Thank you.

MS. KURTZ: Yep.

CHAIRMAN FRYER: Mr. Yovanovich, did you want to reply?

MR. YOVANOVICH: Well, yeah. I mean, first of all, I think the -- obviously, the question directed an answer the way it was asked. There were inaccuracies in the question. I don't even know what materials they actually made available for people to actually sit down and look at to determine whether or not the conclusions in the questions was accurate. I think it's clearly a biased -- it's a biased -- you know, it's not even a -- it's not even a scientific survey. It's just an opinion poll based upon statements that were in that question, and I'm shocked -- I'm not surprised that people said no the way it was -- the way it was depicted, but I don't think it was an actual depiction of the actual project.

CHAIRMAN FRYER: Thank you.

Commissioner Vernon.

COMMISSIONER VERNON: Yeah. I'll say that I wanted to see what it said because my fellow commissioner thought it was important, so I wanted to try to get it in the record.

I will tell you that if it goes to the next level, I would -- this is a personal opinion. I'd suggest you change the survey, because I think virtually anybody would vote the way you voted because you have -- it's so subjective, so conclusionary. I just didn't find it to be an objective survey.

MS. KURTZ: Can I say something?

COMMISSIONER VERNON: That's up to the Chair.

CHAIRMAN FRYER: And that's up to Commissioner Vernon because --

COMMISSIONER VERNON: Sure. Go ahead.

CHAIRMAN FRYER: Go ahead.

MS. KURTZ: I mean, what we hear from the developer is all one-sided, too. So we hear that side, so why can't they hear it from the other side? I mean, if they only hear that side, people will say -- always say yes to that. But if they don't hear the other side -- I mean, there's two sides to every argument. There's two sides to this whole process, correct?

COMMISSIONER VERNON: Right. And I was simply trying to give you some guidance because there's going to be another level.

MS. KURTZ: Sure.

COMMISSIONER VERNON: And I think it would have been a lot more compelling to me -- forget about what they're saying.

MS. KURTZ: Okay.

COMMISSIONER VERNON: I wanted to hear it because my fellow commissioner wanted to hear it. And once I heard the question, I didn't find the answers very compelling because the question was so one-sided. It's irrelevant to what they're doing, whether they're being one-sided or not. I'm giving you a tip for credibility going forward from my perspective.

MS. KURTZ: What would be -- so you wouldn't want me to be specific about where the location is?

COMMISSIONER VERNON: Yeah. I'd just have a more -- more specific and objective question without conclusory statements. I mean, I can't tell you how to write it, but...

MS. KURTZ: Okay. This is my first time, so I appreciate your --

COMMISSIONER VERNON: I'm just giving you a tip. Jerry may have some good insights.

MS. KURTZ: Thank you.

CHAIRMAN FRYER: Okay. Thank you, ma'am.

All right. Anything further, Mr. Yovanovich?

MR. YOVANOVICH: (Shakes head.)

CHAIRMAN FRYER: All right. Any further comments, questions, discussions, deliberation, or a motion? And we're going to have -- Commissioner Shea.

COMMISSIONER SHEA: Yeah. This is a tough one. When we accepted this high-paying job that we were elected to -- by the way, we weren't elected, and we don't get paid. I assumed the role of being the guardian of the Growth Management Plan, and -- but the Growth Management Plan is a -- is designed to periodically change as things progress.

I look at it like we're constantly balancing what is good for the greater community versus the adverse impact on the local community. That seems to be a constant, constant -- and I have voted on both sides of these, believe me. Most of the -- Rich can tell you.

I hadn't made a decision until probably five minutes ago, because I was really struggling with it. But I will tell you, being on this commission for three years, this is the best affordable housing -- forget about where it is -- the best affordable housing application that I've seen since I've been here.

So making a decision is going to be tough. And assuming that, if we vote that way, that the rest of the street's going to go that way, we don't -- we look at each project case by case as to whether it fits into the community.

I think they've done a pretty good job of isolating it. Maybe it could do a little better in working with the community.

Last time I was in this situation I voted in favor of the local neighborhood. In this case, I have to go with -- I just think we need the affordable housing, and I think it's not going to be as bad as probably you feel that it will be. But I know when it turns out to be bad, you're going to call me up. But I have to vote by what I feel right now, and I'm leaning to supporting it.

I'd still like to see something done with that traffic, though. I don't like the U-turns, but that's an operations problem, right, Mike?

CHAIRMAN FRYER: Commissioner Schumacher.

COMMISSIONER SCHUMACHER: Rich, if I can ask you again, when we talked yesterday, what was the ETA from breaking ground to the first unit being available? I believe -- I know a lot of it had to do with extra permitting. I said, like 18 months to three years or -- can you just refresh my memory on that?

MR. YOVANOVICH: Commissioner, you're probably looking around two years to deliver the first unit and, what, about three years to be done with the whole thing, or close -- a little over three years.

It's hard -- you know, obviously, it's hard to predict. By the time we go through the Site Development Plan and the other permitting, you're looking two, two and a half years before we start delivering.

COMMISSIONER SCHMITT: If there's jurisdictional wetlands, you're talking at least 18 months to go through the --

COMMISSIONER SCHUMACHER: There's a lot of cypress.

COMMISSIONER SCHMITT: -- through the state permitting process.

COMMISSIONER SCHUMACHER: I mean, I know that's a wet lot.

COMMISSIONER SCHMITT: It's not through the Army Corps anymore. The state has assumed that responsibility, but there's still 18 to 20 months backup.

COMMISSIONER SCHUMACHER: Because there is a lot of cypress on the back side of that lot. That's what I'm kind of getting at on that. And the other concern I would have with that is that there was a project up in Sarasota that just converted that was going to be apartments, and it's now converting to condos. So, I mean, is this -- is this plan stipulated to apartment only --

MR. YOVANOVICH: Yes, it --

COMMISSIONER SCHUMACHER: -- without the possibility of coming back for additional --

(Simultaneous crosstalk.)

MR. YOVANOVICH: It specifically says rentals. It specifically says rentals.

Any other questions?

COMMISSIONER SCHUMACHER: I think that's -- that's what it is. I mean, the concerns that I have is what I've gotten from the public in that area, and this -- in talking with Mike and all the work that went into the Golden Gate Master Plan and through those two years and the resident input and coming up with what it is, I wish this lot had been cut out of that when it was purchased by the previous owner in 2010, but it was not. So that's

what puts us in this position.

But as these folks said, when you move into Golden Gate Estates, you expect that this is what you're moving into, much like if you're moving into a deeded community. We are not at that point because now we're telling these residents we're -- this is going to be turned into an apartment complex which, as we've gone over, there was concerns on the height of it. The traffic is a big one, but anywhere we go in town there's traffic. So, I mean, that's reasonable at best.

And then what the actual cost of living will be for -- it's being marketed as workforce housing, but the workforce housing is restricted to 71 units. It's an upscale apartment complex. That's what it is.

So 71 units, absolutely, we're going to help 71 people, but the rest of it is going to be at fair market value, which our teachers and police, firemen can't afford at all.

So that's kind of where I'm at, and that's the comments I'm getting that I want to voice to this commission. That's all I've got.

CHAIRMAN FRYER: Thank you. With the greatest respect to the gentleman in the back who's got his hand up -- and that was a respectful way for you to be recognized, so thank you for that -- but, unfortunately, under our rules, after we close public comment, we don't hear from public again unless an individual commissioner calls that person up. So thank you, though, for raising your hand.

Any other comments or -- I'm sorry. Vice chairman.

COMMISSIONER SCHMITT: Yeah. I'll go through the list. I've got a guy on this shoulder telling me one thing and another one over here. You've seen that ying-yang there.

But, you know, we talk the talk about affordable housing, and then, when there's time to do something, do we do it and do we take action? And Paul stated his position.

This is a proposal from the private sector. It is probably the first -- I believe the first affordable housing that is coming in from the private sector solely without any government involvement.

Even when I was on staff, I was just really against the government trying to run affordable housing. It has to come from the private sector. And, quite honestly, the only way you can build affordable housing today is with density, and the fact of the matter is it has to be -- there have to be rentals.

I understand the impact and the benefits. Do the benefits outweigh the adverse impacts? Staff has vetted the petition and has pretty much determined that all essential public services are not adversely impacted.

That said, on the other side, the GMP. GMP, Golden Gate Area Master Plan, yeah, we are essentially doing what Jerry Kurtz said; we're carving out a piece saying, well, wink and a nod, we know we approved the growth -- Golden Gate Area Master Plan. Oh, but we really didn't mean it because now we're going to let you do this and take this piece out. And I agree, people purchased in that area based on the existing zoning, not that they were going to be faced with an affordable housing -- I won't call it affordable housing because, I agree, it's 71 units of 260?

MR. YOVANOVICH: Two hundred and eight.

COMMISSIONER SCHUMACHER: Two hundred and eight.

COMMISSIONER SCHMITT: Two hundred and eight.

So it is a -- it is an apartment complex.

So there is the existing zoning, and compatibility. I mean, quite frankly, it is not compatible with the surrounding property, and it's really out of character for that neighborhood. It's not compatible with the restudy, even though we're trying to carve something out, and I have to sit here and say it's not complementary and it is not compatible with the neighborhood. So I am going to vote against it.

CHAIRMAN FRYER: Okay. Further discussion?

COMMISSIONER VERNON: Yeah. I'll jump in just to give you my thought. I'm going to tell you how I'm going to vote and tell you why I'm voting that way and then maybe give you some thoughts for the other side because, remember, you're going to the Board of County Commissioners next.

I'm going to vote for this. I don't think this affordable housing is just a hot topic. It's been going on for decades. I've been here for 30 years, and it's getting worse. It's getting worse nationally, and it's probably even worse locally than it is nationally.

What I especially like about the project is I like the fact you show one slide that shows the affordable housing is being spread out. We're not trying to cram all the affordable housing in one part of the county, which I don't think is what we should be doing.

The other thing I like about it, I think it's somewhat creative. And I've been dealing with -- I'm not on the affordable housing board or anything, but been focused on this issue in a number of ways for a number of years. I think it's going to take creative housing, and I think this is a step in that direction, so those are the two things I really like about it.

Between now and the time of the meeting with the County Commissioners, I agree with Paul, I'd love to see -- and I understand you've made some arguments that you guys have tried and you've made some changes and you've done a lot and you've listened, but I think you guys should listen more to the other side and do your best before you get before the County Commissioners to see what their concerns are.

On the flip side, I think Jerry, or whoever your ambassador is, should get together with them. I mean, there was a question about the fence. And I don't expect you to have an answer, Flaviu, but you didn't really have an answer. We want -- we're worried about the fence or the wall. Well, figure out what you guys want collectively and talk to them.

The other one that keeps coming up is the trees and the invasive species and stripping everything. Well, talk to them about what you want there and things like that, the vegetation. Talk to them about the wildlife. I mean, it may not get you anywhere, but it may get you somewhere. I'm telling them to pay more attention to you.

What -- the last thing I'll say is sort of thoughts on who sort of resonated with me on the objectors. I thought the traffic issues. I don't think he's still here, David Bobay, the third speaker. I thought that was a pretty passionate group -- or presentation, and he's not from Cherry Wood, as I understand it. He's not from Island Walk. He's somebody who is also concerned. I think that adds value to your presentation.

MS. KURTZ: He's on the Logan side of it.

COMMISSIONER VERNON: Right.

And then, Amy, your comments about an aerial rendering, if you thought that might help. It sounds like you've got access to it. Show it to the County Commission.

The tenth speaker, Angela Hutchinson, talked about compatibility, all of the ambiguity. I think that's helpful.

To echo what Joe said about the GMP and him voting against it, I think that's very compelling. And, you know, the GMP was in 2017, 30 times density, you guys moved

there, et cetera, et cetera. I think Jerry carried that water very well.

Flaviu, I thought your point of view was helpful. I think being disrespectful is not helpful, so I wrote you down as somebody, if I were running the show on this side, I'd have you speak, but I wouldn't have you pop off to the other side when they're presenting. I don't think that's helpful to the process.

And, Jerry, you did a fantastic job.

MR. KURTZ: Thank you.

COMMISSIONER VERNON: I think more of that and just get together with them, because I want this to be -- you know, you guys, I was listening to everything you were saying so, you know -- and we've got one commissioner, at least, who's going to vote against it. So you guys -- I think you guys were heard, and I think -- I'm just giving you some thoughts on what might help going forward.

Thank you.

CHAIRMAN FRYER: Thank you.

Vice Chairman Schmitt.

COMMISSIONER SCHMITT: Yeah, I'm going to make a comment. Of course, it definitely appears this is going to be a split decision. And for the residents, we're not the approval authority. This goes to the Board of County Commissioners.

The fence, I would have to defer to the community. If the Board's going to approve this, you need to decide on whether you want a fence or a wall.

I agree with Rich's proposal. If it is a fence, it -- I would not put it on the property line. I'd set it in so it can be landscaped on the outside of the fence, or whatever you're going to do.

But I am really torn by this thing, because I am a big proponent of affordable housing, but I -- I just -- I think it's because of the -- again, because of the proximity of the -- and the amount of time that went into the restudy. This is a great project. I only wish it could be somewhere else.

COMMISSIONER SCHUMACHER: Switch it with Massey.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER SCHUMACHER: The corner of Massey and switch it.

COMMISSIONER SCHMITT: Yeah. Because what I love about this is it is a private initiative. And I think this is going to be a tough one for the Board of County Commissioners, another tough one. That's why they get the big money.

Thank you.

CHAIRMAN FRYER: Thank you.

Commissioner Shea.

COMMISSIONER SHEA: Yeah. I'm the same way. I could have easily gone either way. So I think realizing we're an advisory group, we're not -- we don't make any decisions. We express opinions of the group of appointed -- it's kind of a dry run for you, and I think if you take some of the tips, like Commissioner Vernon is telling you, on how to present a stronger case where it really counts -- and a lot of it has to do, I think, with communicating ahead of time on some of the things. Like, the wall, to me, looked kind of silly. Rich is saying we'll give you a wall wherever you want it, and I asked you guys, and you didn't know where you wanted it or if you wanted it all.

I'm just saying get -- those little things that distract from the main theme, get them resolved between you and the practitioner [sic] ahead of time. That's it.

CHAIRMAN FRYER: Thank you. Commissioner Schumacher, you're not lit up, but I just -- if you're willing to -- and if you're not, of course, that's your prerogative. Have you indicated how you're going to vote?

COMMISSIONER SCHUMACHER: Well, I'm going to vote against it.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHUMACHER: That's just from talking -- I've talked with Rich and, like I said, if you could switch this project with the corner of Massey, it would not even be a --

UNIDENTIFIED SPEAKER: We can't hear you.

COMMISSIONER SCHUMACHER: If you could switch this project with that project that's going to go on the corner of Massey and Vanderbilt because it was already cut out of the GT -- the Golden Gate Master Plan, it would be a no-brainer.

I think if it was -- if we -- if this was -- I think the residents would be more acceptable to this if it was a lower density, lower units, and not so destructive as it is with their preserves that's only bordering the actual property itself.

I think that the concerns about the wells, the storm drain runoff, how -- the amount of fill that will be used, I think those are all valid concerns, because that's what that street was developed as is a single-family neighborhood. One house, one lot. That's what it was.

So with that being said, because of the conversations I've had with the folks that I've talked to, I'm going to vote against it.

CHAIRMAN FRYER: Thank you.

COMMISSIONER VERNON: No pressure, Mr. Chairman.

CHAIRMAN FRYER: I thrive on pressure.

I want to recount a discussion that I had yesterday and the day before with Mr. Yovanovich and see if we can't -- see if we can't resolve that in a favorable way. I realize that this is the 11th hour, but it's a very important matter, and so I'm going to raise it.

The language in the affordable housing commitments in the PUDA right now says that there will be 45 days of advertising to attempt to garner interest among the essential services personnel whom we are seeking to attract.

I heard evidence this afternoon from the residents that there is concern -- and I can understand this -- that if we don't wind up with the kind of people we hope to get, i.e., the essential services personnel, the people who are working hard, working overtime, and really advancing the cause for the needs of Collier County, then you do -- there is at least a possibility that you're going to increase the chances of having people who, perhaps, don't respect the property quite as much and maybe are not the ideal citizens that we all would hope to have.

And so in our back-and-forth -- and you'll have an opportunity to comment on this. But in our back-and-forth yesterday or the day before, as I looked at the 45-day advertisement requirement, my first approach with Mr. Yovanovich was to ask if we could go to 90 days because that seems to me to be a more -- a greater likelihood that we would be able to capture the interest of the essential services personnel, and he responded that he could not.

And then I negotiated against myself and said, well, how about 60 days? And I understand his argument, and his client is concerned with respect to having vacant property and the issues with the lender.

So I've tried to focus on something different that might -- that might be of sufficient interest to the petitioner that he would consider, and that's this: We have language here in Section A of Exhibit F of the PUD which says -- it says ESP means natural persons or families and then defines them. And then it says, in no event -- or, excuse me. In the event that no ESP rents the available unit within 45 days of advertisement of its availability, then the unit may be offered to the general public but at the same constraints, the same financial constraints. So the latter part is a good thing.

But I am just not sufficiently satisfied that adequate notice is going to be brought home to the very people whom we are desiring to rent to with a 40-day -- 45-day period of time and nothing specific built into advertisement. We don't know when advertisement will start, how it will be conducted.

Now, in a reply text to me, Mr. Yovanovich outlined some things that he thought his client would be willing to do.

And so what I am asking at this point is -- and in your comments, Mr. Yovanovich, you can reply -- can you help me get to a point where I have a higher level of confidence that essential services personnel will really have a meaningful shot at these units?

MR. YOVANOVICH: Well, yes. First of all, Mr. Chairman, the language you just quoted was in the Blue Coral project. It's not in this project. So we need to bring that language forward to this project if you want the 45-day period.

We -- if you want -- first of all, it's in our best interest to reach out to the Collier County Public Schools, to reach out to the Sheriff's Office, to reach out to Naples Community Hospital, to reach out to Physicians Regional, to reach out to the Naples city police department, to reach out to every local government. We're going to do that. If you want to say we're required to send a notice, when a unit becomes available, to Collier County Public Schools, hospital -- if you want to say the following categories of employers: Schools, healthcare, and then without naming every healthcare provider in town, we're happy to commit to sending that notice out, and hopefully that will give you the comfort you need, because we're going to do that anyway.

CHAIRMAN FRYER: All right. Let me pursue a little bit, and then I'll call you.

COMMISSIONER SCHMITT: Just a question.

CHAIRMAN FRYER: Go ahead, Vice Chair.

COMMISSIONER SCHMITT: On the -- how long is the -- is that in effect?

MR. YOVANOVICH: Forever; 30 years.

CHAIRMAN FRYER: Thirty years.

COMMISSIONER SCHMITT: Thirty years, okay. All right.

CHAIRMAN FRYER: Yeah. So -- all right. Well, we're moving in the right direction, I think.

I would -- I would like to see a commitment in this material that's much more specific than we have here that you will identify who you will notify and give us a little more meat on the bones of how you will accomplish that notification and when it will occur. Can you offer me anything?

MR. YOVANOVICH: Well, we obviously -- we can obviously provide notice to those categories of employers. As soon as we're provided notice that someone doesn't want to renew their lease, we can provide that notice to Collier County Public Schools, Collier County Sheriff's Office, all those. You want me to say we'll do it within seven days of being notified that someone's going to vacate a unit? And I don't know if seven days is

enough. But I'm just -- that's the concept. We'll do that. We'll provide that notice. Again, we want those people to live here because that's in the best interest of the community. That's where -- we have the same interests as you do.

CHAIRMAN FRYER: I know you do. And I'm not quite as concerned about when a unit becomes vacant as I am in the first shot around.

MR. YOVANOVICH: Oh, the initial.

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: We're happy to -- we can probably do that 60 days in advance. We can -- for the initial lease-up, we can provide 60 days' notice, and that's what we've done in other projects. If you remember, we've done -- the initial lease-up has been a 60-day notice to everybody, and then when a unit becomes available, we've gone down to 45.

CHAIRMAN FRYER: Okay. So you will -- you will itemize the recipients of that notice, and they are -- as far as I'm concerned, they're, essentially, the ones that you mentioned, and the first time around, you'll do 60 days from --

MR. YOVANOVICH: And, Mr. Chairman, we'll do the 90 for the first. I thought you were talking about recurring leases. That's where it becomes difficult is when the unit becomes --

CHAIRMAN FRYER: Okay. So you'd do 90 on the first?

MR. YOVANOVICH: Sure.

CHAIRMAN FRYER: All right. And the notification -- or the way that you would do this -- the word that is used is "advertise." Would you do more than just notification? Would you also advertise?

MR. FUSARO: Sure.

MR. YOVANOVICH: Sure. Yes, of course.

CHAIRMAN FRYER: I mean, as you say, our interests are the same here.

MR. YOVANOVICH: Yeah.

CHAIRMAN FRYER: You want to get it leased up --

MR. YOVANOVICH: We want to get -- we want to get as much word out there as possible.

CHAIRMAN FRYER: Yeah. Well, as I said, my concern is, is that I want to reduce to the fullest extent possible the chances that we get people whom we are not seeking in these units; rather, that we get the teachers, the healthcare workers, the law enforcement people, the government people, and other essential -- essential workers; that they are the ones who sign up, because I think those -- the likelihood is greatest that they're going to be the best citizens that we are seeking.

COMMISSIONER VERNON: I think notification's going to be the key because the employers are going to be making sure that their people know about it, I would think.

CHAIRMAN FRYER: Yeah.

COMMISSIONER VERNON: So not that I'm opposed to advertising. I just think notification would be more effective. And doing both is fine with me.

CHAIRMAN FRYER: Okay. Commissioner Shea.

COMMISSIONER SHEA: I just wanted to understand, this is advertising in the group of essential services personnel, but that doesn't mean if you don't get a response in that group that you go back to market rate.

MR. YOVANOVICH: No, no, no.

COMMISSIONER SHEA: You still stay at the AMI that you've agreed to?

MR. YOVANOVICH: For instance --

COMMISSIONER SHEA: Exactly. I just wanted to make sure.

MR. YOVANOVICH: I agree. For instance, I didn't see in here lawyers, okay, and we're not essential. But let's just say we don't fill it all up with essential workers, yes, a lawyer making those income categories we would go to next. We'd have to limit to the income categories and the rents for those categories.

CHAIRMAN FRYER: All right. Well, if -- I'm prepared to vote in favor of this provided that the Planning Commission would allow me to review the language the way we would do if we brought it back on consent. I'm not suggesting we bring it back on consent. But by your leave, Planning Commission, if I could look at the language that is prepared and sign off on it and it accomplishes the essence of what we've talked about today, I'm going to be a yes vote. Does anybody object to that?

COMMISSIONER VERNON: No. I would move that we approve this project with the caveat or the condition that you just stated and giving you the authority to finalize the paperwork consistent with what you just described.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Rich, and maybe for your client, given the conditions today, how successful -- no, let me put it a different way. Is there a pressing screaming out there and demand for people to move into these units as soon as they're built? What's your assessment of the market?

MR. YOVANOVICH: I'm going to let him talk to you, but I'm going to also answer that. I have got two projects that I'm converting -- and you'll hear these. I won't give you the names -- hotels to income-restricted units because the demand is that quick. I mean, there is -- it is -- they're going to lease up like that (indicating).

COMMISSIONER SCHMITT: The affordable?

MR. YOVANOVICH: The income-restricted units are going to lease up like that (indicating) with people from healthcare, teachers. The best person to ask is probably Amy. I mean, they're going to probably beat our door down to want to get those units.

COMMISSIONER SCHMITT: I see Cormac coming up here, and he may want to -- he may want to try and convince me to vote the other way.

MR. GIBLIN: Again, for the record, your planning manager, Cormac Giblin.

Directly to your question, Commissioner Schmitt, the most recent affordable development to hit the market is the Harmony Apartments on Santa Barbara Boulevard. The county was a partner in that. There are 82 genuine affordable housing units in that complex. They fully leased up within a day.

COMMISSIONER SCHMITT: No way.

MR. GIBLIN: Within a week, they had a waiting list of 176 people, and within 60 days, that waiting list grew to 300 people. So that is our numbers from the past month.

COMMISSIONER SCHMITT: Ready to step up and -- that's how pressing the demand is?

MR. GIBLIN: Correct.

CHAIRMAN FRYER: All right. No one else is signaling at this time. We have a motion on the floor. Is there a second?

COMMISSIONER SCHMITT: Did we have a motion?

COMMISSIONER SHEA: Repeat the motion, because it had --

CHAIRMAN FRYER: I thought Commissioner --

COMMISSIONER SHEA: I almost wanted to separate them.

CHAIRMAN FRYER: I thought Commissioner Vernon made it.

COMMISSIONER VERNON: Do we need to separate them?

CHAIRMAN FRYER: No, we don't.

COMMISSIONER SHEA: Well, I think you do, don't you?

CHAIRMAN FRYER: No.

COMMISSIONER SHEA: One was giving you authority.

COMMISSIONER SCHMITT: One was giving you authority.

COMMISSIONER SHEA: I would separate that separately on the vote of --

COMMISSIONER VERNON: I was blending them.

CHAIRMAN FRYER: Yeah. I think this is in lieu of bringing it back on consent.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: Where --

MR. YOVANOVICH: I'm assuming you want that language both in the GMP and the PUD.

CHAIRMAN FRYER: Yeah.

MR. YOVANOVICH: So I think with that condition, I think one vote.

CHAIRMAN FRYER: Yeah, I do, too.

COMMISSIONER VERNON: Oh, okay.

CHAIRMAN FRYER: Does that meet with everyone's approval?

(No response.)

CHAIRMAN FRYER: All right.

COMMISSIONER SCHMITT: I've been waffling, and I've decided I'm going to change my vote. I'm going to vote in favor of it. Again, I know the pressing need, and I can cite some personal examples, but I'm not going to do that on the dais, but for the healthcare professionals.

What I saw yesterday coming -- I went up to Lee County, and the traffic coming south every day at 6:00 in the morning coming into Collier County is just unbelievable, and I haven't experienced that in a while. I had to head up to Lee County. And it's just because of the fact that nobody can live down here. They're commuting 30 miles, 40 miles, 50 miles to come to work, and we've got to do something, so...

CHAIRMAN FRYER: Okay. Anybody else want to be heard on this?

(No response.)

CHAIRMAN FRYER: Let's see. I'm -- did you make a -- you made a joint motion.

COMMISSIONER VERNON: I did. Well, I didn't clarify. A motion for both --

CHAIRMAN FRYER: Okay.

COMMISSIONER VERNON: -- a motion for both to approve on the condition that we're going to defer to you to finalize the language on the point you made regarding advertising and notification.

CHAIRMAN FRYER: That's fine. Is there a second?

COMMISSIONER SHEA: Second.

CHAIRMAN FRYER: All right. Further discussion?

(No response.)

CHAIRMAN FRYER: Does everybody to understand where we are on this?

(No response.)

CHAIRMAN FRYER: All right. Then all those in favor of the motion, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

COMMISSIONER SCHUMACHER: Opposed.

CHAIRMAN FRYER: It passes 4-1. Thank you very much.

Thank you, applicant. Thank you, members of the public.

All right. This now takes us to old business, and I don't believe we have any old business in front of us.

New business, we do have a matter for our attention under new business, and I'm going to again exercise the prerogative of the Chair and move -- actually, I'll put it in the form of a nomination. I hereby -- well, some background.

We, as the Planning Commission, have a seat on AHAC, on the Affordable Housing Advisory Committee, and that seat has been occupied quite ably by Paul Shea, and he has expressed a willingness to continue in that position. And so it's my pleasure to nominate him for another term to AHAC. And nominations don't need to be seconded, but there can be other nominations if anyone else wishes. So any further nominations?

COMMISSIONER SHEA: Can I nominate Joe?

COMMISSIONER SCHMITT: No.

COMMISSIONER VERNON: Yeah, let's nominate Joe.

COMMISSIONER SCHMITT: Three years, man. Three years.

CHAIRMAN FRYER: Nominations are then closed, and we'll have a vote on Commissioner Shea being our nominee to AHAC.

All those in favor, please say aye.

COMMISSIONER VERNON: Aye.

COMMISSIONER SHEA: (No verbal response.)

CHAIRMAN FRYER: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER SCHUMACHER: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you. And thanks all for --

COMMISSIONER SCHMITT: Thank you, Paul.

CHAIRMAN FRYER: -- for a very, very busy day. Very good work was accomplished by all. And those of you --

COMMISSIONER SCHMITT: Too emotional for me today.

COMMISSIONER SHEA: Yeah. That was --

CHAIRMAN FRYER: Those of you who --

COMMISSIONER VERNON: Are we getting ready to wrap up?

CHAIRMAN FRYER: Yeah.

COMMISSIONER VERNON: Well, there's hardly anybody here, but I would like to say something, if I could.

CHAIRMAN FRYER: Please, of course.

COMMISSIONER VERNON: I'd like to congratulate Joe and Paul and say that -- for the record, that, you know, I think everybody on this group's awesome, and I really enjoy working with you guys. But I will tell you, you know, at the beginning of these days, I try not to prepare too much because I really want to rely on what I hear. And Joe is the institutional fountain, and I rely on you so heavily, and you're so helpful to me in analyzing the issues, and that's kind of how I start my meetings is let me see what Joe has to say.

COMMISSIONER SCHMITT: Oh, please.

COMMISSIONER VERNON: And I kind of finish my meeting with Paul, because Paul is like the heart and soul of this group here, and I think his instincts are so good that I listen to you at the end.

COMMISSIONER SHEA: Wow.

COMMISSIONER VERNON: So I just want to say that both of you are very influential in the way I approach this, and thank you. Thanks for agreeing to serve again.

COMMISSIONER SHEA: Thanks for the comment.

CHAIRMAN FRYER: I agree with that. We're very lucky to have our two environmental --

COMMISSIONER SCHMITT: I think the staff supported us, too. I don't know why, but the -- somewhere back there I think we got a motion of approval, Paul, from the staff.

COMMISSIONER SHEA: Cormac, we didn't even have to use you for that line you had the other day.

CHAIRMAN FRYER: All right. Is there any further new business at this time?
(No response.)

CHAIRMAN FRYER: If not, public comment on matters that have not been before us yet today.

MR. SABO: Yes, Mr. Chairman. We have one speaker, Doug Fee.

CHAIRMAN FRYER: Mr. Fee.

Go ahead, sir.

MR. FEE: If I may, I have a handout here.

CHAIRMAN FRYER: All right.

MR. FEE: Good afternoon. Thank you for allowing me to speak. My name is Doug Fee, and I'm here to speak on an issue.

I have handed out some pages and would like to go through these really quick with you. The first one is part of the settlement agreement for Cocohatchee Bay. Number 21 says this agreement and release may be amended only by a written instrument specifically referring to this agreement and release and executed with the same formalities as this agreement, okay. Keep in mind, executed with the same formalities.

The next page is highlighted. This comes from Attorney Richard Grant back on March 24th, 2015. He represented the landowner of the settlement, and he states, there were challenges to it. It resolved itself with a settlement agreement in 2008, which is why there is both a settlement agreement that embodies in and of itself the PUD document that is currently the zoning for the property.

So the zoning is actually embodied in the settlement agreement that was entered into in the year 2008.

The next thing I'd like to point out --

COMMISSIONER SCHMITT: Can I stop you --

MR. FEE: -- comes from --

COMMISSIONER SCHMITT: -- Mr. Fee? Because I want to know and understand, where we going here with this?

MR. FEE: Oh, I wanted to put this on the record in public comment because I have not had the opportunity to do it since the July meeting, and I needed to put this in so that -- I feel there's a procedural matter, and I think it is at the Planning Commission.

COMMISSIONER SCHMITT: Well, I don't want to deny you the opportunity to speak. You have the right to speak. But are you asking us of something to do with this?

MR. FEE: Yes. Once I got through this, I definitely have something that I would like you to consider, okay?

COMMISSIONER SCHMITT: Well, I don't think -- I'm going to turn to the County Attorney. I mean, we're not here to argue issues of zoning on a public comment.

And I understand Mr. Fee certainly can come back to the staff and submit something for consideration and for us to either -- vote somehow, but to be throwing this at me right now, I have -- other than -- I'm not going to take the time to read this. I'll sit and listen to you --

MR. FEE: Sure.

COMMISSIONER SCHMITT: -- but I am not going to vote on anything. It can come back to us for some type of review after it goes through the staff. But other than -- the only thing I would vote on is for you to add it to a future petition or future agenda.

MR. FEE: Thank you.

CHAIRMAN FRYER: Mr. Fee, we'll let you make your record, but we're not going to vote on anything today.

MR. FEE: So as part of the record on July 6th, you heard this matter, and the staff report says -- this comes from the county staff -- accompanying the PUD amendment but not subject to CCPC action is a proposed amendment to the settlement agreement and release to reflect the increased number of dwelling units and to recognize the applicant will design, permit, construct the parking lot. Additionally, an amendment is proposed to the declaration of covenants. Okay.

Turn the page, and in the minutes, which are draft right now on the county website -- I don't even know if they've been approved by you as a body -- but Chairman Fryer, on the July 6th, tells -- the meeting, tells the audience, tells the Planning Commission, thank you, and let me -- let me also add on, technically, the settlement agreement does not pass through us.

He goes on to say, so those of you who take issue with the amendment to the settlement agreement will have every opportunity to be heard by the Board itself that has the authority to grant an amendment -- or grant an amendment. And if we decide to make a recommendation on that, we can but, you know, I'm not -- I'm not recommending that at this time, okay. This is the Chairman.

You turn the page, and what's important about this issue is, remember, there was a two-year period when this settlement agreement was heard in many meetings in front of the

Board, in front of the Planning Commission.

And so you go back to the original settlement, and it says it can be amended -- this agreement can be amended in the same exact formalities. So I'm arguing that.

We, on July 6th, were told that the settlement agreement doesn't come to us, the Planning Commission. Well, the last three pages of this document I handed in is from February 25th, 2008. It's a report -- it's a summary report from that settlement agreement, and it says, over a period of three months and three separate meetings, the Collier County Planning Commission publicly reviewed a settlement agreement remanded to the CCPC by the Board of County Commission. This agreement was the result of a contested Planned Unit Development known as Cocohatchee PUD.

The BCC instructed the CCPC to review the content of the settlement agreement and determine consistency of the settlement agreement with the PUD and the county Land Development Code. Each paragraph of the agreement was reviewed and discussed. In many instances, there were changes suggested to better focus and define the intent of the paragraphs. Those are all outlined in the attached document.

My point is, not only were you supposed to hear the settlement and take note, there would be an amended settlement that's going forward, and you haven't -- you haven't discussed it. You haven't given the opportunity. It was attached to the backup. You-all had it, but you did not.

Now, this is a very controversial item, at least in my neighborhood. There are thousands that are watching this. And all I'm saying is I believe that it should not have been separated. I would disagree with staff. I'm not an attorney, but I would disagree.

I've been to all those meetings from 2000 when this got approved and when the lawsuit was filed. You are an integral part of this. And all I'm saying is, we're not doing this in the exact format that's been done before. And I don't know what you can do or what you should do, but I wanted to put on the record that in the interest of this matter, you need to give the opportunity -- someone needs to give the opportunity to the people, to the county, to the staff, and review what is going to be approved because that's what you guys do. You do zoning.

And the other thing I would say -- and you know this -- is with a settlement agreement, it becomes its own zoning. It's a document above the zoning, and even the lawyer for the landowner states that. They're one and -- they're embodied.

So anyways, that's my comment. I don't know what you can do, but the people are watching. And the settlement agreement is what we, all of us, worked on back in 2008. This is the third time that it's gone before the county, okay. Third time. And all we're saying is, how do we know if you guys agree with the PUD document and the settlement if you're not even hearing the settlement, okay? And that's it, thank you.

CHAIRMAN FRYER: Vice Chairman.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER SHEA: Interesting.

COMMISSIONER SCHMITT: In regards to the settlement agreement, this was a directive back in 2008, and it was directed by the Board of County Commissioners to come to the Planning Commission. That was not the case in this most recent action that we took.

Unless Mr. Fee wants to petition the Board of County Commissioners and the commissioners direct staff to remand it back to us for review, I don't see any -- we don't have any involvement in the settlement agreement. We're not party to the settlement

agreement. It was an agreement between the County Commissioners and the property owner.

And unless the Board of County Commissioners wants us to review it, only from a matter of zoning, not from a legal sufficiency or otherwise, then that's the Board's direction.

Other than that -- Mr. Fee, thank you very much for your comments, but other than that, we take no action unless the Board asks us to review it in some manner that it doesn't comply with the current zoning.

Heidi.

MS. ASHTON-CICKO: You did -- is this on? You did review the zoning matters of the settlement agreement because the original settlement agreement incorporated the entire PUD document into the settlement agreement. This was just -- we structured this just a little bit different.

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: Thank you very much for your point.

MS. ASHTON-CICKO: We structured it different.

COMMISSIONER SCHMITT: No, I'm not listening to you again. You already had your time.

MS. ASHTON-CICKO: We structured it differently so that the PUD kind of sits by itself.

COMMISSIONER SCHMITT: But -- so when we have reviewed it, we --

MS. ASHTON-CICKO: You reviewed all the zoning matters related to --

COMMISSIONER SCHMITT: But it --

MS. ASHTON-CICKO: -- the prior PUD.

COMMISSIONER SCHMITT: -- included the matters related to the settlement agreement?

COMMISSIONER SHEA: The original.

MS. ASHTON-CICKO: Correct, correct, because the original settlement agreement had the PUD attached and incorporated therein. So you did review it.

COMMISSIONER SHEA: So does that mean we have that same obligation on the amendment? I think that's the point.

MS. ASHTON-CICKO: Well, you did. You did review the PUD amendment in its entirety, which was, what, 90 pages, 100 pages. The settlement agreement, you know, included improvements that were supposed to be made to the road, and it was acknowledged that they were completed. You know, it has an agreement in there regarding a parking lot and -- that's going to be conveyed to the county. That was not part -- well, it was actually referenced in the PUD as well, cross-referenced in the PUD to that commitment in the settlement agreement, so --

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: -- settlement agreement included the lot corner and other things.

MS. ASHTON-CICKO: Yeah. So what needed to be in the PUD was in the PUD, but you didn't separately vote on the settlement agreement. It was provided as backup in your materials so you were aware of it.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: May I jump in ahead of you, Commissioner Vernon?

COMMISSIONER VERNON: Oh, yeah. Go ahead.

CHAIRMAN FRYER: And I -- sometimes my memory's flawed. I think -- I think that I'm remembering the matter in question, and the settlement agreement was included in the materials that we had, and I know I reviewed it.

COMMISSIONER SHEA: Me, too.

CHAIRMAN FRYER: And I'm sure others did as well. I believe a point was raised -- and it might have been by Mr. Fee and someone else -- and please stop me if I'm thinking of the wrong matter. But I believe the issue was whether Mr. Yovanovich had made a promise of some kind or a commitment that they would never come back.

COMMISSIONER VERNON: That's it.

COMMISSIONER SCHMITT: That's it.

COMMISSIONER SHEA: That's what it was.

CHAIRMAN FRYER: And here is -- here is -- then I went to say that we're free to make recommendation if we want, but we don't have to make recommendation.

COMMISSIONER VERNON: Right.

CHAIRMAN FRYER: And, again, I'd have to look back at the transcript, the full transcript, but the reason that I declined -- I thought it was very interesting and should be pursued, and I thought I signaled to Mr. Fee and his colleagues that this is something they should bring up with the Board of County Commissioners. But when you do that, you've got to make your case, and I didn't think sufficient evidence had been put in front of us about what Mr. Yovanovich had or had not said, and that's why I declined to want to weigh in with a recommendation.

COMMISSIONER SCHMITT: Has this gone to the Board?

CHAIRMAN FRYER: I don't think so. Mr. Bosi?

MS. ASHTON-CICKO: Sorry. You go ahead.

MR. BOSI: The item's scheduled for the 10/10, Board of County Commissioners.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: I would encourage Mr. Fee, if he has an issue with that, that's where we bring this up.

CHAIRMAN FRYER: Absolutely.

COMMISSIONER SCHMITT: Thank you, Mr. Fee.

COMMISSIONER VERNON: So this may be addressed by the Board in -- next month.

MR. BOSI: At the October 10th hearing, this will be, obviously, something Mr. Fee is probably going to raise to the Board of County Commissioners, and they'll provide direction.

COMMISSIONER VERNON: Right. So the Board of County Commissioners, if they want us to look at this, they'll tell us.

COMMISSIONER SCHMITT: Right, exactly.

CHAIRMAN FRYER: Exactly. And we are not shy and retiring about making recommendations in anything that touches planning or zoning in any material way. I take it as my license, if you will, to comment on it and make recommendations, either individually or as part of a vote on, by the Planning Commission.

But for the reasons I just mentioned, I did not feel that I had sufficient evidence in front of me to make a recommendation, and I knew that this wasn't going to be the end of the line for Mr. Fee and his colleagues, because it's going to go to the BCC. They can remand; they can decide; they can do what they want.

Anybody else want to be heard on this?

(No response.)

CHAIRMAN FRYER: Okay. Thank you. And thank you, Mr. Fee, for your comments.

Any other public comment?

(No response.)

CHAIRMAN FRYER: If not, without objection, we are adjourned.


There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 3:08 p.m.

COLLIER COUNTY PLANNING COMMISSION



EDWIN FRYER, CHAIRMAN

10/19/23

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.